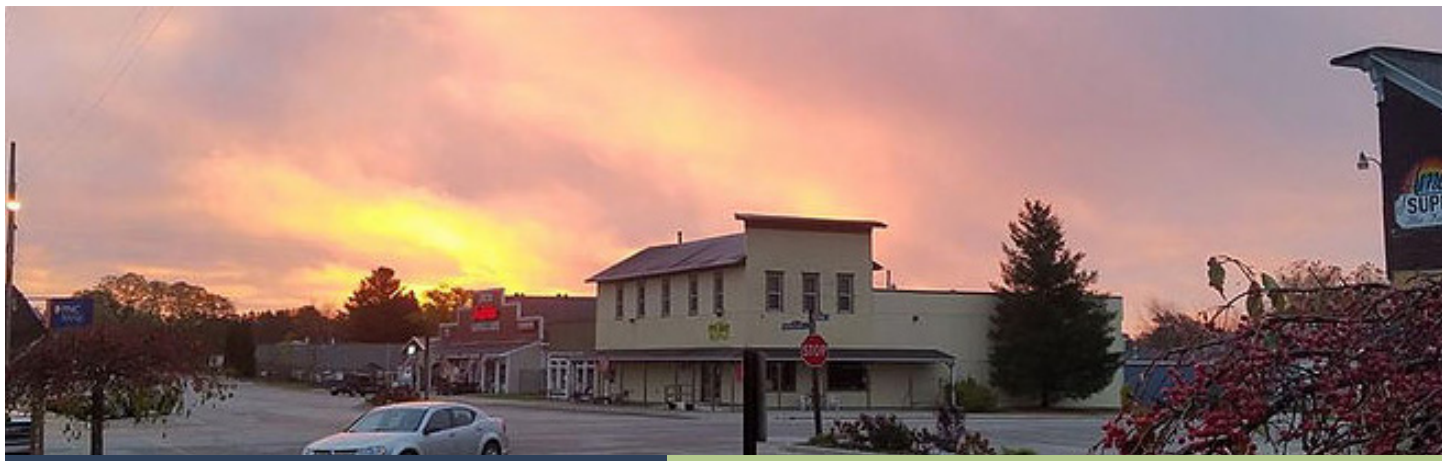


Zoning Ordinance



Albert Township

Albert Township
Montmorency County, Michigan
4360 Hanson Avenue
PO Box 153
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Albert Township ZONING ORDINANCE

Albert Township
Montmorency County
Michigan

Adopted: January 7, 2019

Effective: January 23, 2019

Prepared with the Assistance of:
Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

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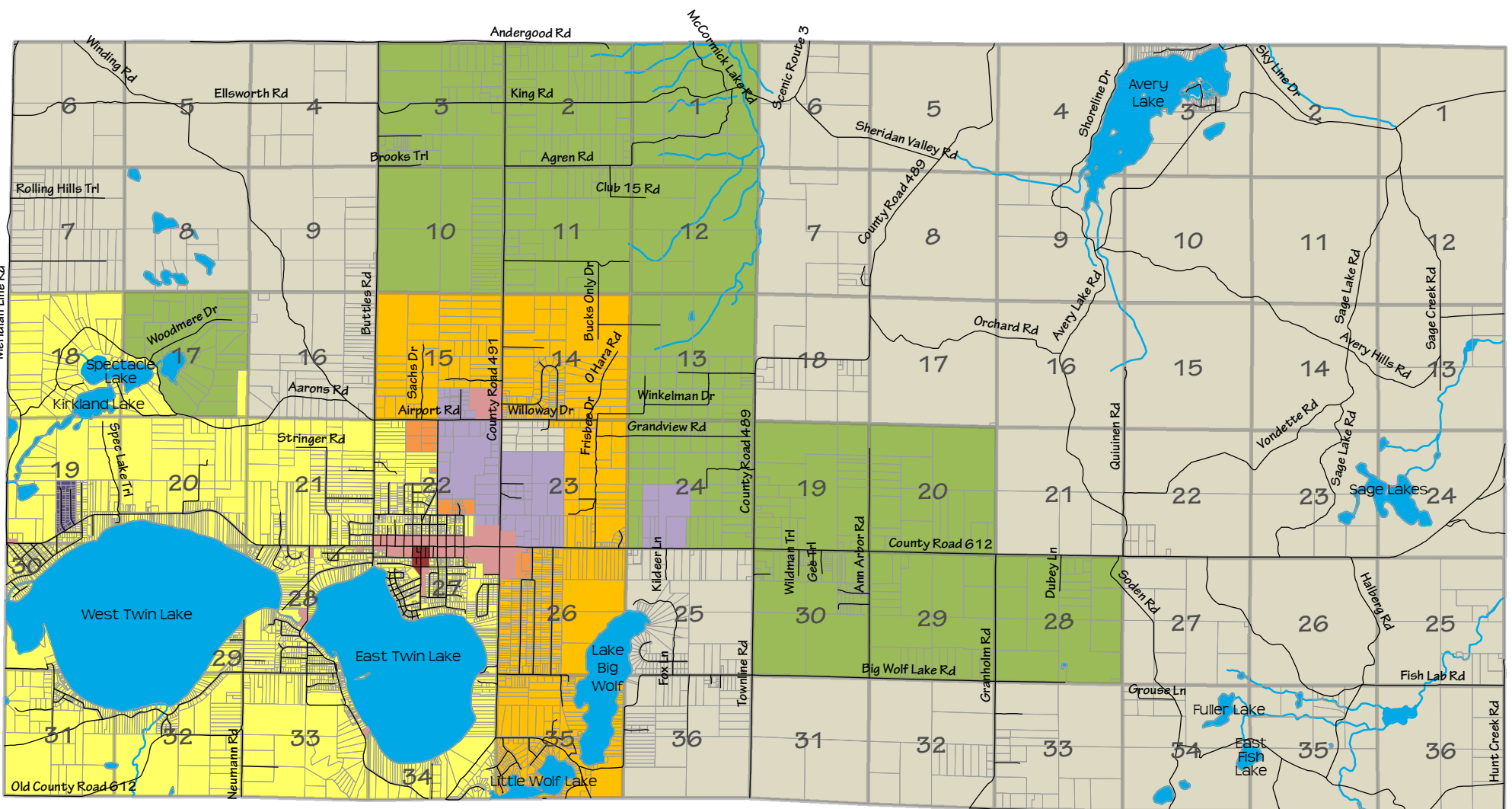
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- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- MHC (Manufactured Housing Community)
- Rural Residential
- FR (Forest Residential)
- C-P (Commercial-Pedestrian)
- C-V (Commercial-Vehicular)
- I-E (Industrial/Extractive)
- Water

ALBERT TOWNSHIP ZONING MAP

Montmorency County, Michigan



Adopted 1-7-19 Effective 1-23-19

Greenbelt district (GB) extends 400' from river's edge on both sides of the river and 400' from a lake's ordinary high water mark. See Section 4.14 of the Albert Township Zoning Ordinance.



Article 1

Purpose & Authority

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Section 1.0 Purpose

An Ordinance enacted under [Public Act 110 of 2006, as amended](#), governing Albert Township in Montmorency County, Michigan, to establish districts or zones within which the use of land and structures, and the height, the area, the size, and location of structures shall be regulated by this ordinance, and within which districts regulations shall be established; to provide for the administration and enforcement of this Ordinance, and for any variances, amendments, supplements, or changes hereto; and to provide penalties for the violation of this Ordinance.

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Albert Township. The provisions herein are intended to regulate land development; establish districts within Albert Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air, water, and health conditions in dwellings and buildings hereafter erected or altered; to facilitate multiple housing opportunities; to integrate residential and non-residential uses where appropriate and beneficial to the community; to promote the establishment of mixed-use development on appropriate properties; to facilitate adequate and efficient provision for transportation systems, parking, public facilities, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties; and to be one means of implementing the policies, goals, and objectives as set forth in the Master Plan.

Section 1.1 Title

This Ordinance shall be known and may be cited as the “Albert Township Zoning Ordinance,” and may be referred to herein as “this Ordinance.”

Section 1.2 Authority

This Ordinance is enacted into law pursuant to [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act MCL 125.3101 et. seq.\)](#). Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

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Section 1.3 Limitations

A. Existing Uses of Land, Buildings and Structures.

At the discretion of the property owner, the lawful use of any dwelling, building or structure, and of any land or premises lawfully existing at the time this Ordinance or any amendments added here to may be continued even though such use may not be in conformity with the provisions of this Ordinance.

B. Exemptions of Customary Farm Buildings and Structures.

The provisions of this Ordinance shall not apply to the erection, repair, or use of customary accessory farm buildings or structures, such as barns, sheds, pens, fences, etc.; PROVIDED, that no building or structure other than open fences through which there shall be clear vision shall be erected, moved or maintained less than fifty (50) feet from an abutting highway right-of-way line.

C. Conflicting Laws, Ordinances, Regulations and Restrictions.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

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Section 2.0 Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of this Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general, unless otherwise specified.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. 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.
- E. The word “building” includes any part thereof, including attached appurtenances, except attached utility devices, air conditioning units, television and radio antennas, wind turbines or towers, and solar devices shall not be included in the definition of “building.”
- F. The word “person” includes not only an individual, but a firm, corporation, association, an incorporated association, partnership, limited liability company or any other legal entity.
- G. The words “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” “designed to be used” or “occupied.”
- H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

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- I. The term “adjoining lots and parcels” is intended to include lots and parcels separated by highways, roads, streets or rivers.
- J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows.
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- K. “Township” shall refer specifically to Albert Township.

Section 2.1 Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

A

Abutting. Having property or district lines in common.

Access. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

Accessory Buildings or Accessory Structures. A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure for the purpose of determining yard setbacks. Fences and walls are not considered accessory structures.

Accessory Dwelling Unit. A dwelling unit that is secondary to the primary dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

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

Adjacent Property. All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

Adult Business. See “[Sexually-Oriented Business.](#)”

Adult Foster Care Facility. A governmental or non-governmental establishment that provides foster

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care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

A. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the [Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#).
2. A home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#).
3. A hospital licensed under Article 17 of the [Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#).
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Community Health under the [Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106](#).
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280, MCL 400.55](#).
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under [1973 PA 116, MCL 722.111 to 722.128](#), if the number of residents who become eighteen (18) years of age while residing in the institution, camp, or home does not exceed the following:
 1. Two (2), if the total number of residents is ten (10) or fewer.
 2. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 3. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 4. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under [1973 PA 116, MCL 722.111 to 722.128](#), that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of [1973 PA 116, MCL 722.115](#).
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by [1885 PA 152, MCL 36.1 to 36.12](#).

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10. An area excluded from the definition of Adult Foster Care Facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448, MCL 554.917](#).

B. The following additional definitions shall apply in the application of this Ordinance.

1. **Adult Commercial Day Care Facility – Large Group.** A facility receiving more than twelve (12) adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
2. **Adult Commercial Day Care Facility – Small Group.** A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) adults for care of periods of less than twenty-four (24) hours in a day. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
3. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
5. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
6. **Adult Foster Care Congregate Facility.** An adult foster care large group home with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
7. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737](#), or [1973 PA 116, MCL 722.111 to 722.128](#), and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

Aggrieved Person. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Agriculture. See “[Farm](#).”

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Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. Gift shops for agriculturally-related products, crafts.
- E. Historical agricultural exhibits.
- F. Organized meeting space (weddings, birthdays, corporate picnics).
- G. Petting farms, animal display, and pony rides.
- H. Picnic areas (including rest rooms).
- I. Playgrounds, wagon/sleigh rides, nature trails.
- J. Restaurants related to the agricultural use of the site.
- K. Seasonal outdoor mazes of agricultural origin.
- L. Small-scale entertainment (concert, car show, art fair).
- M. Guest ranches and vacation farms.

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

Alteration. Any change, addition or modification to a structure or type of occupancy or use of structure or land, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Apartment. The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

- A. **Efficiency Unit.** A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- B. **One Bedroom Unit.** A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
- C. **Two Bedroom Unit.** A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
- D. **Three or More Bedroom Unit.** A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Appurtenance. An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure but not including fences.

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Average. For the purpose of this Ordinance, the term, “average” shall be an arithmetic mean.

Animal Hospital. A building or group of buildings and/or structure where animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Applicant. Any person that applies for a permit.

Application. The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

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

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Connected to a main building in a substantial manner by walls and/or a roof.

Awning. Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Automobile Repair Garage. A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service Station. A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

B

Balcony. A platform having at least one (1) side open that may be covered by either a roof or another balcony, shall have no direct access to the ground, is cantilevered and not supported by columns on ground level.

Basement. That portion of a building partly below grade, but so located that the vertical distance from

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the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A "walkout basement" shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty (50) percent of one (1) wall with no grade.

Bed and Breakfast Establishment. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests only.

Boarding, Lodging or Rooming House and Tourist Home. A residential dwelling where, for compensation and by prearrangement for definite periods, lodging and meals are provided for three (3) or more persons.

Berm. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Body of Water. Any lake, river, stream, canal, channel or natural pond.

Buffer Strip. A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Buildable Area. The space remaining after the minimum setbacks and open space requirements of this Ordinance have been met.

Building. Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, or enclosure of persons, animals, possessions, or property of any kind.

Building, Accessory. See "[Accessory Building](#)."

Building, Main or Principal. Any building(s) on a lot or site in which is conducted the principal use of the premises on which it is located.

Building Front. That façade of the building most nearly parallel to and nearest the front lot line.

Building Height. The elevation of the building closest to the front lot line measured from the average finished lot grade to the highest point of the roof.

Building Line. A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

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C

Cabin. Any building or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

Cabin Court. One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

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

Canopy. A permanent roof-like shelter that extends from part or all of a building face.

Cemetery. Property, including mausoleums and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

Child Care Facility. A facility for the care of children (persons under eighteen (18) years of age), as licensed and regulated by the State under [1973 PA 116, as amended \(Child Care Organizations Act, being MCL §§ 722.111 - 722.128\)](#), and the associated rules promulgated by the [State Department of Human Services](#). Such organizations shall be further defined as follows.

- A. **Family Child Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Child Care Center.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the

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year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#), a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451, MCL 380.1335](#), a hospital or facility operated by the state or licensed under the [Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106](#), or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737](#), in which a child has been placed under section 5(6).

Church/Religious Institution. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by at least one (1) professional, such as a physician, dentist or the like, and patients are not lodged overnight.

Clinic, Veterinary. A building or group of buildings and/or structure where animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Club or Lodge. The room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

Cluster Development. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Commission. Albert Township Planning Commission.

Common Areas, Uses and Services. Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium Act. [1978 PA 59, as amended \(Condominium Act, being MCL §§ 559.101 - 559.276\).](#)

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Condominium, Site. See “[Site Condominium.](#)”

Condominium Unit. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance.

Convalescent or Nursing Home. A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

Cottage Industry. A Home Occupation which, due to the nature of the investment or operation, includes one or more of the following aspects:

- A. requires regular visits by clients or customers;
- B. needs frequent delivery or shipment of goods;
- C. conducts regular operations or store materials outside of the residence;
- D. employs two or more individuals who reside off premises;
- E. and, has the potential to rapidly increase in size and intensity.

County. Montmorency County, Michigan.

D

Deck. An uncovered outdoor platform constructed on or above the ground surface used as a residential accessory structure for domestic or recreational purposes. Decks attached to the main building shall comply with setbacks for the main building. Decks not attached to the main building shall comply with accessory building setbacks.

Density. The number of dwelling units on, or to be developed upon, a net acre of land.

Developer. A person or entity who manages or oversees a development as defined below.

Development.

- A. The construction of a new building or structure on a zoning lot, the relocation of an existing building or structure on another zoning lot, or the use of a zoning lot for a new use in accordance with the requirements of this Ordinance.
- B. The process of change, usually pre-planned, within a defined land area identified by a name and being changed according to a plan with controls and restrictions, such as a subdivision, planned

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community or industrial park, toward an ideal point of maximum capability, potential, quality, or usefulness.

Districts. A geographic portion of the Township within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance. “Districts” as used herein is synonymous with the word “Zones” or “Zoning Districts.”

Dock. A structure, which may or may not include a boat lift, exclusively used for boarding and mooring of watercraft.

Drive-Through. An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

Driveway. A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

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

Dwelling, Manufactured. A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. May also be referred to as “Mobile Home.”

Dwelling, Multiple-Family. A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

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

A. **Detached Single-Family Dwelling.** A single family dwelling unit that is separate and distinct from any other dwelling. A single family dwelling that does not share a party wall with any other dwelling is a detached single family dwelling.

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B. **Attached Single Family Dwelling.** A dwelling designed for occupancy by one (1) family in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

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

Dwelling Unit, Accessory. A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

E

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erected.

Essential Services. The erection, construction, alteration or maintenance by public utilities, Township departments or commissions of underground or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service for the public health, safety or general welfare. This definition does not include telecommunications towers.

Excavation. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest, except common household gardening and ground care.

Extractive Operation. Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

F

Family.

A. A domestic family, that is, one or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a

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single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

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

Farm Market. A place or an area where transactions between a farm market operator and customers take place (includes roadside stands). It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing season or up to a five-year (5) timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, State, and Federal regulations.

Farmers Market. A public market at which farmers and often other vendors sell produce or other goods directly to consumers.

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

Fence. A structure artificially constructed to serve as an obscuring screen or physical barrier.

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 dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable. That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

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G

Garage. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage Sale. The display and/or offering for sale, new or used household goods, for a limited period of time, in a residential district. For the purposes of this Ordinance, Garage Sale is analogous with “Yard Sale” and “Moving Sale.”

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

Gas Station. See “[Automobile Service Station.](#)”

Greenbelt. A strip of land parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

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

Grade. A ground elevation established for the purpose of regulating the number of stories and height of the building.

- A. The building grade shall be the level of the ground adjacent to the walls of the building, if the finished grade is level.
- B. If the ground is not level, the average between the finished grade and lowest grade level shall be applied.

Guest House. See “[Accessory Dwelling Unit.](#)”

Guest Ranch. A resort where recreational activities include the growing or raising of agricultural products or animals. Guest ranch accessory structures may include barns, corrals and stables. Also called “Vacation Farm.”

H

Hazardous Substances and Polluting Materials. Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire

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Marshall Division; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U.S. Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.

Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Homeless Shelter. See “[Residential Human Care Facility.](#)”

Hospital. An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

Hotel. A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy of less than thirty (30) days, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms. Hotels that provide transient occupancy for longer than thirty (30) days may be approved as a Special Use. Boarding houses, tourist homes, rooming houses, bed and breakfast establishments, and apartments are excluded.

Hunting and Wildlife Preserve. Land with enclosures, fences, cages or pens holding animals in captivity and upon which wildlife is confined for hunting or other purposes.

I

Impervious Surface. A material incapable of being penetrated by water and other liquids. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, sidewalks and concrete or paved parking lots.

Inoperable Vehicle. A vehicle which cannot be operated legally on a public street.

J

Junk. All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

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Junkyard. Any land or building used for commercial storage and/or sale of junk as defined herein or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

K

Kenel. A kennel is any place or premise where five (5) or more adult dogs, cats, or other domestic pets, more than six (6) months of age, are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

L

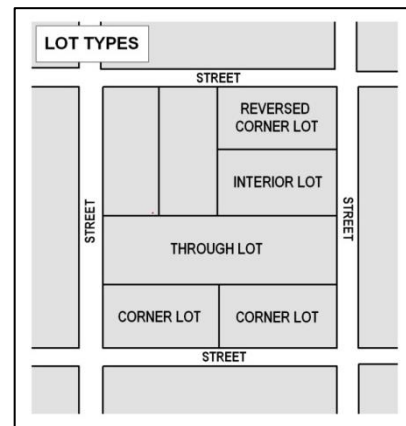
Livestock. This would typically include those other domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the generally recognized classification of animal units associated with waste handling practices for livestock operations by the State of Michigan. This includes, but is not limited to, cattle, swine, horses, sheep, goats, turkeys, chickens and ducks.

Living Environment. That area within a structure intended, designed, erected or used for human occupancy.

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

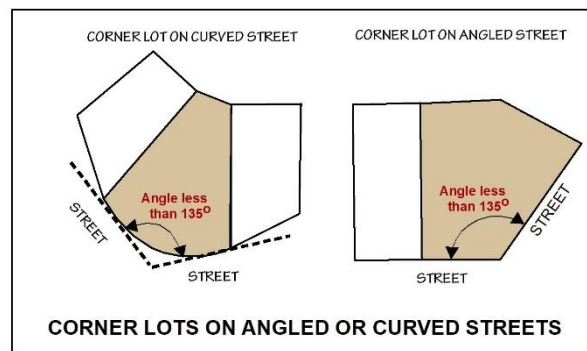
Lot. A parcel of land excluding any portion in a street or other right-of-way. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. Any combination of complete and/or portions of lots of record;
- D. A parcel of land described by metes and bounds.



Lot Area. The total horizontal area within the lot lines of the lot, excluding public or private street rights-of-way and/or easements dedicated for vehicle access.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot, for the



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purpose of this Ordinance, if the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. The amount of a lot, stated in terms of a percentage, that is covered by all buildings, and/or structures located thereon. Lot coverage shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof.

Lot Depth. The mean horizontal distance from the front street line to the rear lot line.

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

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

Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

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

Lot Lines. Any line dividing one (1) lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

- A. **Front Lot Line.** In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a through lot or a corner lot, each lot line which abuts a street shall be deemed to be a front lot line. The owner shall elect, and so designate on the application for zoning permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard. In the case of a waterfront lot, the front lot line is the line adjacent to the water.
- B. **Rear Lot Line.** In the case of a corner lot, the rear lot line is the line specified herein and designated by the property owner in the application for a zoning permit concerning development on that lot. In the case of an interior lot or a through lot, the rear lot line is the lot line opposite and most distant from the front lot line. In the case of a lot irregularly shaped at the rear, it is 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.
- C. **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 street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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Lot Width. The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

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

Lot of Record, Conforming. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown and which was lawfully created and meets the current zoning regulations for the District in which it is located.

Lot of Record, Legal Nonconforming. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown and which was lawfully created and met the zoning regulations at the time it was created but which no longer meets the current zoning regulations for the District in which it is located.

M

Manufactured Home. See “[Dwelling, Manufactured.](#)”

Manufactured Housing Community. A parcel or tract of land under the control of a person upon which three (3) or more manufactured 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 manufactured home.

Manufactured Housing Community Homesite. The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Manufacturing. The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale or other use of any goods, substance, article, thing or service.

Marina. A commercial or public mooring, berthing or docking facility for watercraft with or without provisions for launching, retrieving, servicing, boat storage, fueling, sales of accessory supplies, or boater services such as restrooms, showers, self-service laundry, fish cleaning station, etc.

Master Plan. The Albert Township Master Plan including background information, maps, goals and objectives, and plans for the development of Albert Township and including any part of such plan and any amendments to such plan or parts thereof.

Medical Marijuana. The following definitions are related to medical marijuana.

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- A. **Medical Marijuana.** Marijuana as defined by the [Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26421 et. seq.\)](#) grown, used or transferred for “medical use” as defined by the Act.
- B. **Enclosed, Locked Facility.** That term as defined in Section 3 of [Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#).
- C. **Marijuana.** A controlled substance as defined in Section 7106 of [1978 PA 368, as amended \(Michigan Public Health Code, being MCL 333.7106\)](#).
- D. **Marijuana Collective Or Cooperative.** Any facility, structure, dwelling or other location, profit or nonprofit, where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by **two (2) or more** of the following: a registered Primary Caregiver, registered Qualifying Patient, person in possession of an identification card issued under the MMMA, or a person in possession of an application for such an identification card.
- E. **Marijuana Dispensary.** Any facility, structure, dwelling or other location, profit or nonprofit, where medical marijuana is transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by a registered Primary Caregiver, registered Qualifying Patient, person in possession of an identification card issued under the MMMA, or a person in possession of an application for such an identification card.
- F. **Primary Caregiver.** That term defined in Section 3 of [Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#) who is at least twenty-one (21) years old and who has been registered by the [State Department of Licensing and Regulatory Affairs](#) or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.
- G. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- H. **Qualifying Patient.** That term defined in Section 3 of [Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the [State Department of Licensing and Regulatory Affairs](#) or any successor agency.
- I. **MMMA.** The [Michigan Medical Marijuana Act, Initiated Law 1 of 2008, as amended, being MCL 333.26421, et seq.](#), and the Administrative Rules promulgated under the act, being Rule 333.101, et seq.

Master Deed: The condominium document recording the condominium project as approved by the Township to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

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Mezzanine. An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-Storage. Mini-storage buildings are groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer’s goods or wares.

Mixed-Use Development. A development on a tract of land, building or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

Mobile Home. See “[Dwelling, Manufactured.](#)”

Mobile Home Park. See “[Manufactured Housing Community.](#)”

Motel. A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy of less than thirty (30) days, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple dwellings or hotels. Motels that provide transient occupancy for longer than thirty (30) days may be approved as a Special Use.

N

Nonconforming Lot of Record. See “[Lot of Record, Legal Nonconforming.](#)”

Nonconforming Structure or Building. A structure or building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the applicable setbacks, area, height, size and similar dimensional provisions of this Ordinance.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use. Any use, whether in a building or other structure or on a tract of land, lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

Nuisance. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people,

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particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

Nursery School or Pre-School. A daytime facility which has as its main objective a development program for pre-Kindergarten children and whose staff meets the educational requirements established by the State.

O

Office. A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, equipment (accounting, filing, recording, communication and/or stenographic) for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbances, nuisance, or annoyance beyond the confines of said rooms or building. Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services.

Open Space. An area of land dedicated as a permanent recorded easement or other means of permanent dedication that runs with the land upon which no development shall occur, unless expressly provided in this Ordinance.

Ordinance. The Albert Township Zoning Ordinance.

Ordinary High Water Line. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation.

Outdoor Storage. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

P

Parcel. See "[Lot.](#)"

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

Parking, Off-Street. Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking Space. A defined area for the parking of one (1) vehicle exclusive of drives, aisles, or entrances, fully accessible for the storage or parking of vehicles.

Patio. An uncovered outdoor space, flush with the ground that is covered with hard material (such as

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bricks, paving stones, tile, cobbles or concrete).

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by Albert Township.

Permitted Use. A use by right, which is specifically authorized in a particular zoning district.

Pets, Domestic. Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion.

Pets, Exotic. Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape. Exotic animals could include but are not limited to: nonhuman primates; venomous cold-blooded reptiles; poisonous animals; constrictor snakes three (3) feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers and tigers; nondomesticated carnivores like bears and wolves; sharks; ostriches or emu; poisonous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

Planned Unit Development (PUD). Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Planning Commission. The Albert Township Planning Commission.

Plot Plan. The drawings and documents depicting and explaining all features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

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

Porch, Open. An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

Private Driveway. An easement or way which provides direct vehicular ingress and egress to not more than five (5) residential buildings sites, which is constructed and/or maintained by the proprietors, and which is not dedicated to the use of the general public.

Private Road. An easement or way which provides direct vehicular ingress and egress to more than five (5) residential buildings sites or to more than one (1) nonresidential building sites or parcels, which is constructed and/or maintained by the proprietors, and which is not dedicated to the use of the general public.

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Practical Difficulty. A situation in which a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the “minimum practical” standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty.

Proprietors. A person, corporation, partnership, limited liability company, or other legal entity constructing or desiring to construct a private road and all those property owners whose property is being or is intended to be served by a private road.

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

R

Recreational Equipment. Any vehicle designed for recreational use including, but not limited to camping equipment, watercraft, ATV’s, snowmobiles, recreational vehicles and trailers for the recreational equipment.

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

Recreational Vehicle (RV) Park. Any site, lot, field or tract upon which one (1) or more occupied travel trailers is harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used for, or intended for use as part of the equipment of such recreational vehicle park; which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Public Health.

Residential Human Care Facility. A facility (not within a private residence) providing:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.

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D. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Residential Towers. Any structure that is designed and constructed for the primary purpose of transmitting and receiving signals for personal or residential use (does not include licensed amateur radio service operator [HAM] towers).

Resort. A lodging facility that serves as a destination point for visitors and may contain cabins and/or rooms with or without kitchen facilities. A resort may provide indoor and outdoor recreational activities and commercial facilities such as sporting goods and/or a restaurant, may be self-contained and may provide personal services customarily furnished at hotels.

Restaurant. A building in which food or beverages are prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

Right-of-Way. A street, alley or other roadway or easement permanently established for passage of persons or vehicles.

Roadside Stand. An accessory and temporary structure operated for the purpose of temporarily selling goods or products.

Rooming House. See “[Boarding, Lodging or Rooming House and Tourist Home.](#)”

Run-Off. Water from rain or melting snow that flows over the surface of the ground and eventually draws into nearby water bodies.

S

Salvage Yard. A location where new or used materials, including waste, surplus, discarded or salvaged parts thereof are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, also including house wrecking and structural steel materials and equipment.

Scrap Yard. An establishment where scrap metals are collected, processed, stored, and/or sold.

Screen. A structure such as a fence or wall or non-structures such as shrubs, other growing materials, or an earthen or stone berm which creates a visual barrier between the area enclosed and the adjacent property.

Setback. The minimum horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult

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motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

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

- C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel.** A hotel, motel or similar commercial establishment that:
 - 1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other

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- photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of [1984 PA 343, as amended \(Obscene Material, being MCL 752.362\)](#) of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in Section 3 of [1978 PA 33, as amended \(Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, being MCL 722.673\)](#) of the Michigan Compiled Laws.
- I. **Specified Anatomical Areas.** Means and includes any of the following:
1. Less than completely and opaquely covered.
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks;

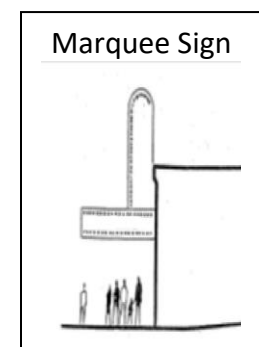
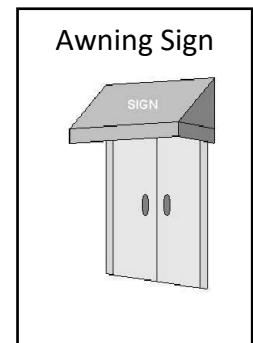
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- d. Female breast below a point immediately above the top of the areola.
- 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- J. **Specified Sexual Activities.** Means and includes any of the following:
 - 1. Human genitals in a state of sexual arousal;
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus;
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast;
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Short Term Rental. A single family dwelling the whole of which is offered as a residential rental facility for a period of less than thirty (30) days. The owner does not reside on-site.

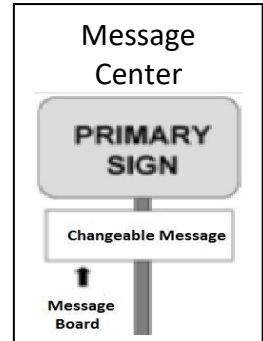
Sign. An identification, description, illustration or device affixed to, or represented directly or indirectly upon, a building, structure or land, and which displays a message. The following additional definitions shall apply in the application of this Ordinance.

- A. **Abandoned Sign.** A sign to which any of the following applies:
 - 1. The sign has remained blank over a period of one (1) year.
 - 2. The sign’s message becomes illegible in whole or substantial part.
 - 3. A sign which has fallen into disrepair.
- B. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board.”
- C. **Awning Or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
- D. **Cluster Sign.** An on-premises sign which identifies a complex of establishments on one (1) parcel and contains multiple signs on one (1) structure including one (1) for each establishment and one (1) for the complex as a whole.
- E. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.



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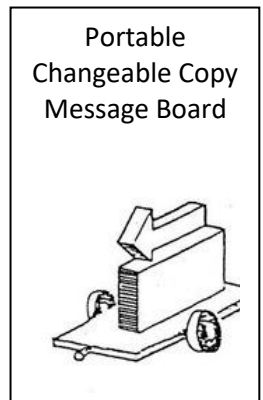
- F. **Marquee Sign.** Any sign attached to or supported by a marquee structure.
- G. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.



- H. **Message Center, Electronic.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

- I. **Off-Premise Advertising Sign (Billboard).** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

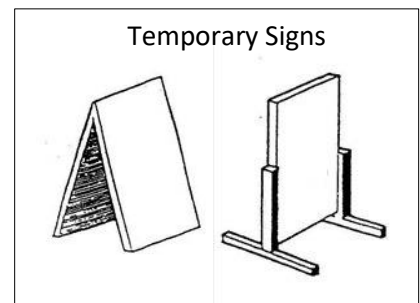
- J. **Off-Premise Advertising Sign, Digital (Billboard - Digital).** A billboard displaying static images controlled by electronic communications.



- K. **Projecting Sign.** A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

- L. **Roof Sign.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

- M. **Portable Changeable Copy Message Board.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.



- N. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.

O. **Sign Area.**

1. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to

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differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

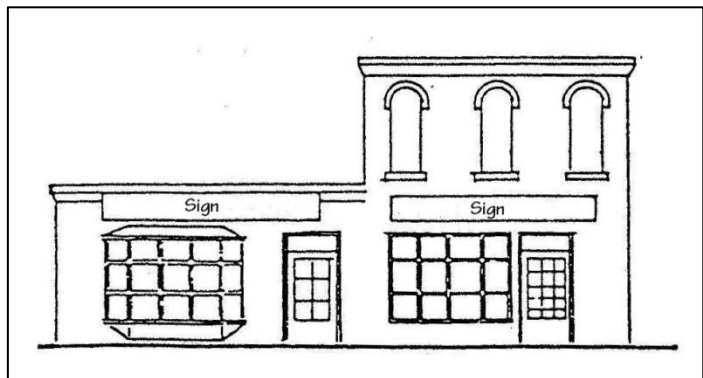
- 2. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- 3. With respect to two-sided (2) , multi-sided, or three (3) dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
 - a. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
 - b. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

P. **Sign Height.** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Q. **Sign Surface.** That part of the sign upon, against, or through which the message is displayed or illustrated.

R. **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

Wall Sign



Site Condominium (Condominium Subdivision). A method of subdivision where the sale and ownership of sites is regulated by 1978 PA 59, as amended (Condominium Act, being MCL §§ 559.101-559.276) as opposed to the 1967 PA 288, as amended (Land Division Act, being MCL 560.101 et. seq.). Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning Ordinance.

Site Condominium Subdivision Plan. Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

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Site Plan. A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including but not limited to location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems and drainage facilities, and environmental features.

Solar Energy Facility (Utility Scale). A facility designed to capture and utilize the energy of the sun to generate electrical power. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

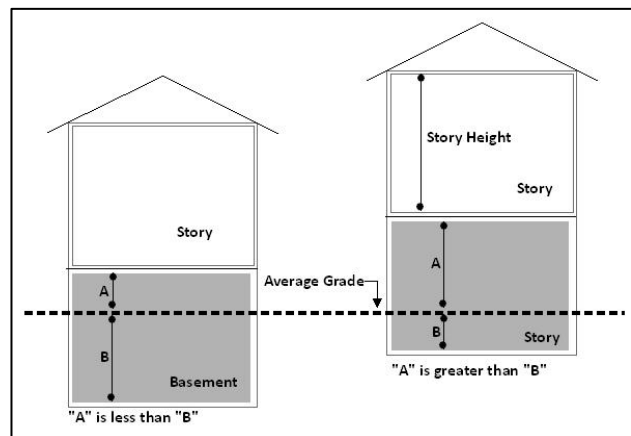
Special Land Use. A use which is subject to approval by the Albert Township Planning Commission. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming Use nor is it considered a variance.

Sport Shooting Range. An area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting and follows generally accepted operation practices.

Stand-alone Storage Building. A building that is constructed or placed on a lot before the principal dwelling is constructed or placed on that same lot and that is used solely for private, non-commercial storage of materials that are owned by the owner of the building.

Storage. An area used or intended for the storage of materials, vehicles, and equipment when not in use.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. A basement shall be considered a full story only if fifty (50) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



Story, Half. That portion of a building between the eaves and ridge lines of a pitched roof, which may be used for living space.

Street. A public or private thoroughfare, which affords the principal means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires location on or below the ground or attachment to something having location on the ground.

Swimming Pool. Any permanent, non-portable structure or container located either above or below

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grade designed to hold water to depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

T

Towers. See “[Wireless Communications.](#)”

Townhouses. See “[Dwelling, Single Family \(Attached Single Family Dwelling\).](#)”

Township Board. Albert Township Board.

Transient Merchants. Any person engaged temporarily, for periods up to one hundred twenty (120) continual days maximum in the sale of goods, wares or merchandise per calendar year and who, for the purposes of conducting such business goes door to door, occupies or temporarily uses any lot, building, room, structure of any kind, or any vehicle and who does not intend to become or does not become a permanent merchant of the Township.

Travel Trailer. See “[Recreational Vehicle \(RV\).](#)”

U

Undeveloped State. A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an “undeveloped state” does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Use, Accessory. A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.

Use, Principal. The primary use to which the premises are devoted.

V

Variance. A modification of the literal provisions of the Zoning Ordinance, which is authorized by the Zoning Board of Appeals when all of the applicable standards for granting the requested variance have been met.

Variance, Dimensional. A variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

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Vehicle Sales. An authorized and/or licensed dealership for the sale of new and/or used vehicles, trucks or trailers in operable condition with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of new and/or used vehicles such as minor repairing, servicing, and restoring, shall be performed within completely enclosed facilities.

W

Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, marsh, or other areas such as flood plains or environmental areas designated as such in the Township’s Comprehensive Plan or other County, State or Federal documents.

Wildlife Preserve. A haven or sanctuary for animals; an area of land or of land and water set aside and maintained for the preservation and protection of one (1) or more species of wildlife.

Wind Energy Definitions.

- A. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- F. **Small On-Site Wind Energy Systems.** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily replace or reduce on-site consumption of utility power.
- G. **Sound Pressure.** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- H. **Sound Pressure Level.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- I. **Wind Energy Facility.** A power generating facility consisting of one (1) or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply

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electricity to off-site customers.

- J. **Wind Turbine Generator.** A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted.
 - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- K. **Wind Turbine (Horizontal Axis).** A wind energy system in which the rotor(s) rotate around a horizontal shaft.
- L. **Wind Turbine (Vertical Axis).** A wind energy system in which the rotor rotates around a vertical shaft.
- M. **Wind Turbine Generator Total Height.**
 - 1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
 - 2. **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the wind turbine generator.

Wireless Communications (Telecommunication Towers and Facilities Definitions).

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna Array.** An Antenna Array is one (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- C. **Attachment Structure.** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

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- D. **Collocation.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- E. **Equipment Compound.** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- F. **FTA.** [Federal Telecommunications Act of 1996, as amended.](#)
- G. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- H. **Wireless Communications.** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the [Telecommunications Act of 1996](#), as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- I. **Wireless Communications Equipment.** 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.
- J. **Wireless Communication Facility.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).
- K. **Wireless Communications Support Structure.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yard. Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for such accessory buildings, accessory uses or projections which are expressly permitted in this Ordinance.

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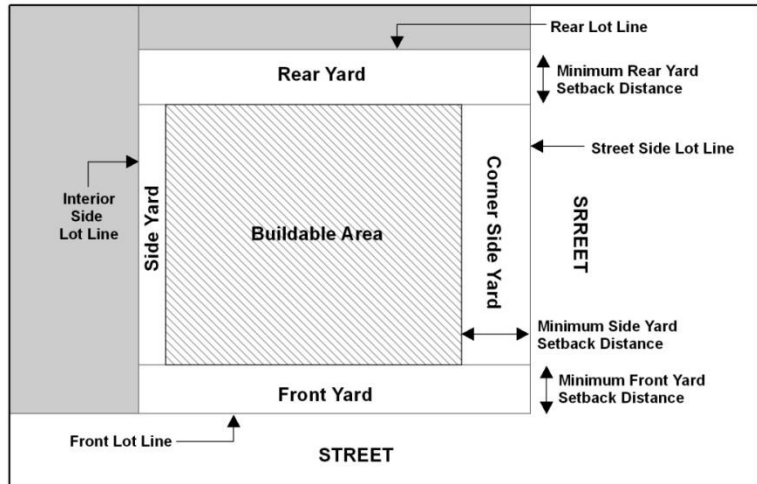
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Yard, Front. A yard extending along the full length of the front lot line and lying between the front lot line and the nearest building line. Front yards for waterfront lots shall be considered as that part of the lot nearer the water.

Yard, Rear. A yard extending across the full length of the rear lot line and lying between the rear lot line and the nearest building line.

Yard, Required. That portion of any lot on which the erection of a principal structure is prohibited.

Yard, Side. A yard lying between the side lot line and the nearest building line and extending from the front yard to the rear yard.



Yard, Corner Side. An open space between a main building and the street 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 street side lot line to the nearest point of the main building.

Z

Zoning Administrator. The administrator of this Ordinance, appointed by the Township Board.

Zoning Board of Appeals. The Albert Township Zoning Board of Appeals, whose duties and powers are detailed in [Article 8](#).

Zoning Permit. A standard permit issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land and buildings and structures thereon granting approval for the construction or use applied for.

Article 3 General Provisions

Sec	Name	Pg	Sec	Name	Pg
3.0	Application of Regulations	3-1	3.14	Clustering/Open Space Preservation Option	3-13
3.1	Lots, Occupancy, and Basement Living	3-2	3.15	Domestic Animals and Non-Commercial Farms	3-14
3.2	Water Supply & Sanitary Facilities	3-4	3.16	Yard, Garage, and Rummage Sales	3-16
3.3	Access	3-4	3.17	Onsite Drainage/Runoff	3-16
3.4	Restoration of Unsafe Bldgs/Barrier-Free Modification	3-4	3.18	Hazardous Substances & Groundwater Protection	3-16
3.5	Storage in Front Yards	3-4	3.19	Nonconformities	3-18
3.6	Accessory Buildings and Structures	3-5	3.20	Fences and Walls	3-21
3.7	Recreational Vehicles and Equipment	3-7	3.21	Landscaping and Buffering	3-24
3.8	Swimming Pools, Hot Tubs and Spas	3-8	3.22	Lighting	3-26
3.9	Corner Clearance	3-8	3.23	Parking and Circulation	3-29
3.10	Unlisted Property Uses	3-9	3.24	Private Roads	3-35
3.11	Single-Family Dwelling Standards incl. Manufactured Homes	3-9	3.25	Private Driveways	3-39
3.12	Temporary Buildings for Construction Purposes	3-12	3.26	Signs	3-40
3.13	Construction Debris	3-13	3.27	General Exceptions	3-47

Section 3.0 Application of Regulations

- A. The provisions of **Article 3** shall apply to all districts, except as noted herein.
- B. Zoning affects every structure and use and extends vertically.
- C. Except as hereinafter specified, each building, structure or premises shall hereafter be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations herein specified for the zoning district in which it is located. The applicable zoning permit or building permit shall be obtained.
- D. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. Lawful nonconforming uses shall be regulated by the provisions contained in **Section 3.19**.
- E. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

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- F. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- G. No building or other structure shall hereafter be altered:
 - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.
 - 2. To have narrower or smaller rear yards, front yards, or side yards, other than permitted.
 - 3. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.
- H. No required yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- I. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 3.1 Lots, Occupancy, and Basement Living

A. Lots of Record.

Every building hereafter erected or altered shall be located on a lot, the description of the boundaries of which are on public record and adequate for identifying the lot and its boundaries. The burden of proof of the exact location of any lot lines on the premises shall rest with the owner.

B. Lot Division or Split.

- 1. All land hereafter divided into two or more lots for the purpose of sale or lease for residential, commercial, industrial or other use shall be in conformity with the provisions of this Ordinance. Such lots shall be subject to all provisions of the Zoning District in which the tract is located, governing area, width, frontage and other requirements concerning applicable land uses. No survey stakes or monuments shall be set with intent of permanent

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location until the proposed plan has been submitted to the Zoning Administrator for approval.

2. Lot splits or divisions in unsubdivided property are governed by the [Albert Township Land Division Ordinance, Ordinance 28](#), as amended. The division of a lot or lots in a recorded plat is prohibited, unless approved following application to the Township Planning Commission, followed with approval by the Township Board, in accordance with the State Land Division Act, as amended. The Planning Commission will hold a hearing and make recommendations to the Township Board. The division to be considered for approval by the Township Board shall have the suitability of the land for building purposes approved by the District Health Department. No zoning permit shall be issued, or any building construction commenced, prior to the Township Board's approval. Lots in a recorded plat shall be not less in area than permitted by the Township Zoning Ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing building site or sites.

C. New Lots to Be Buildable.

All newly created lots shall have buildable area. The buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.

D. Zoning Lot Occupancy.

No single-family detached residential structure shall be erected upon a lot with another single-family detached residential structure unless otherwise provided in this Ordinance. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein defined.

When a lot is to be occupied by a group of two (2) or more buildings for attached single-family residential, multiple-family residential, office, commercial, institutional or industrial uses more than one principal structure may be erected on the lot, subject to site plan review and approval. In no case may such structures be less than fifteen (15) feet from each other.

E. Basement Living.

No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings, except as permitted in [Section 3.12](#) for a limited period of one (1) year to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant. The Zoning Administrator may grant a one (1) year extension at his/her discretion.

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Section 3.2 Water Supply & Sanitary Facilities

A. Required Water and Sanitary Facilities.

Permanent or temporary buildings hereafter erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the District Health Department.

B. Outside Toilets.

No outside toilets shall hereafter be erected, except such as may temporarily be needed during construction on the premises or during special events. The only exception to the preceding is the following: permanent outside toilets may be erected on a parcel forty (40) acres or greater and shall be setback five hundred (500) feet from all property lines or as regulated by the Health Department.

Section 3.3 Access

A. Required Access.

Every lot upon which a dwelling or other main building is hereafter erected shall have frontage on a road or street, and such frontage shall be not less than the average minimum required width of the lot.

B. Access through Yards.

Access drives may be placed in the required front or side yards so as to provide access to the rear yard and/or accessory or attached structures. Further, at-grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel and similar materials shall not be considered structures and shall be allowed in any required yard.

Section 3.4 Restoration of Unsafe Buildings/Barrier-Free Modification

A. 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 County Building Official.

B. Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required.

Section 3.5 Storage in Front Yards

Unless otherwise allowed by this Ordinance, storage of goods or materials shall only be allowed in the side or rear yard and shall meet all setbacks. On waterfront properties, storage of docks and non-motorized watercraft shall be allowed in the front yard (waterfront yard).

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Section 3.6 Accessory Buildings and Structures

A. Attached Accessory Buildings and Structures.

All attached accessory buildings and structures, including garages, enclosed porches, open unenclosed porches, decks, breezeways and carports shall be considered a part of the main building in determining yard requirements.

B. Unattached Accessory Buildings and Structures on a Lot with a Primary Building.

1. **Location and Setbacks.** On lots within the R-1, R-2, R-3, and RR zoning districts all unattached accessory buildings or structures shall be limited to the side or rear yard in full compliance with all applicable setback requirements.
2. **Floor Area.** On residential lots within the R-1, R-2, R-3, and RR zoning districts each accessory building shall comply with the following floor area requirements:
 - a. On lots less than one (1) acre in area, the floor area of the accessory building shall not exceed one hundred fifty (150) percent of the usable ground floor area of the principal dwelling unit.
 - b. On lots one (1) acre or more in area, the usable ground floor area of the accessory building shall not exceed two thousand four hundred (2,400) square feet, plus an additional twenty-five (25) square feet of ground floor area for each one thousand (1,000) square feet of lot area above one (1) acre, but in no event more than four thousand (4,000) square feet.
 - c. The total ground floor area of all structures, including accessory buildings, shall comply with the lot coverage limitations listed in [Article 4](#).
3. **Height.** On lots with less than one (1) acre in area within the R-1, R-2, R-3, and RR zoning districts, no detached accessory building shall exceed the height of the principal dwelling unit. In the MHP zoning district, the accessory building height shall not exceed sixteen (16) feet. Accessory buildings in all other zoning districts may be constructed to equal the permitted maximum height of structures in the zoning district in which located.

C. Stand-Alone Storage Buildings on Lots with No Primary Building.

Stand-alone storage buildings as defined in this Ordinance, shall not be allowed in platted subdivisions. Stand-alone storage buildings are only permitted on lots of one (1) acre or more in area in the RR, R-1, R-2, R-3, and FR Districts by right when they comply with all of the following applicable requirements:

1. **Ground Floor Area.** The ground floor area of a stand-alone storage building constructed or placed on a lot one (1) acre or more in area shall be no more than two thousand four

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hundred (2,400) square feet, plus an additional twenty-five (25) square feet of ground floor area for each one thousand (1,000) square feet of lot area above one (1) acre, but in no event more than four thousand (4,000) square feet.

2. **Height.** The height of the stand-alone storage building shall be no more than thirty-five (35) feet.
3. **Setbacks.** A stand-alone storage building shall meet all of the following applicable setback requirements:
 - a. **Front setback.** Except as provided herein, a stand-alone storage building shall meet a front setback no less than one hundred (100) feet. However, in the Green Belt zoning district the stand-alone storage building shall comply with a front setback of no less than one hundred fifty (150) feet.
 - b. **Side setback.** A stand-alone storage building shall meet the side setback requirements of the zoning district in which located.
 - c. **Rear setback.** A stand-alone storage building shall meet the rear setback requirements of the zoning district in which located.
4. **Siting Criteria.** A stand-alone storage building shall be constructed or placed on the lot in a location so that the lot as a whole can be developed in full compliance with the dimensional regulations applicable to the lot at the time the stand-alone storage building is approved, considering both the stand-alone storage building and a future principal dwelling, including but not limited to the following requirements:
 - a. **Future building envelope for principal dwelling.** The stand-alone storage building shall be located on the lot so that there exists a location on the lot where a future principal dwelling can be constructed in full compliance with the dimensional regulations of the zoning district in which located.
 - b. **Compliance with Section 3.6.B.** The stand-alone storage building shall be located on the lot and shall have a ground floor area so that when the principal dwelling is constructed on the lot the stand-alone storage building will fully comply with the requirements of [Section 3.6.B](#) of this Ordinance.

D. **Accessory Building Used as Dwelling.**

Any building erected as an accessory building, or in which the main portion is an accessory building, shall in no case be occupied for dwelling purposes unless otherwise permitted in this Ordinance.

E. **Nontraditional Storage Facilities.**

Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory structures. Semi-trailers may be used

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as temporary storage for agricultural, commercial and industrial uses for no more than twelve (12) consecutive months. Nontraditional storage facilities shall not be allowed in the Residential District.

F. **Shipping Containers.**

Shipping containers shall not be allowed for permanent storage or dwelling purposes.

G. **Permits.**

All accessory buildings require a zoning permit.

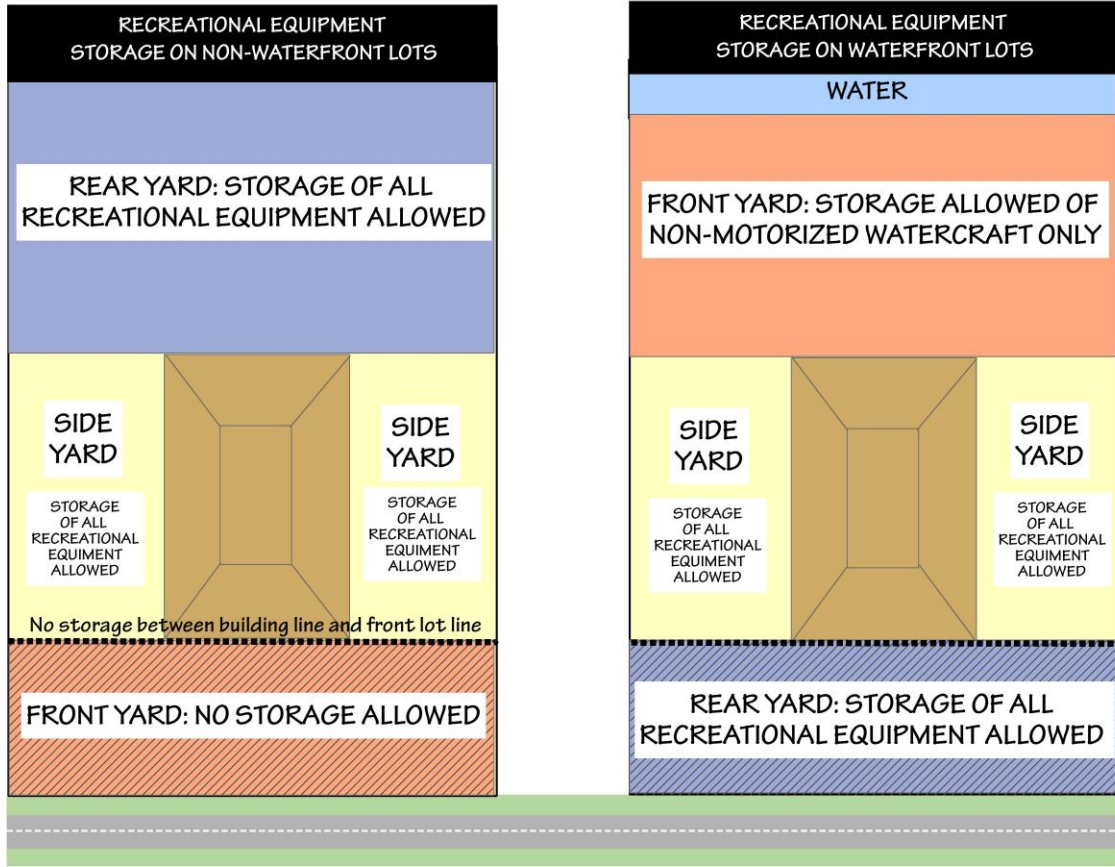
Section 3.7 Recreational Vehicles and Equipment

A. **Recreational Vehicle Occupancy.**

Recreational vehicles shall not be considered a dwelling unit. Recreational vehicles may be used as temporary dwellings for a total period of not more than one hundred eighty (180) consecutive days in a twelve (12) month period when located upon premises with proper disposal of refuse, including sewage. Recreational vehicles may not be permanently connected to sewage or water facilities. However, recreational vehicles may be occupied for dwelling purposes within duly licensed travel trailer camps and subject to the requirements thereupon imposed. Occupied recreational vehicles shall not be placed upon a vacant lot that is less than one (1) acre in size or on a platted lot.

B. **Recreational Equipment Storage.**

1. **Storage on Lots Occupied by a Primary Building.** On non-waterfront lots in the R-1, R-2 and R-3 Districts, all storage of recreational equipment, including camping equipment, boats, trailers, snow machines and recreational vehicles shall be limited to the side or rear yard. If the side or rear yard is inaccessible, the Zoning Administrator shall have the authority to authorize storage in an alternate yard. On waterfront lots, only non-motorized watercraft shall be permitted in the front yard (waterfront yard). All other recreational equipment shall be limited to the side or rear yard (*see figure below*).
2. **Storage on Vacant Lots.** Storage of recreational equipment on properties not occupied by a permanent primary building is prohibited, unless such property is immediately contiguous to properties occupied by a primary building and under the same ownership, in which case all other provisions of this Ordinance shall apply. The storage of recreational equipment shall meet district setbacks.



Section 3.8 Swimming Pools, Hot Tubs and Spas

The current Montmorency County building code requirements for fencing and latching around swimming pools, hot tubs and spas are incorporated into this Ordinance by reference.

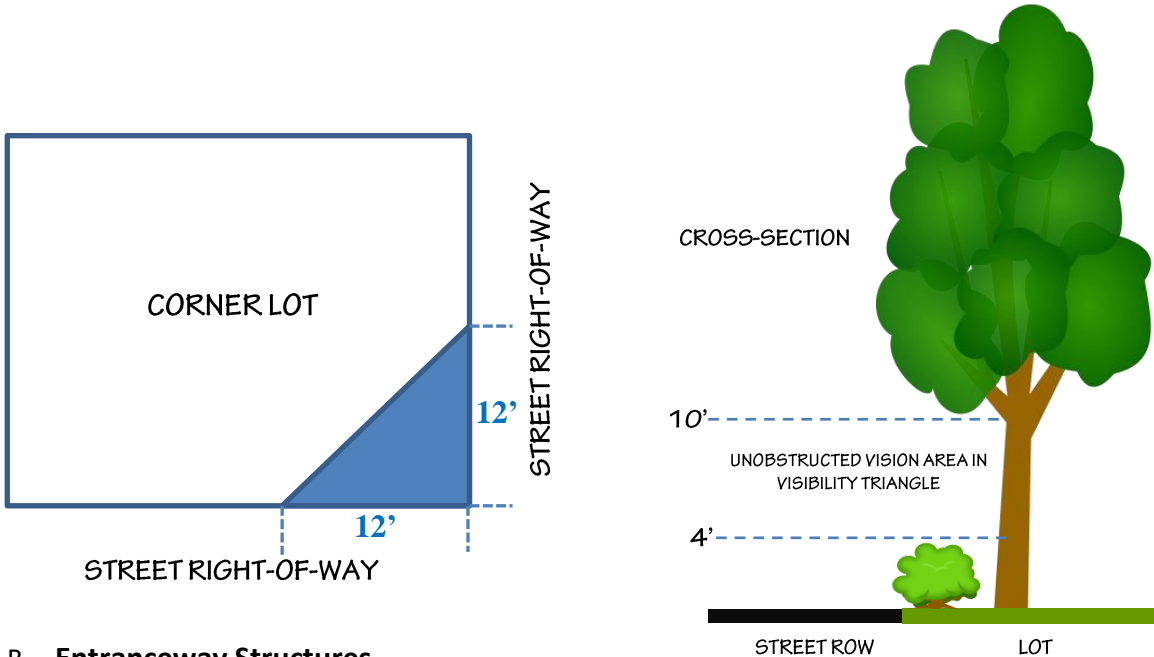
Section 3.9 Corner Clearance

A. Street, Avenue, Road or Highway Intersection.

To maintain traffic visibility, no building, structure, trees, bushes or other obstructions exceeding three (3) feet in height, except open fences through which there shall be clear vision, shall be erected, planted or maintained less than twelve (12) feet from the intersection of the right-of-way boundary lines of any public roads or highways.

On any corner lot in any district, no solid fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of four (4') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twelve (12') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection.

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B. Entranceway Structures.

In all districts, entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in [subsection 3.9.A](#) above, provided that such entranceway structures shall be approved during the required Planning Commission review.

Section 3.10 Unlisted Property Uses

The Township Planning Commission shall have the power, on written request of a property owner in any zoning district, to classify a use not listed with a comparable permitted use in the district and may grant a permit for such use, giving due consideration to the purpose of this Ordinance. Petition for such classification and permit shall be made through the office of the Township Zoning Administrator. In granting a permit for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If deemed incompatible, then such use may only be provided for by due amendment to the Ordinance.

Section 3.11 Single-Family Dwelling Standards incl. Manufactured Homes

A. Square Feet and Width.

Single-Family Dwellings shall comply with the minimum square footage and minimum width requirements of this Ordinance for the district in which it is located in accordance with [Article 4](#). A dwelling shall have a minimum square footage of floor space as measured on the outside walls and comply in all respects with the county building code and this Ordinance. The above square footage

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shall not include such appurtenances as porches, breezeways, carports or garages. This subsection shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by State or Federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

B. Minimum Height.

Single-Family Dwellings shall include minimum heights for habitable rooms, as specified in the building code enforced in Montmorency County. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the county building code, then, and in that event, such Federal or State standards or regulations shall apply.

C. Foundation or Anchoring System.

1. Single-Family Dwellings shall be attached to a permanent foundation constructed on the site in accordance with the county building code, and shall have a wall of the same perimeter of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
2. In the event that such dwelling is a manufactured home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the [Michigan Manufactured Housing Commission](#) and shall have a perimeter wall as required above.
3. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

D. Water and Sewer.

The dwelling is connected to a public sewer and/or water supply or to such private facilities approved by the [Health Department](#) as stated in [Section 3.2](#).

E. Storage.

The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic, in closet areas, or in a separate structure of standard construction similar to, or of better quality than, the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.

F. Additions.

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The dwelling shall contain no additions or rooms or other areas which are not constructed with similar, or better, quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

G. Code Compliance.

The dwelling shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the [United States Department of Housing and Urban Development, being 24 CFR 3280](#), and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements (i.e., HUD standards for manufactured homes and building code requirements for dwellings that are not manufactured homes).

H. Earth Homes.

Single family earth homes are permitted in all residential districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

I. Portable Structures not to be considered a Dwelling Unit.

In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a permanent dwelling unit.

J. Manufactured Home Installation and Use.

1. Any manufactured home meeting the definition of **Dwelling, Single Family** shall be allowed in any district where single-family dwellings are permitted.
2. The manufactured home shall be installed according to the construction code adopted by Montmorency County, and the construction of the unit shall comply with the [National Manufactured Home Construction and Safety Standards Act of 1974, as amended \(HUD Code\)](#).
3. No person shall occupy a manufactured home as a dwelling within Albert Township until a certificate of compliance has been issued by the County Building Official, which shall indicate satisfactory compliance with all requirements of the HUD Code and the current Montmorency County Construction Code.
4. A manufactured home shall not be used as an accessory building.
5. No manufactured home shall be located or placed in Albert Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current Montmorency County Construction Code.

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6. No manufactured home shall be stored on any lot or parcel in Albert Township.

K. Manufactured Home Annexes or Additions.

Any annex or addition to an occupied manufactured home shall comply with all yard and setback requirements of the Zoning District. Any annex or addition shall be aesthetically compatible in design and appearance with other residences and shall be constructed with similar quality workmanship as the original structure and include permanent attachment to the principal structure and construction of a foundation.

Section 3.12 Temporary Buildings

A. Temporary Dwelling Occupancy during Construction of a Dwelling.

The owner of any land in any Zoning District may erect or move not more than one (1) temporary dwelling unit (including manufactured homes) upon the premises, and occupy the same for dwelling purposes during the actual construction of the dwelling thereon, for a period not to exceed one (1) year from date of issuance of a zoning permit. Application for a zoning permit for such use shall be made to the Zoning Administrator, granting of which shall be contingent, among other things, on compliance with the following conditions:

1. The location of the temporary dwelling unit on the premises shall be in conformity with the setback requirements of the Zoning District. The Zoning Administrator shall have the authority to allow placement of a temporary dwelling unit not in conformance with setback requirements on a case-by-case basis.
2. The water, sewage and waste disposal shall be approved by the District Health Department, installation and approval of which shall precede occupancy of the temporary dwelling.
3. On approval and delivery of the permit, the owner shall certify, in a space allocated for that purpose on the copy retained for filing with the Zoning Administrator, that he has full knowledge of the limitations of the permit and the penalty that may be imposed for violation. No permit shall be transferable to any other person or extended for a time beyond those noted.
4. Temporary buildings used for dwelling purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.

The Zoning Administrator may extend the temporary dwelling unit permit for an additional one (1) year at his/her discretion.

B. Temporary Buildings for Construction Offices.

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. Temporary buildings used

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for construction purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.

C. Dwelling as Sales Office.

The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

Section 3.13 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.

Section 3.14 Clustering/Open Space Preservation Option

A. Purpose.

The purpose of the Open Space Preservation Option is to allow single-family dwellings to be developed with varied yard and setback requirements on parcels of land which have natural assets that should be preserved or that have characteristics which would make development difficult to accomplish under the usual land development approach. The Open Space Preservation Option provision is intended to provide flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and preserve at least fifty (50) percent of the parcel in an undeveloped state. Since preservation of natural resources and the protection of the natural environment are important objectives, great care and much diligence must be taken when evaluating the potential development of a parcel of land under the Open Space Preservation Option.

B. Approval Standards.

A proposed development under the Open Space Preservation Option shall be approved by the Planning Commission when all of the following standards are met:

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1. The development includes only single-family dwelling units.
2. The Open Space Preservation Option has not been exercised on the parcel of land on which the development will be located.
3. **Open Space.** No less than fifty (50) percent of the total land area of the parcel to be developed shall be designated as permanent open space to remain in an undeveloped state. The open space may consist of areas which contain physical characteristics that limit the development potential, such as steep slopes or wetlands. The required open space shall be set aside by the developer in a conservation easement, plat dedication, provision in a condominium development master deed, or a deed restriction placed on the property, whereby the open space shall only be developed according to a site plan approved by the Planning Commission. Any proposed change in use must maintain the designated open space in an undeveloped state and an amended site plan approved by the Planning Commission.
4. **Density.** The density of the development (dwelling units per acre) within the area of the parcel other than the required open space area is flexible and is at the discretion of the Planning Commission on a case-by-case basis. Underwater areas, such as lakes, streams, ponds, wetlands, and similar watercourses shall not be included as part of the total lot area in the calculation of density.
5. **Minimum Lot Area.** The lot area requirement may be modified due to the preservation of open space.
6. **Setback.** Setbacks shall conform to the district requirements in [Article 4](#). All setbacks shall be measured from the edge of the proposed right-of-way of any street which is abutting, adjacent, or within the development. In no instance shall a dwelling unit directly access onto a major thoroughfare or collector road.
7. **Parking.** The minimum number of parking spaces for the development meets the requirements of [Section 3.23 Parking Requirements](#).
8. A proposed development under the Open Space Preservation Option shall comply with all other regulations of the Albert Township Zoning Ordinance.
9. All lots created under the Open Space Preservation Option shall be required to have at least one shared boundary with another lot of the said development.

Section 3.15 Domestic Animals and Non-Commercial Farms

A. Pets.

Domestic household pets, including dogs, cats, and birds, but not including exotic, poisonous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory residential use on any premises, provided not more than four (4) animals of any one (1) species are so kept and

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reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than four (4) domestic pets of any one (1) species shall be interpreted to be a kennel and are regulated by [Section 7.14](#); except on active farms, in which case the number of domestic animals shall not be restricted.

B. Non-Commercial Farms in the R-1 and R-2 Districts.

Non-Commercial farms including the raising and keeping of all livestock are allowed by Special Use in the R-1 and R-2 Districts. Non-Commercial Farms in the R-1 and R-2 Districts that include livestock must be on sites of two (2) acres or larger, as follows:

1. Allowed animal density is two Farm Animal Units for the first two (2) acres, plus one (1) additional Farm Animal Unit for each additional acre of contiguous land (ownership or lease). Animal densities are calculated from the following Farm Animal Unit table:

Farm Animal Units	1
Animal Type ¹	Number of Animals
Slaughter and Feeder Cattle	1
Mature Dairy Cattle	0.7
Swine ²	2.5
Sheep and Lambs	10
Horses	0.5
Turkeys	55
Laying Hens or Broilers	100

¹All other animal classes, types or sizes (eg. Nursery pigs) not in this table, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture and Rural Development Policy, are to be calculated as one thousand pounds live weight equals one animal unit.

² Weighing over fifty-five (55) pounds.

2. Corrals, stables, enclosure fencing, and farm buildings shall meet the fencing standards in [Section 3.20](#) and accessory building standards in [Section 3.6](#).
3. No nuisances shall be maintained to the detriment of neighboring owners. Swine, roosters, or other animals may be prohibited by the Planning Commission, if determined to cause a nuisance.
4. Adequate space shall be provided for the clean and healthful keeping of such animals.
5. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
6. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

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7. In the case of disputes or needed interpretations, the Planning Commission may review and take action to continue, modify, or abate a domestic farm use in keeping with the spirit and intent of the Zoning District, and the level of management and care given the subject livestock.
8. Non-Commercial Farms are not permitted on platted lots and lots that are classified as Category 4 sites by the Michigan Department of Agriculture and Rural Development.

Section 3.16 Yard, Garage, and Rummage Sales

Notwithstanding any other provisions of this Ordinance, yard, garage and rummage sales shall be permitted in any district designated for single-family residential use (RR, R-1, R-2, R-3, FR, and MHP). A zoning permit shall not be required for yard, garage and rummage sales; however, allowable sales shall be limited to four (4) per year of a maximum three (3) consecutive days duration each. Sale items shall be limited to general household goods and clothing.

Section 3.17 Onsite Drainage & Runoff

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority. Drainage from premises shall be maintained and not impeded by adjacent premises.

Section 3.18 Hazardous Substances & Groundwater Protection

A. Hazardous or Nuclear Waste Dumping.

The dumping of hazardous substances and/or nuclear wastes shall not be allowed within Albert Township, except as permitted by [1978 PA 113, as amended \(Radioactive Waste, being MCL 325.491 et. seq.\)](#).

B. Facilities which Generate Hazardous Substances.

To prevent groundwater pollution, the following provisions shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than one hundred (100) kilograms per month [equal to about twenty-five (25) gallons or two hundred twenty (220) pounds].

1. **Additional Site Plan Information.** In addition to the site plan requirements of [Section 5.4](#), the information listed below is required to allow adequate evaluation of groundwater protection measures during site plan review:
 - a. List the types and quantities of hazardous substances and polluting materials which will be used or stored on site at the facility in quantities greater than one hundred (100)

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kilograms per month [equal to about twenty-five (25) gallons or two hundred twenty (220) pounds].

- b. Show all areas to be used for the storage, use, loading, unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas, above and below ground areas.
- c. Show and/or describe all facilities and procedures used to prevent spills or releases of hazardous substances and polluting materials, including provisions for secondary containment.
- d. Locate and label all interior and exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport floor drainage, wastewater or storm water. The point of discharge for all drains, floor drains and pipes should be specified on the site plan.

2. Site Plan Review Standards for Groundwater Protection.

- a. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands.
- b. Secondary containment (double enclosure) must be provided for liquid or semi-liquid hazardous substances and polluting materials. The secondary containment must be sufficient to prevent a release to the environment and to store the volume of any leak or spill for the time necessary to clean up the spill. At minimum, capacity for ten (10) percent of the volume of all containers, or of the single largest container (whichever is greater) shall be provided. If the secondary containment area is not protected from precipitation, secondary storage capacity shall equal or exceed one hundred fifty (150) percent of the stored substance volume, unless a lesser quantity is approved.
- c. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit. General purpose floor drains shall not be connected to a storm water drainage system, dry well or septic system.
- d. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.19 Nonconformities

A. Intent.

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage them. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

B. Completion of Nonconforming Structure.

To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual construction has been diligently carried on, and for which plans and interest have been filed with the Township Zoning Administrator within thirty (30) days of the effective date of this Ordinance. Actual construction shall be construed as permanent fixation of construction material in place.

C. Elimination of Nonconformities.

The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, Albert Township, pursuant to Section 208 (3) and (4) of [2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3208\)](#) may acquire by purchase; condemnation or otherwise private property for the removal of nonconforming uses and structures; provided, however, that such property shall not be used for public housing. The Board may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district.

D. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming status.

E. Nonconforming Structures.

Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance which could not be built under the requirements of this Ordinance by reason of restrictions in area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued subject to the following provisions:

1. **Maintenance of Nonconforming Structures.** Nothing in this Ordinance shall prevent such

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necessary repairs and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in Montmorency County relative to the maintenance of structures.

2. **Damaged Nonconforming Structures.** A nonconforming structure damaged by fire, explosion, act of God, or the public enemy, exceeding one-half (1/2) of the usable cubic area or square foot floor space at the time of damage, shall not be rebuilt except in conformity with the provisions of this Ordinance or variance from the Zoning Board of Appeals. All permits for repair or reconstruction of damaged nonconforming structures or uses shall be obtained within one (1) year of the date of damage.

3. **Alterations to Nonconforming Structure.**
 - a. Expansion or enlargement of a nonconforming structure may be permitted provided such expansion or enlargement does not increase the nonconformity.

 - b. Should such structure be moved within the same lot or to a new lot for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved and shall be treated as a new structure.

 - c. Nothing in this section shall prevent the owner of a nonconforming structure from submitting a variance petition. Unless a setback variance is explicitly limited or conditioned by the Board of Appeals, a setback variance permanently alters the applicable setback line of the subject property for the full length of that setback line. No further variance is required to construct at a later time according to the modified setback line.

F. **Nonconforming Uses.**

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 of Nonconforming Use.** No addition to or enlargement of a nonconforming use shall be permitted except for the following:
 - a. **Expansion throughout a parcel of land.** The extension of a nonconforming use throughout a parcel of land not fully occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission as a Special Use provided the following:
 - (1) Any permitted expansion shall not be for the accommodation of any type of nonconforming use or activity which is not currently engaged.

 - (2) No expansion shall reduce or eliminate any ordinance requirements regarding

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setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.

(3) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations or conditions pertaining to the existing nonconforming use which shall remain in full force and effect.

b. **Expansion throughout a building.** 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 through the granting of a Special Use permit by the Planning Commission.

2. **Damaged Nonconforming Use.** A nonconforming use damaged by fire, explosion, Act of God, or the public enemy, exceeding one half (1/2) of the usable cubic area or square foot floor space at the time of damage, shall not be rebuilt except in conformity with the provisions of this ordinance or variance from the Zoning Board of Appeals. All permits for repair or reconstruction of damaged nonconforming structures or uses shall be obtained within one (1) year of the date of damage.

3. **Change of Nonconforming Use.**

a. No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.

b. Where nonconforming use status applies to a structure and land in combination, removal or purposeful destruction of the structure shall not eliminate the nonconforming status of the land.

4. **Abandonment of Nonconforming Use.** If a property owner has an intent to abandon a nonconforming use and in fact abandons this nonconforming use for a period of one (1) year, then any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.

b. Whether the property, buildings, and grounds have fallen into disrepair.

c. Whether signs or other indications of the existence of the nonconforming use have been removed.

d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.

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- e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

G. Nonconforming Lots (Substandard Lots).

Any lot of record which has less area and/or width than the minimum required in this Ordinance and which was held under separate ownership on the effective date of this Ordinance may be occupied by any permitted use specified in the Zoning District; PROVIDED, all other applicable requirements of this Ordinance including minimum setbacks, size of structures, site plan requirements (where applicable) and parking requirements are met. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

If two (2) or more substandard lots have contiguous frontage under the same ownership, such lots shall be regarded as a single parcel for the purposes of this Ordinance, and shall not be used, occupied, divided, transferred through an estate or sold in any way which diminishes compliance with minimum lot size requirements.

Section 3.20 Fences and Walls

A. General.

1. Fences and walls shall require a Zoning Permit issued by the Zoning Administrator.
2. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended. The Zoning Administrator may require a survey by a licensed surveyor prior to issuing a permit for a fence or wall.
3. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, old signage, old doors, or other materials not designed for fence construction are specifically prohibited.
4. Chain link fences shall be constructed of materials specifically designed by fence manufacturers for such use. Fences will have top rails between supporting posts and caps on end or corner posts.
5. Fences using an electric current, razor wire or barbed wire shall be allowed on agricultural and industrial properties only.
6. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
7. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible

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by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.

- 8. Fences and walls shall be maintained to retain their original appearance, shape and configuration. Elements of a fence or wall that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
- 9. **Corner Clearance.** Fences and walls installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in [Section 3.9](#).
- 10. Vegetative material shall not be subject to the provisions of this [Section 3.20](#).

B. Standards.

Fences and walls shall comply with the following regulations:

Table 3.20 A Fences & Walls ¹	
Front Yard	<ul style="list-style-type: none"> ▪ Fences and walls may be up to four (4) feet high. ▪ Fences and walls shall be set 1’ inside the property line.
Rear Yard & Side Yard	<ul style="list-style-type: none"> ▪ Fences and walls may be up to eight (8) feet high. ▪ Fences and walls over four (4) feet high may not extend toward the front of the lot nearer than the front of the house. ▪ Fences and walls shall be one (1) foot inside the property line unless a joint application for a fence along a common property line is submitted by the owners of both adjoining lots. The joint application shall specify the location of the fence or wall and shall specify the type of fence or wall and the construction material. ▪ Fences and walls shall be set one (1) foot inside the property line along the street side property of a corner lot.
Waterfront Yard	<ul style="list-style-type: none"> ▪ Fences and walls shall be set back from the ordinary high water mark by thirty-five (35) feet at minimum. Further a fence or wall placed in any part of the lot lying between the principal building line and the ordinary high water mark shall not exceed four (4) feet in height, and shall not unreasonably obstruct waterfront views.
<p>¹No permit shall be issued when it appears from the application and/or a site inspection that the proposed fence or wall will unduly restrict the free movement of wild game across property boundaries.</p>	

C. Commercial & Industrial Fences & Walls Required for Screening Purposes.

For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

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TABLE 3.20 B : Side & Rear Yard Screening Requirements	
All off street parking areas	Four (4) foot high fence or wall
Commercial District or Commercial Use	Six (6) foot high fence or wall
Industrial/Extractive District or Industrial Use	Eight (8) foot high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas (commercial or industrial)	Six (6) foot high fence or wall; eight (8) foot high fence or wall if in an industrial/extractive zone or if use is industrial
Utility buildings, stations, and substations	Six (6) foot high fence or wall

1. **Screening Materials:** Solid fences, walls, and chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Vegetative buffer strips shall be regulated under [Section 3.21](#). The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Construction for Screening Purposes:**
 - a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
 - b. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.
3. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.
4. The Planning Commission may waive or modify the foregoing requirements where cause can

be shown that no good purpose would be served with conformance to [subsection C](#).

Section 3.21 Landscaping and Buffering

These requirements apply to all commercial and industrial uses.

A. Intent.

It is the intent of this section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.
3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
4. Provide visual screens between land uses of differing character and use intensities.
5. Provide for the preservation of native trees and vegetation.

B. Flexible Design Standards.

It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal. The Planning Commission may waive or alter design standards contained in this section on a case-by-case basis.

C. Landscaping Standards.

1. Landscaping shall be shown on a site plan.
2. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed twenty-five (25) percent of the required landscape area.
3. Grass or other living plants shall be primary ground cover in landscape areas. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.

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4. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.
5. The substitution of natural vegetation in lieu of landscaping may be approved on a case-by-case basis.
6. No synthetic plant material shall be used to fulfill any landscaping requirement.
7. All trees shall be located to allow sufficient room for growth.
8. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, 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 of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
9. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
10. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
11. **Existing Vegetation.** Existing plant material, which complies with the standards and intent of the Ordinance shall be credited toward meeting the landscape requirements.
12. **Berms.**
 - a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
 - b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.
 - c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
 - d. Trees shall be allowed to be placed on berms.

13. Minimum plant sizes at time of installation.

Deciduous Canopy Trees	2½"	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	5'	height
Narrow Evergreen Trees	3'	height
Deciduous Shrub:	2'	height
Large Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24"	spread

D. Vegetative Buffer Strip.

1. For nonresidential uses which abut a residential use or which are adjacent to a Residential District boundary, a vegetative buffer strip may be approved by the Planning Commission for screening.
2. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area, and a vertical obscuring effect of such height and width as is determined adequate by the Planning Commission for proper screening between land uses.
3. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
4. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.
5. Required screening of parking areas shall be achieved through the use of a decorative masonry/brick wall, decorative fencing, earth berms and vegetative buffer strips, either in combination or independently.
6. The Planning Commission may require or allow the substitution of fences, walls and/or earth berms in those instances where a vegetative buffer strip or planting screen will not appropriately provide necessary screening to abutting properties.

Section 3.22 Lighting

A. Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow"; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements

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shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable Federal or State agencies.
 - f. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the [Illuminating Engineering Society of North America \(IESNA\) RP-6 Recommended Practice for Sports and Recreational Area Lighting](#) and the IESNA Lighting Handbook.

2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
 - a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in [Section 3.26](#).

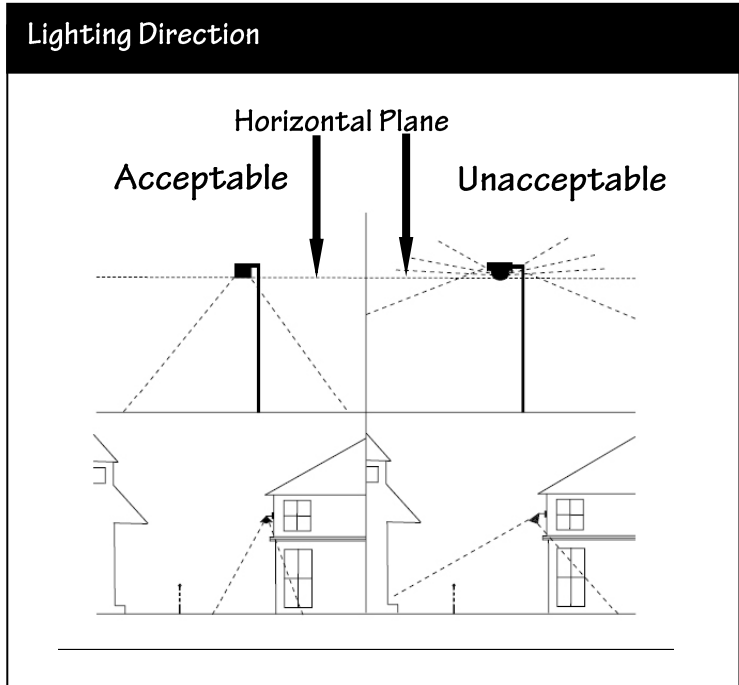
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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- a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
- b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

c. **Lighting Directed Downward/Shielded.**

Except for diffused globe-style walkway lights and the lighting addressed in subsection d below, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



- d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- e. **Location of Poles.** Lighting poles and structures shall be located within landscaped areas where possible.
- f. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.

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- g. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- h. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

Section 3.23 Parking and Circulation

A. Purpose.

The purpose of parking regulations is to make the community safe for and accessible by pedestrians and drivers. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Off street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the standards listed below, and including at least the minimum number of spaces required by the table in [subsection D.9](#).

B. Pedestrian Walkways.

- 1. **Required Pedestrian Walkway.** All developments except for single-family and two-family dwellings shall provide clearly defined pedestrian walkways from the public sidewalk, if existing, to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building.
- 2. **Standards.** Walkways shall be designed to be recognizable to both drivers and pedestrians. At least one (1) of the following walkway treatments shall be used:
 - a. Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The Americans with Disabilities Act (ADA) requirements;
 - b. Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
 - c. Aligning artificially constructed barriers to define the walk/ crosswalk;
 - d. Raising the walk/ crosswalk; and
 - e. Painting pavement with walk/crosswalk striping.

Pedestrian walkways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver. All pedestrian walkways shall be maintained in good and visible condition.

C. Motor Vehicle Parking: Single-Family Detached Residential Uses.

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The off-street parking facilities required for single-family detached residential dwellings shall be located on the premises they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.

D. Motor Vehicle Parking: Single-Family Attached, Multi-Family, and Non-Residential Uses.

1. **Compliance Required.** Off-street parking and loading provisions of this section shall apply to the following:
 - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
 - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
 - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
 - d. Regulations pertaining to off-street parking shall not apply to commercial buildings in existence at the time of adoption of this Ordinance.
 - e. The Planning Commission may waive all or part of any otherwise applicable off street parking requirements for uses located within the Commercial-Pedestrian (C-P) District, when adequate public parking is available nearby.
2. **Permit not Required.** A zoning permit shall not be required to construct a parking lot.
3. **Parking Lot Location.** Parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off street parking lot.
4. **Excessive Parking Space.** A maximum of one hundred twenty (120) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120) percent of the requirement will require a variance from the Board of Zoning Appeals.
5. **Collective Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking in the same area in which case the number of parking spaces required shall be reduced by ten (10) percent for each building or use.
6. **Shared Parking.** Joint use of the same parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for

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shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.

7. **Reduction of Parking Spaces.** For development in any zoning district, the Planning Commission may approve a reduction of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) or the customary operation of the use(s) that adequate parking would be provided with a lesser amount than is listed in this section.

8. **Design Standards.**

a. **Parking Space Design.**

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8'	22'	28' (one-way)
				38' (two-way)
30 degrees	12'	9'	18'	48' (one-way)
45 degrees	14'	9'	18'	52' (one-way)
60 degrees	18'	9'	18'	58' (one-way)
90 degrees	22'	10'	19'	60' (two-way)

b. **Parking Lot Design.**

(1) All parking areas shall be provided with circulation aisles of adequate dimension to assure efficient internal circulation.

(2) Parking lots with three hundred (300) or more spaces shall include perimeter drives and a central access drive leading to the main building.

c. **Drainage.** Except for single-family and two-family dwellings, off-street parking areas shall be drained with internal site drainage so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water retention or detention facilities on site shall be provided to assure storm water runoff at a rate of flow in keeping with standards and with capacity of existing public storm water drainage-ways.

d. All spaces shall be provided adequate access by means of maneuvering lanes to facilitate turning around of vehicles. Backing directly onto a street shall be prohibited. All maneuvering lane widths shall ensure vehicular and pedestrian safety and shall permit one-way traffic movement, except that the ninety (90°) degree pattern may permit two-way movement.

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- e. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- f. Adequate area must be provided for snow piling.
- g. Designation of parking area must be clearly identifiable for use by the public.
- h. In parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
- i. **Parking Lot Landscaping.**
 - (1) **Interior Parking Lot Landscaping.** A minimum of five (5) percent interior landscaping shall be required for any parking lot exceeding fifty (50) parking spaces.
 - (2) **Perimeter Parking Lot Landscaping.** A landscape strip six (6) feet in width shall be provided when the parking lot abuts a right-of-way. The landscape strip shall be planted with shrubbery, trees and groundcover. There shall be one (1) tree for every forty (40) feet of landscape strip (with a minimum of one (1) tree when a landscape strip totals less than forty (40) feet in length).
 - (3) Landscaping installed in parking lots and along the perimeter of parking lots shall be spaced and maintained so that a visual obstruction that represents a traffic hazard for drivers of motorized and non-motorized vehicles as well as pedestrians is not created.

9. **Parking Spaces Required.**

- a. **Computing the Number of Spaces.** For the purpose of determining off-street parking requirements, usable floor area shall be calculated. Computation of usable floor area of buildings shall be exclusive of basements, cellars or attics where these areas are used for storage or utilities and is calculated using the outside perimeter of building. In the case of a single story structure, the floor area may be reduced by ten (10) percent to accommodate storage or utilities.
- b. **Fractional Spaces.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- c. **Uses Not Mentioned.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.

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- d. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of the [Americans with Disabilities Act](#) or [State of Michigan Construction Code](#).
- e. **Bicycle Parking Substitution.** In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of ten (10) automobile spaces replaced with bicycle parking.

Parking Requirements

<i>Residential</i>	
Bed and Breakfasts/Rooming houses/Tourist Home/Boarding House	1 for each sleeping room plus 2 for the owner/resident manager plus 2 for each employee.
Group day care homes	2 in addition to the 2 required for the residence
Home Occupations/Cottage Industry	2 spaces per dwelling plus additional to accommodate clients as determined by Planning Commission
Housing for the elderly	1 for each unit and 1 for each 2 employees on the largest shift
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site and 1 for each employee.
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee
One-family and two-family	2 for each dwelling unit
State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)	4 for each establishment
<i>Commercial</i>	
Auto service station and repair	2 spaces for each service bay plus 1 space for each employee on largest shift.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 7 stacking spaces.
Bank	3 plus 1 additional space for each 300 square feet of floor area
Beauty parlor or barber shop	2 per chair plus one for every 2 employees
Bowling alley	5 spaces per lane
Clubs, Dance Halls, Exhibition Halls, Pool Halls without fixed seats, and similar recreational establishments	1 for each 100 square feet.
Laundromats and coin operated dry cleaners	1 for each 1 washing or dry cleaning machines
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for every 2 employees, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
Medical and dental offices or similar offices	1 for each examining room plus 1 for every 2 employees based upon the largest shift plus 1 for each 200 square feet
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
Open air business	1 for each 600 square feet of lot area
Plumbing, printing, and similar service shops	1 for each employee plus 1 for each 300 square feet of floor area.
Professional offices	3 plus 1 additional space for each 300 square feet of floor area
Research, medical or optical laboratory	1 space per 350 square feet
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Restaurants with drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Retail sales unless otherwise specified herein; shopping center	1 space per 150 square feet
Veterinary clinics; animal hospitals	1 for each employee plus one per examination room
<i>Institutional</i>	
Assisted living facility, Nursing Homes, Convalescent Homes	1 for every 2 dwellings plus 1 for each employee on the largest shift
Churches, temples, or similar places of worship; theaters,	1 space for each 4 seats or 8 linear feet of benches in the main unit,

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auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	plus 1 for every 2 employees. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
High Schools	1 for every 6 seats in the main auditorium or 1 for each employee plus 1 for each 4 students (whichever is greater)
Elementary, middle, and junior high schools	1 for each 10 seats in main assembly room or 1 for each employee plus 2 for each classroom (whichever is greater)
Government offices; community center; libraries; museums	1 for every 200 square feet
Hospitals	1 for each bed and examining room plus 1 for every 2 employees based upon the largest shift plus 1 for each 200 square feet
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Private clubs or lodges	1 for every 3 persons allowed within the maximum occupancy load as established by county, or State fire, building, or health codes
Industrial	
Industrial & Manufacturing Establishments	2 for every 2 employees on the largest shift plus space to accommodate all vehicles with the operations of the establishment.
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Warehouse and/or storage building; Truck Terminal	2 for every 2 employees on the largest shift plus space to accommodate all vehicles with the operations of the establishment.
Water treatment or wastewater facility	1 space per employee on the largest shift
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift
Misc	
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

10. Prohibited Vehicles.

- a. On or after the effective date of this Ordinance, it shall be unlawful to park, store or repair any vehicle with a gross vehicle weight exceeding twelve thousand five hundred (12,500) lbs. in any platted subdivision, or on any lot containing twenty thousand (20,000) sq. ft. or less in any R-1, R-2 or R-3 zoned district. This Ordinance shall not exclude the parking or storage of recreational vehicles when stored in compliance with [Section 3.7](#) of the Albert Township Zoning Ordinance.
- b. This Ordinance shall not prohibit the use of any prohibited vehicle during the course of normal required use, i.e., use on construction sites, water well drilling and maintenance.
- c. This Ordinance shall not prohibit church and school buses from parking on their respective institutional properties.

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- d. The Zoning Administrator may, on written request, issue a permit to park a prohibited vehicle not to exceed forty-eight (48) hours in case of an emergency.

- 11. **Loading and Unloading Space.** Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway.

Section 3.24 Private Roads

A. Private Road Authority; Permit Required.

Private roads are permitted provided they conform to the requirements of this section. No private road shall be constructed, extended, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

B. Procedures for Private Road Review.

The application, review, and approval of a proposed private road shall follow the same procedures for site plan review and approval, as specified in [Article 5](#) of this Ordinance.

C. Private Road Standards.

The proposed private road shall meet the following standards:

- 1. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Montmorency County Road Commission's designated right-of-way width for local residential roads, whichever greater. While not required to be dedicated to the public, no structure or development activity, except the construction of the roadway itself or the construction of utilities, shall be established within approved rights-of-way or easements.
- 2. The minimum slope (crown) cross-section for private roadways shall meet current County Road Commission standards for public roadways.
- 3. Clear vision areas shall be maintained in accordance with [Section 3.9](#).
- 4. A cul-de-sac, or other turn-around configuration approved by the Planning Commission pursuant to the standards listed below, shall be constructed whenever a private road terminates without intersecting with another public or private road.
 - a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.

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- b. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines.
 - c. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
 - d. The minimum radius for circular cul-de-sacs roadway is sixty (60) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than twenty-five (25) feet wide.
5. Any driveways off of a private road shall be at least forty (40) feet from the intersection of the private road right-of-way and a public road right-of-way.
 6. Construction authorization from the [Montmorency County Road Commission](#) is required for connection to a public road. When applicable, a permit is also required from the County under the [Soil Erosion and Sedimentation Control Act](#). Angles of intersections of private roads with public roads shall meet current County Road Commission standards for public roads.
 7. Private roads shall have a compacted gravel or paved width equal or greater than current County Road Commission standards for public roads.
 8. Parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district in which located.

D. Road Construction Approval Procedure.

Private road construction approval shall be subject to the following:

1. **Application.** An application for approval of a private road shall include the following:
 - a. Three (3) sets of a completed site plan sealed by a licensed land surveyor and twelve (12) additional copies of the completed site plan showing:
 - (1) Existing and proposed lot lines.
 - (2) The location of existing structures.
 - (3) The width and location of all private road easements.
 - (4) A cross section of each proposed road, showing the types of material that will be used to construct the road base and surface.
 - (5) Any existing or proposed structures, trees or other obstructions within the proposed rights-of-way.
 - (6) All division of land shall be in compliance with the [Albert Township Land Division Ordinance 28, as amended](#).

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- b. All plans as submitted for approval must show the private road easements including a legal description, and must include the grades for these roads.
- c. A road maintenance agreement signed by proprietor(s) along each private road shall be recorded with the Albert Township Clerk and [Montmorency County Register of Deeds](#) and shall include all of the following:
 - (1) A method of initiating and financing such road maintenance and improvement projects necessary to keep the road up to site plan specifications and free of snow.
 - (2) A workable method of apportioning the costs of maintenance and improvements to current and future property owners using the private road.
 - (3) A notice that if repairs and maintenance to site plan standards are not made, the Township Board may bring the road up to established Montmorency County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administration fee in the amount of the actual administrative costs incurred by the Township, including reasonable attorney fees.
 - (4) A road easement agreement signed by proprietor(s) along each private road shall be recorded with the Albert Township Clerk and [Montmorency County Register of Deeds](#) and shall include all of the following:
 - (a) An easement for purposes of emergency and other public utility vehicles.
 - (b) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners.

2. Application Review and Approval or Denial.

- a. The Zoning Administrator shall review the application and plans for a private road to determine whether they are complete. If the application and plans are complete, the Zoning Administrator shall send them to the County Road Commission or a licensed professional engineer (when applicable) for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
- b. County Road Commission, licensed professional engineer (when applicable) and Township Attorney recommendations shall be forwarded to the Planning Commission.
- c. After reviewing all materials and recommendations submitted, the Planning Commission shall approve or approve with conditions the application for a private road if it finds that all of the standards of this section have been met. When approval is granted, construction authorization will be issued by the Zoning Administrator. If the application

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is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.

3. **Conditions.** When granting approval for a private road, the Planning Commission may attach reasonable conditions to the approval. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

E. Failure to Perform.

Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within two (2) years from the date of approval shall void the approval, and a new approval shall be required before any construction begins. The new application shall be reviewed subject to any changes made in this Ordinance regarding the standards and specifications for road construction and development and any changes made by the Montmorency County Road Commission in its standards and specifications for road construction and development.

F. Issuance of Zoning Permit for Structures on Private Roads.

No zoning permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.

G. Posting of Private Roads.

All private roads shall be designated as such by a sign clearly posted at each point of intersection with a public road. The signs shall be at least three (3) feet by two (2) feet in size and shall state that the streets in the plat are private and are not maintained by Albert Township or the Montmorency County Road Commission. All private roads shall also be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be at least to minimum County Road Commission standards and be paid for, erected, and thereafter maintained by the property owner's

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association or proprietor(s).

H. Notice of Easements.

All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record.

I. Fees.

An application fee for a private road approval shall be established by the Township Board. Before final site plan approval of the private road, the cost of review of plans and inspection by the licensed professional engineer (when applicable) of the private road and drainage shall be paid for by the proprietor(s).

J. Final Approval.

The Planning Commission shall grant final approval of a private road upon inspection by the Zoning Administrator and/or licensed professional engineer (when applicable) and a finding that the road was constructed according to the approved plans.

Section 3.25 Private Driveways

A. Private Driveway Permit.

No private driveway shall be constructed, extended, or relocated after the effective date of this Ordinance unless a private driveway construction permit has been obtained from the [Montmorency County Road Commission](#) and filed with the Zoning Administrator.

B. Width and Clearance Requirements for Driveways.

A private driveway serving a single dwelling or building site shall be cleared to the minimum requirements of the International Fire Code. Private driveways serving multiple dwellings or building sites (2-5) shall be cleared to the minimum requirements of the International Fire Code and have a sixty-six (66) foot easement. One (1) private driveway shall be allowed per roadway easement.

C. Length of Driveways.

Private driveways serving up to five (5) residential or building sites shall contain bump-outs every five hundred (500) feet. A bump-out shall be forty (40) feet in length, eighteen (18) feet in width

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and eighteen (18) feet in height, free of branches, to allow for the safe passage of emergency vehicles.

Section 3.26 Signs

A. Purpose.

The purpose of the provisions of this Section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communications needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character and personality of Albert Township; create a more attractive business environment; and promote pedestrian and traffic safety. The use and erection of all outdoor signs and media shall be subject to all State and local building codes and the following provisions.

B. General Regulations.

1. **Flashing/Moving Signs.** Flashing, rotating, animated, intermittent, glaring or oscillating signs and the location of any sign hazardous to traffic are prohibited.
2. **Signs Not Secure, Unclean, or Broken.** Signs which are in need of repair, unclean, not securely affixed to a substantial structure, or obsolete are prohibited.
3. **Signs not to Constitute Traffic Hazard.** No outdoor advertising structure shall be erected where the position, size, movement, shape or color may interfere with the view of, or be confused with, any authorized official traffic sign or device.
4. **Illumination/Glare.** All illumination of signs shall be concentrated upon the surface of the sign, or lighted from within, and the sign so located as to avoid reflection or glare onto any portion of any adjacent highway, the path of oncoming vehicles, or adjacent premises.
5. **Signs in Rights-of-Way.** No sign other than a traffic or regulatory sign shall be erected in a street or road right-of-way.
6. **Obstructions to Doors, Windows and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
7. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.

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8. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

9. **Setbacks.** Free-standing signs shall be exempt from setback requirements set forth in other provisions of this Ordinance, but shall meet at minimum a one (1) foot setback distance from all lot lines; except in the Commercial-Pedestrian District, where the minimum setback shall be zero (0) feet.

10. **Sign Measurement.** The dimensions of a sign or display shall be determined by the overall measurements of one (1) side of the sign, including trim and frame. Height of a sign is measured from the ground to the top of the sign.

11. **Nonconforming Signs.** Nonconforming signs are signs that do not comply with the regulations in this Ordinance including the size regulations of the zoning district in which located.
 - a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

 - b. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.

 - c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.

 - d. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.

 - e. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

 - f. If a nonconforming off-premise sign remains blank for a continuous period of one hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:

- (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
- (2) The advertising message it displays becomes illegible in whole or substantial part; or
- (3) The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

12. **Nonconforming Businesses.** Nonconforming businesses shall have the right to advertising signs, provided such signs and advertising messages conform to the provisions of this Ordinance.

13. **Permit.** Prior to erection of a sign, a sign permit shall be obtained from the Zoning Administrator for the erection of any sign, structure, advertising displays or other advertising messages, except for traffic and regulatory signs and temporary signs.

14. **Enforcement.** Enforcement shall be in accordance with [Section 9.7 Violations and Penalties](#).

15. **Variances.** Variances shall be handled in accordance with [Article 8 Zoning Board of Appeals](#).

C. Limitations by District.

The use of signs and media shall be limited to the following:

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1. Residential Districts (RR and RF)		
	Single & Two-Family Uses	Uses: Subdivisions & Non-Residential Uses
Free-Standing Signs	Number Allowed: One (1) Size: Eight (8) square feet Height: Five (5) feet	Number Allowed: One (1) double-sided or two (2) single-sided per entrance Size: Thirty-two (32) square feet Height: Twenty-five (25) feet
Wall Signs	Size: Eight (8) square feet	Size: Thirty-two (32) square feet
Temporary Signs	The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than sixteen (16) square feet. Temporary signs shall be removed no longer than two (2) weeks following the event.	The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than thirty-two (32) square feet. Temporary signs shall be removed no longer than two (2) weeks following the event.

2. Residential Districts (R-1, R-2, R-3, and MHP)		
	Single & Two-Family Uses	Uses: Subdivisions & Non-Residential Uses
Free-Standing Signs	Number Allowed: One (1) Size: Eight (8) square feet Height: Five (5) feet	Number Allowed: One (1) double-sided or two (2) single-sided per entrance Size: Thirty-two (32) square feet Height: 16 feet
Wall Signs	Size: Eight (8) square feet	Size: Thirty-two (32) square feet
Temporary Signs	The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than sixteen (16) square feet. Temporary signs shall be removed no longer than two (2) weeks following the event.	The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than thirty-two (32) square feet. Temporary signs shall be removed no longer than two (2) weeks following the event.

3. Commercial and Industrial/Extractive Districts (C P, C V, & I,)	
Free-Standing Signs	<ul style="list-style-type: none"> One (1) located away from the building structure and shall not exceed fifty (50) square feet; except on lots one hundred (100) feet or more in width, where the maximum size may be sixty-four (64) square feet. Signs located away from the building structure are limited to twenty five (25) feet in height.
Wall Signs	<ul style="list-style-type: none"> One (1) per building wall, i.e., front, back, and each side and each sign shall not exceed ten (10) square feet per one hundred (100) square feet of exterior wall area for the wall where the sign will be displayed. Signs attached to a building shall project not more than four and one half (4 1/2) feet above or from the wall of the building.
Cluster Sign	<p>For structures with more than one (1) business located therein:</p> <p>(a) Any sign located off the structure shall be a composite sign and shall not exceed fifty (50) square feet in total area; except on lots one hundred (100) feet or more in width, where the maximum size may be sixty-four (64) square feet.</p> <p>(b) The total area for all signs advertising on-premises businesses shall not exceed ten (10) square feet per one hundred (100) square feet of exterior wall area for the wall where the sign will be displayed, and the total number of signs per side shall not exceed one (1) per business.</p>
Temporary Signs	<p>The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than thirty-two (32) square feet.</p> <p>Temporary signs shall be removed no longer than two (2) weeks following the event.</p>
Projecting Signs	<ol style="list-style-type: none"> One (1) projecting shall be permitted in addition to the primary freestanding and/or wall signs. The surface area of the projecting or suspended sign shall not exceed twenty (20) square feet on each side or a total of forty (40) square feet. The bottom of the projecting shall be a minimum of eight (8) feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic. Projecting signs may extend above a public right-of-way in the C-P.
Message Centers (Changeable Copy)	See subsection E.2 below.

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D. Off-Premises Advertising.

There shall be no off- premises advertising signs or media in any District, except as follows:

1. Directional signs, not exceeding sixteen (16) square feet in area, which supply information about public places, including natural phenomena, historic sites, area of natural scenic beauty, or naturally suited for outdoor recreation, and places for camping.
2. **Directional Composite Sign.** Directional signs containing space for multiple tenants or property owners may be erected provided a special sign permit is issued by the Township Planning Commission. The Planning Commission may, as a condition of issuing the special sign permit, specify the size, location, and design of any composite sign. Directional Composite Signs must:
 - a. contain space for more than one (1) tenant or property owner; and
 - b. be mounted on a single structure. Such composite signs may, at the discretion of the Planning Commission, exceed the sign limitations imposed by any section of this Ordinance.

E. Miscellaneous Provisions.

1. **Signs Excluded From Permits.** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this section and shall not require permits for erection.
 - a. Accessory wall signs not exceeding two (2) square feet in area on non-residential property.
 - b. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
 - c. Signs erected by an official governmental body, public utility, or historic agency.
 - d. Flags.
 - e. Accessory freestanding signs on nonresidential property that do not exceed four (4) square feet each.
 - f. Signs less than two (2) square feet in size and located on the perimeter (along a parcel boundary).
 - g. Projecting identification signs when located on or below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level.

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- h. Permanent non-residential accessory signs on non-residential accessory structures such as gas pumps or storage sheds.
- i. Banners across public rights-of-way subject to any terms or conditions the County Road Commission or its designee deems appropriate.
- j. Banners in public parks upon approval of the Township Board.
- k. Temporary signs.
- l. Bulletin boards erected by public, charitable or religious institutions when they are located on the premises of such institutions.
- m. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
- n. Legal postings.

2. Message Centers (Changeable Copy) – Digital or Electronic.

- a. An electronic message center shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
- b. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
- c. An electronic message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- d. An electronic message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
- e. Number Allowed: Only one (1) static or one (1) electronic message center shall be permitted per property.
- f. The square footage shall be calculated as part of the primary freestanding or wall sign allowed on the property.
- g. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

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F. Severance Clause for Signs.

Provisions of **Section 3.26** shall be deemed to be severable, and should any section, subsection, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this section to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

Section 3.27 General Exceptions

A. Essential Services.

The erection, alteration or maintenance of essential services by public utility or municipal departments or commissions for the public health or safety, or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Albert Township in every Zoning District, it being the intent hereof to exempt erection, alteration and maintenance from the application of this Ordinance.

B. Encroachment of Projections

Projecting eaves, chimneys, bay windows, balconies and like structures may project not more than four (4) feet beyond the line of the foundation into a setback; and PROVIDED, further, that platforms and paved terraces, not covered by a roof or canopy and which do not extend more than one (1) foot above the finished grade around the building, may project not more than ten (10) feet into a setback.

C. 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.

D. Driveways.

For the purpose of this Ordinance, driveways may be placed in the required front and/or side setbacks so as to provide access to rear yards, accessory structures, or attached structures. These drives shall not be considered as structural violations in front and side yards.

E. Exemption of Accessory Farm Buildings and Structures.

The provisions of this Ordinance shall not apply to the repair and maintenance of accessory farm buildings and structures when used for customary farming purposes.

F. Height Limit.

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1. The district height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.

2. The district height limitations of this Ordinance shall not apply to ground mounted amateur radio transmitting and receiving towers.

3. The district height limitations of this Ordinance do not apply to wind turbines, anemometer towers, radio and television towers, wireless communications support structures and related facilities which are regulated by [Article 7: Supplemental Regulations](#).

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Article 4 District Regulations

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Section 4.0 Classification of Zoning Districts

For the purpose set forth in the Preamble, Albert Township, Montmorency County shall be divided into the following Zoning Districts:

- Rural Residential District, RR
- Residential District, R 1
- Residential District, R 2
- Residential District, R 3
- Forest Residential District, FR
- Manufactured Housing Community District, MHC
- Commercial Pedestrian District, C P
- Commercial Vehicular District, C V
- Industrial/Extractive District, IE
- Greenbelt District, GB

Section 4.1 Zoning Map

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

Section 4.2 Zoning District Boundaries

Unless otherwise specified, the boundary lines of Zoning Districts shall be interpreted as following:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines or property lines of legal record at the office of the Register of Deeds on the date this Ordinance became effective shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township limits shall be construed as following township limits.
- D. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- F. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.
- G. Where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the Ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- H. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4.3 Zoning of Annexed, Vacated or Created Land Areas

A. Vacated Areas

Whenever any street, highway or other public right-of-way within Albert Township shall have been vacated by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of a vacated right-of-way which also served as a district boundary,

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the centerline of such vacated right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

B. Land Created.

Whenever buildable or usable land is created, such land shall take on the Zoning District and accompanying provision of the land abutting said new land area. The situations which result in new buildable or usable land include, but are not limited to, the following:

1. Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained.
2. Through the process of fluctuating lake levels.

C. Annexed Areas.

Whenever any area is annexed to Albert Township, one of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as R-1 District until a Zoning Map for said area has been adopted by the Township Board. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the Township Board.

Section 4.4 Application of District Regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district.

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner.

A. Uses in Districts.

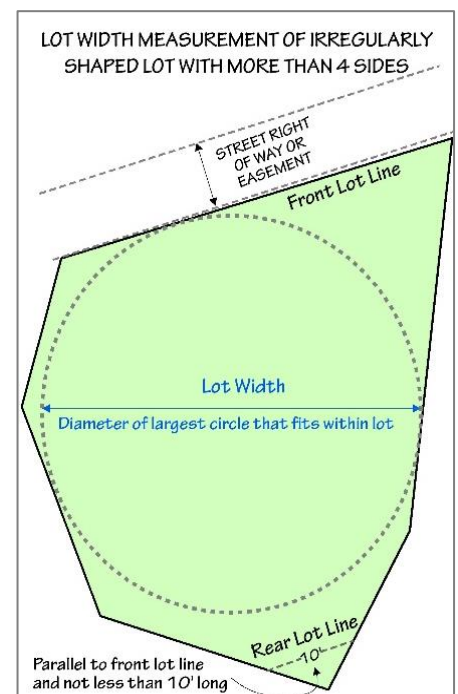
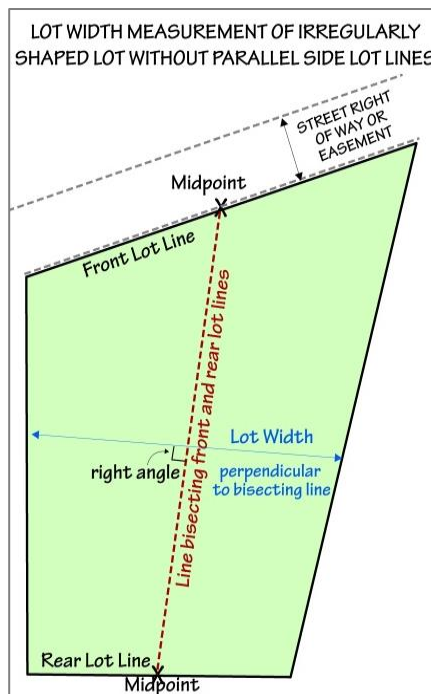
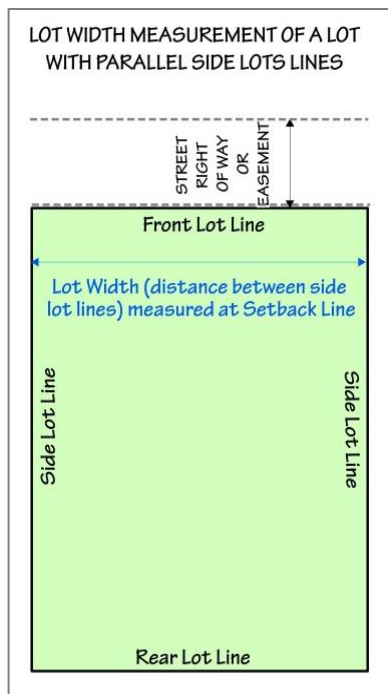
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1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new parcel of land shall meet the minimum lot width requirements set forth in [Section 4.16 Schedule of Regulations](#) and shall have frontage on and/or direct access to a public road.
 - a. **Measuring Lot Width.** The horizontal distance, which is not necessarily parallel to the road right-of-ways, between the side lot lines measured at the front setback line for lots with parallel side lot lines. In the case of irregularly shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway along the front and rear lot lines. In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot.



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C. Application of Yard Regulations.

1. No part of a yard required for any building for the purposes of compliance with this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
2. All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
3. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.
4. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
5. **Corner Lots.** On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both front lot lines shall be a required front yard. The owner shall elect, and so designate on the application for zoning permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.
6. **Double Frontage Lots.** Where lots have double street frontage, as distinguished from corner lots, the required front yard setback shall be provided on both streets.
7. **Water Frontage Lots.** All water frontage lots shall conform with [Section 4.14, Green Belt Districts](#).
8. **Official Setback Lines.** Where an official line has been established for the future widening or opening of a street upon which a lot abuts, then the setback or side yard shall be measured from such official line to the nearest line of the building.

D. Application of Height Regulations.

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
2. **Columnar and Like Structures.** Height limitations shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulk heads, fire towers, flagpoles, monuments, ornamental towers, spires, smoke stacks, stage towers, scenery lofts, tank and water towers.
3. **Airport Neighborhood.** No building or structure within five hundred (500) feet of an airport shall exceed thirty five (35) feet in height, nor be built in authorized flight paths of descent or ascent.

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E. Location and Number of Buildings on Lot of Record.

1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.

2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the single-family zoning districts. Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Albert Township Zoning Ordinance

Section 4.5 RR – Rural Residential District

RR

A. Purpose.

In keeping with the special character of portions of Albert Township, most notably the lakes, this District is developed to permit the diversification of uses usually attendant with such recreational developments and yet limiting the uses applicable to this District when such uses would constitute a detrimental use to the natural environment and the other customary uses in the District.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.5A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.5A Permitted & Special Land Uses		
P = Permitted by right		RR
S = Permitted with a Special Use Permit		
*Uses with Supplemental Regulations		
Accommodation and Food Services		
Bed & Breakfasts & Tourist Homes (§7.8)	S*	
Cabin Courts (Cottages – rental)	S	
Inns	S	
Microbreweries, Distilleries, & Wineries (serving to public)	S	
Resorts (§7.5)	S*	
Short Term Rentals	P	
Agriculture/Forest Products		
Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)	P	
Agricultural Tourism Businesses (on Farms) (Guest Ranches see §7.5)	S*	
Animal Shelter (§7.14)	S*	
Biofuel Production Facilities on Farms (§7.16)	P*S*	
Boarding/Riding Stables and Academies/Riding Arenas	P	
Cider Mills	P	
Composting Business	S	
Farms, Commercial	P	
Farms, Non-Commercial (hobby farm)	P	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)	S	
Game Preserves	S	
Grain Elevators	S	
Kennels (§7.14)	S*	
Roadside Stands (§7.4)	P*	
Arts, Entertainment, & Recreation		
Amusement Parks	S	
Campgrounds/RV Parks	S	
Camps (ex: summer camp) (§7.1)	P*	
Canoe/Kayak Liveries	S	
Golf Courses & Driving Range	S	
Hunting Preserves (§7.6)	S*	
Outdoor Performance Facilities/Music (Concert) Venue	S	
Private Clubs; Lodges; Snowmobile Clubs	P	
Race Tracks	S	
Sportsmen’s Associations/Firearms Ranges/Archery Ranges	S	
Wildlife Preserves (§7.6)	S*	
Zoos and Animal Tours	S	
Commercial/Retail/Office/Service		
Bait and Tackle Shops	S	
Furniture Restoration & Repair (refinishing/upholstery)	P	
Grocery Stores with not more than 4,000 square feet of floor area	S	
Taxidermy Shops	P	
Communications		
Television/Radio Broadcasting Stations	S	
Wireless Communications Equipment & Support Structures (towers) (§7.11)	S*	
Construction/Contractors		
Contractor’s Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	S	
Contractor’s Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor’s Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	S	
Educational Services/Religion		
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S	
Religious Institutions and associated structures (parish hall, school, cemetery)	P	
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	S	

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Table 4.5A Permitted & Special Land Uses (continued)	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	RR
Human Care & Social Assistance	
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (more than 20 adults)	S
Adult Day Care Family Home (6 or less)	P
Adult Day Care Group Home (7-12)	S
Family Child Care Home (6 or less)	P
Group Child Care Home (7 -12)	S
Residential Facility for Battered Women and Children (in a private residence)	P
State-Licensed Residential Facilities (6 or less adults)	P
Manufacturing/Industrial/Mining/Waste Management	
Junk Yard/Salvage Yards with a minimum 80 acres (§7.2)	S*
Mining (incl sand and gravel operations) (§7.15)	S*
Miscellaneous & Mixed Uses	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)	P*
Accessory Buildings (Stand Alone) (§3.6)	P*
Cemeteries including Columbaria, Mausoleums	S*
Planned Unit Development (§7.19)	S*
Site Condominium Development (§7.20)	S*

Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.18)	P*
Cottage Industry (§7.7)	S*
Home Occupations (wholly contained) (§7.7)	P*
Home Occupations (using land outside dwelling unit) (§7.7)	S*
Multiple-Family Dwellings (apartments)	P
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses)	P
Two-Family Dwelling (duplex)	P
Utilities/Energy	
Solar Panels Energy Facility (§7.17)	S*
Wind Energy Facilities and Anemometer Towers (Commercial) (§7.21)	S*
Wind Energy Systems (on-site) (§7.21)	S*

C. Development Standards.

Table 4.5 B

1. Lot & Structure Standards (Figure 4.5A)

a. Lot Area (minimum)	20,000 sq ft
b. Lot Width (minimum)	150 ft The width of any lot, parcel or land division of fifteen (15) acres or less created after the effective date of this Ordinance may not be less than twenty-five (25) percent of the lot or parcel depth.
c. Building Height (maximum)	35 ft
d. Building Width – Primary Structure (minimum)	14 ft
e. Lot Coverage (maximum)	On lots of twenty thousand (20,000) square feet or less, the total ground floor area of all structures shall not exceed thirty (30) percent of the lot area.
f. Floor Area (minimum)	Single-Family Detached on parcels one (1) acre or greater: 440 sq ft per dwelling unit. Single-Family Detached on parcels less than one (1) acre or in platted subdivisions: 768 sq ft per dwelling unit. Two-Family and Single-Family Attached: 600 sq ft per dwelling unit. Nonresidential: No minimum square footage except as required by building code.

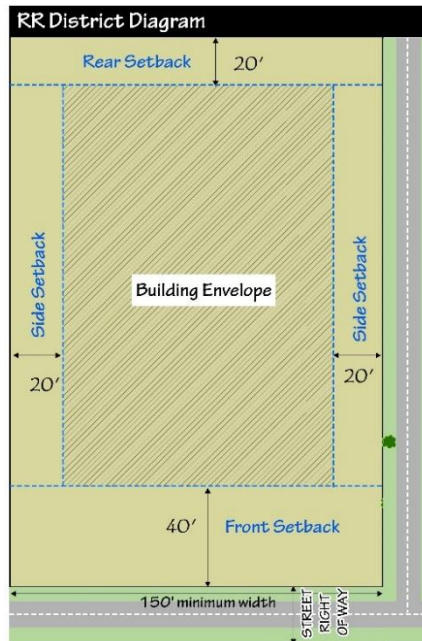
2. Setbacks (Figure 4.5A)

a. Front (minimum)	40 ft
b. Rear (minimum)	20 ft
c. Side (minimum)	20 ft each

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20 .

Figure 4.5A
District Setbacks



Albert Township Zoning Ordinance

Section 4.6 R-1 – Single-Family Residential District

R-1

A. Purpose.

The purpose of the provisions of this District is to reserve areas principally for single-family dwelling residential use, maintain safe and desirable conditions for year around family living, and primarily to promote the proper use, enjoyment and conservation of the water, land, topographic and vegetation resources of the area of the Township deemed particularly adapted to such uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.6A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.6A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-1
Accommodation and Food Services	
<i>Bed & Breakfasts & Tourist Homes (§7.8)</i>	S*
<i>Cabin Courts (Cottages – rental)</i>	S
<i>Inns</i>	S
<i>Resorts (§7.5)</i>	S*
<i>Short Term Rentals</i>	P
Agriculture/Forest Products	
<i>Farms, Non-Commercial (hobby farm) (§3.15)</i>	S*
Arts, Entertainment, & Recreation	
<i>Canoe/Kayak Liveries</i>	S
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas, Ballfields</i>	P
Educational Services/Religion	
<i>Religious Institutions and associated structures (parish hall, school, cemetery)</i>	S
Human Care & Social Assistance	
<i>Adult Foster Care Family Homes (6 or less adults)</i>	P
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S
<i>Adult Day Care Family Home (6 or less)</i>	P
<i>Adult Day Care Group Home (7-12)</i>	S
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Residential Facility for Battered Women and Children (in a private residence)</i>	P
<i>State-Licensed Residential Facilities (6 or less adults)</i>	P

Manufacturing/Industrial/Mining/ Waste Management	
<i>Mining (incl sand and gravel operations) (§7.15)</i>	S*
Miscellaneous & Mixed Uses	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)</i>	P*
<i>Accessory Buildings (Stand Alone) (§3.6)</i>	P*
<i>Cemeteries including Columbaria, Mausoleums</i>	S*
<i>Planned Unit Development (§7.19)</i>	S*
<i>Site Condominium Development (§7.20)</i>	S*
Residential Uses	
<i>Accessory Dwelling Units/Guest Houses (§7.18)</i>	P*
<i>Cottage Industry (§7.7)</i>	S
<i>Home Occupations (wholly contained) (§7.7)</i>	P*
<i>Home Occupations (using land outside dwelling unit) (§7.7)</i>	S*
<i>Single-Family Detached Dwelling</i>	P
<i>Two-Family Dwelling (duplex)</i>	P
Transportation Services	
<i>Marinas, Port and Dock Facilities</i>	P
Utilities/Energy	
<i>Wind Energy Systems (on-site) (§7.21)</i>	S*

C. Development Standards.

R-1

Table 4.6 B

1. Lot & Structure Standards (Figure 4.6A)

a. Lot Area (minimum)	12,000 sq ft
b. Lot Width (minimum)	100 ft The width of any lot, parcel or land division of fifteen (15) acres or less created after the effective date of this Ordinance may not be less than twenty-five (25) percent of the lot or parcel depth.
c. Building Height (maximum)	35 ft
d. Building Width – Primary Structure (minimum)	20 ft
e. Lot Coverage (maximum)	On lots of twenty thousand (20,000) square feet or less, the total ground floor area of all structures shall not exceed thirty (30) percent of the lot area.
f. Floor Area (minimum)	Single-Family Detached on parcels one (1) acre or greater: 440 sq ft per dwelling unit. Single-Family Detached on parcels less than one (1) acre or in platted subdivisions: 768 sq ft per dwelling unit. Two-Family and Single-Family Attached: 600 sq ft per dwelling unit. Nonresidential: No minimum square footage except as required by building code.

2. Setbacks (Figure 4.6A)

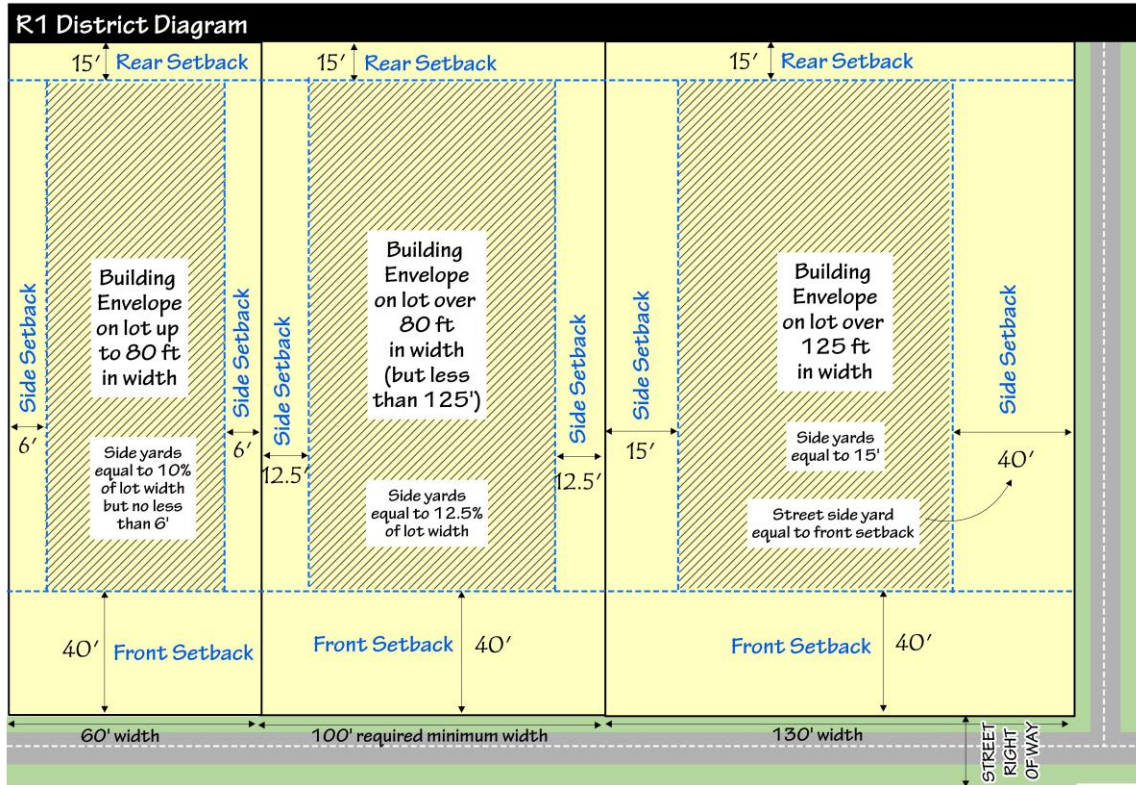
a. Front (minimum)	40 ft
b. Rear (minimum)	15 ft
c. Side (minimum)	Lots to 80 feet in width require minimum side yards equal to 10% of lot width, but not less than 6 feet. Lots over 80 feet in width up to 125 feet in width require minimum side yards equal to 12.5% of lot width. Lots over 125 feet in width require minimum side yards of 15 feet.
d. Side - street side - corner lot (minimum)	40 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20

Figure 4.6A
District Setbacks

R-1



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Albert Township Zoning Ordinance

Section 4.7 R-2 – Single-Family/Two-Family Residential District

R-2

A. Purpose.

The purpose of this District is to provide a limited mixture of residential housing types for a wide range of choice of living environments within the Township.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.7A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.7A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-2
Accommodation and Food Services	
<i>Bed & Breakfasts & Tourist Homes (§7.8)</i>	S*
<i>Cabin Courts (Cottages – rental)</i>	S
<i>Inns</i>	S
<i>Resorts (§7.5)</i>	S*
<i>Short Term Rentals</i>	P
Agriculture/Forest Products	
<i>Farms, Non-Commercial (hobby farm) (§3.15)</i>	S*
Arts, Entertainment, & Recreation	
<i>Canoe/Kayak Liveries</i>	S
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas, Ballfields</i>	P
Communications	
<i>Wireless Communications Equipment & Support Structures (towers) (not less than 10 acres in R-2) (§7.11)</i>	S*
Educational Services/Religion	
<i>Public or private schools</i>	S
<i>Religious Institutions and associated structures (parish hall, school, cemetery)</i>	S
Human Care & Social Assistance	
<i>Adult Foster Care Family Homes (6 or less adults)</i>	P
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S
<i>Adult Foster Care Large Group Home (13-20 adults)</i>	S
<i>Adult Foster Care Congregate Facilities (more than 20 adults)</i>	S
<i>Adult Day Care Family Home (6 or less)</i>	P
<i>Adult Day Care Group Home (7-12)</i>	S
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Residential Facility for Battered Women and Children (in a private residence)</i>	P
<i>State-Licensed Residential Facilities (6 or less adults)</i>	P

Manufacturing/Industrial/Mining/ Waste Management	
<i>Mining (incl sand and gravel operations) (§7.15)</i>	S*
Miscellaneous & Mixed Uses	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)</i>	P*
<i>Accessory Buildings (Stand Alone) (§3.6)</i>	P*
<i>Planned Unit Development (§7.19)</i>	S*
<i>Site Condominium Development (§7.20)</i>	S*
Residential Uses	
<i>Accessory Dwelling Units/Guest Houses (§7.18)</i>	P*
<i>Cottage Industry (§7.7)</i>	S*
<i>Home Occupations (wholly contained) (§7.7)</i>	P*
<i>Home Occupations (using land outside dwelling unit) (§7.7)</i>	S*
<i>Multiple-Family Dwellings (apartments)</i>	S
<i>Single-Family Detached Dwelling</i>	P
<i>Single-Family Attached Dwelling (Townhouses)</i>	S
<i>Two-Family Dwelling (duplex)</i>	P
Utilities/Energy	
<i>Wind Energy Systems (on-site) (§7.21)</i>	S*

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Development Standards.

R-2

Table 4.7 B

1. Lot & Structure Standards (Figure 4.7A)

a. Lot Area (minimum)	12,000 sq ft for each lot without public water or sewer. 8,500 sq ft for each lot with public water or sewer.
b. Lot Area per Dwelling Unit (minimum)	6,000 sq ft for each lot without public water or sewer. 4,250 sq ft for each lot with public water or sewer.
c. Lot Width (minimum)	100 ft for each lot without public water or sewer 85 ft for each lot with public water or sewer The width of any lot, parcel or land division of fifteen (15) acres or less created after the effective date of this Ordinance may not be less than twenty-five (25) percent of the lot or parcel depth.
d. Building Height (maximum)	35 ft
e. Building Width – Primary Structure (minimum)	20 ft
f. Lot Coverage (maximum)	On lots of twenty thousand (20,000) square feet or less, the total ground floor area of all structures shall not exceed thirty (30) percent of the lot area.
g. Floor Area (minimum)	Single-Family Detached on parcels one (1) acre or greater: 440 sq ft per dwelling unit. Single-Family Detached on parcels less than one (1) acre or in platted subdivisions: 768 sq ft per dwelling unit. Two-Family and Single-Family Attached: 600 sq ft per dwelling unit. Nonresidential: No minimum square footage except as required by building code.

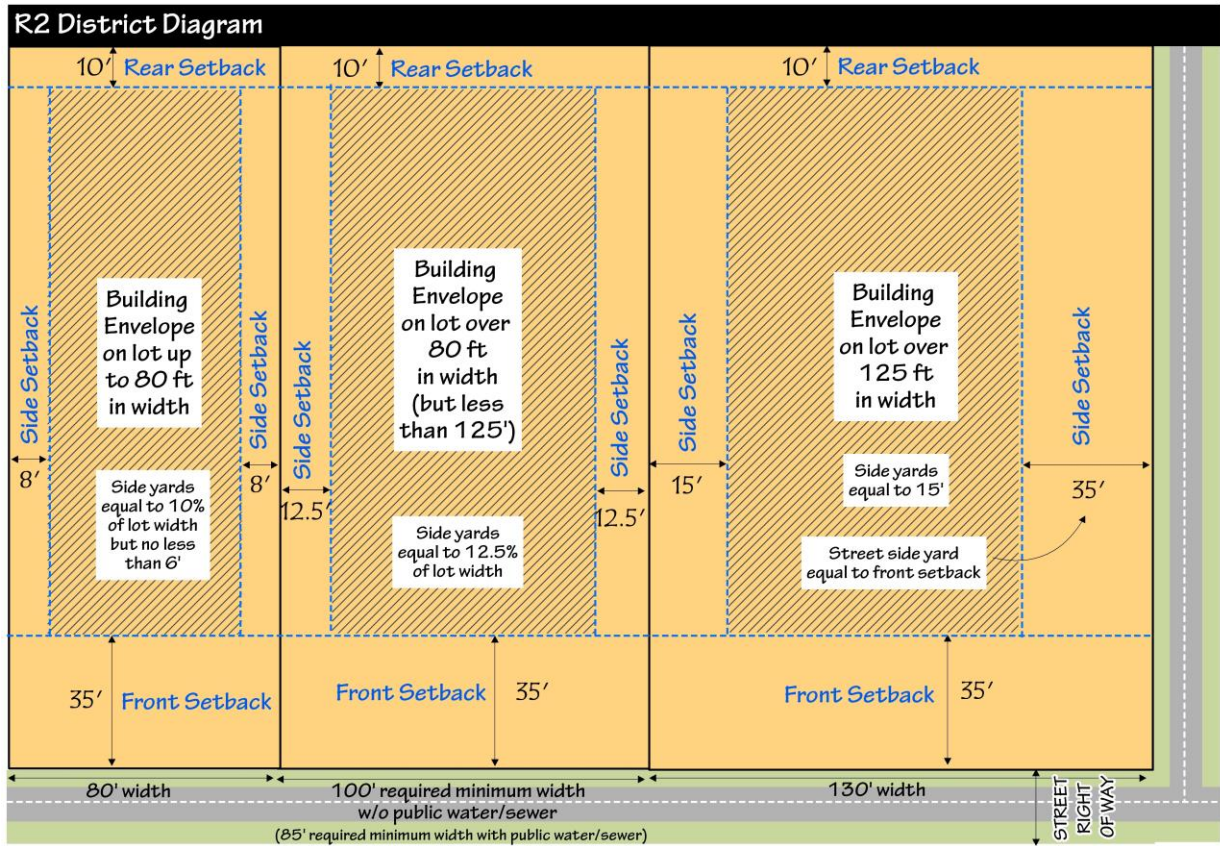
2. Setbacks (Figure 4.7A)

a. Front (minimum)	35 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	Lots to 80 feet in width require minimum side yards equal to 10% of lot width, but not less than 6 feet. Lots over 80 feet in width up to 125 feet in width require minimum side yards equal to 12.5% of lot width. Lots over 125 feet in width require minimum side yards of 15 feet.
d. Side - street side - corner lot (minimum)	35 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20

Figure 4.7A
District Setbacks



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.8 R-3 – Multiple-Family Residential District

R-3

A. Purpose.

The purpose of this District is to provide for the widest variety of housing types in a single district, to provide for lodging and rooming houses under specific capacities, and to serve the needs of the Township for garden apartments, townhouses, and group housing of similar character and density.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.8A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.8A Permitted & Special Land Uses		Manufacturing/Industrial/Mining/ Waste Management	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-3	<i>Mining (incl sand and gravel operations) (§7.15)</i>	S*
Accommodation and Food Services		Miscellaneous & Mixed Uses	
<i>Bed & Breakfasts & Tourist Homes (§7.8)</i>	P*	<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)</i>	P*
<i>Cabin Courts (Cottages – rental)</i>	S	<i>Accessory Buildings (Stand Alone) (§3.6)</i>	P*
<i>Inns</i>	S	<i>Cemeteries including Columbaria, Mausoleums</i>	S
<i>Resorts (§7.5)</i>	S*	<i>Planned Unit Development (§7.19)</i>	S*
<i>Rooming Houses & Boarding Houses (§7.9)</i>	P*	<i>Site Condominium Development (§7.20)</i>	S*
<i>Short Term Rentals</i>	P	Residential Uses	
Educational Services/Religion		<i>Accessory Dwelling Units/Guest Houses (§7.18)</i>	P*
<i>Public or private schools</i>	P	<i>Cottage Industry (§7.7)</i>	S*
<i>Religious Institutions and associated structures (parish hall, school, cemetery)</i>	P	<i>Home Occupations (wholly contained) (§7.7)</i>	P*
Human Care & Social Assistance		<i>Home Occupations (using land outside dwelling unit) (§7.7)</i>	S*
<i>Adult Foster Care Family Homes (6 or less adults)</i>	P	<i>Multiple-Family Dwelling Units (apartments)</i>	P
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S	<i>Single-Family Detached Dwelling</i>	P
<i>Adult Foster Care Large Group Home (13-20 adults)</i>	S	<i>Single-Family Attached Dwelling (Townhouses)</i>	P
<i>Adult Foster Care Congregate Facilities (more than 20 adults)</i>	S	<i>Two-Family Dwelling (duplex)</i>	P
<i>Adult Day Care Family Home (6 or less)</i>	P	Utilities/Energy	
<i>Adult Day Care Group Home (7-12)</i>	S	<i>Wind Energy Systems (on-site) (§7.21)</i>	S*
<i>Family Child Care Home (6 or less)</i>	P		
<i>Group Child Care Home (7 -12)</i>	S		
<i>Residential Facility for Battered Women and Children (in a private residence)</i>	P		
<i>State-Licensed Residential Facilities (6 or less adults)</i>	P		

C. Development Standards.

R-3

Table 4.8 B

1. Lot & Structure Standards (Figure 4.8A)

a. Lot Area (minimum)	12,000 sq ft for each lot without public water or sewer. 8,500 sq ft for each lot with public water or sewer.
b. Lot Area per Dwelling Unit (minimum)	4,000 sq ft
c. Lot Width (minimum)	100 ft for each lot without public water or sewer 85 ft for each lot without public water or sewer The width of any lot, parcel or land division of fifteen (15) acres or less created after the effective date of this Ordinance may not be less than twenty-five (25) percent of the lot or parcel depth.
d. Building Height (maximum)	35 ft
e. Building Width – Primary Structure (minimum)	20 ft
f. Lot Coverage (maximum)	On lots of twenty thousand (20,000) square feet or less, the total ground floor area of all structures shall not exceed thirty (30) percent of the lot area.
g. Floor Area (minimum)	Single-Family Detached on parcels one (1) acre or greater: 440 sq ft per dwelling unit. Single-Family Detached on parcels less than one (1) acre or in platted subdivisions: 768 sq ft per dwelling unit. Single-Family Attached, Two-Family and Multiple-Family Dwelling Units: 600 sq ft per dwelling unit. Nonresidential: No minimum square footage except as required by building code.

2. Setbacks (Figure 4.8A)

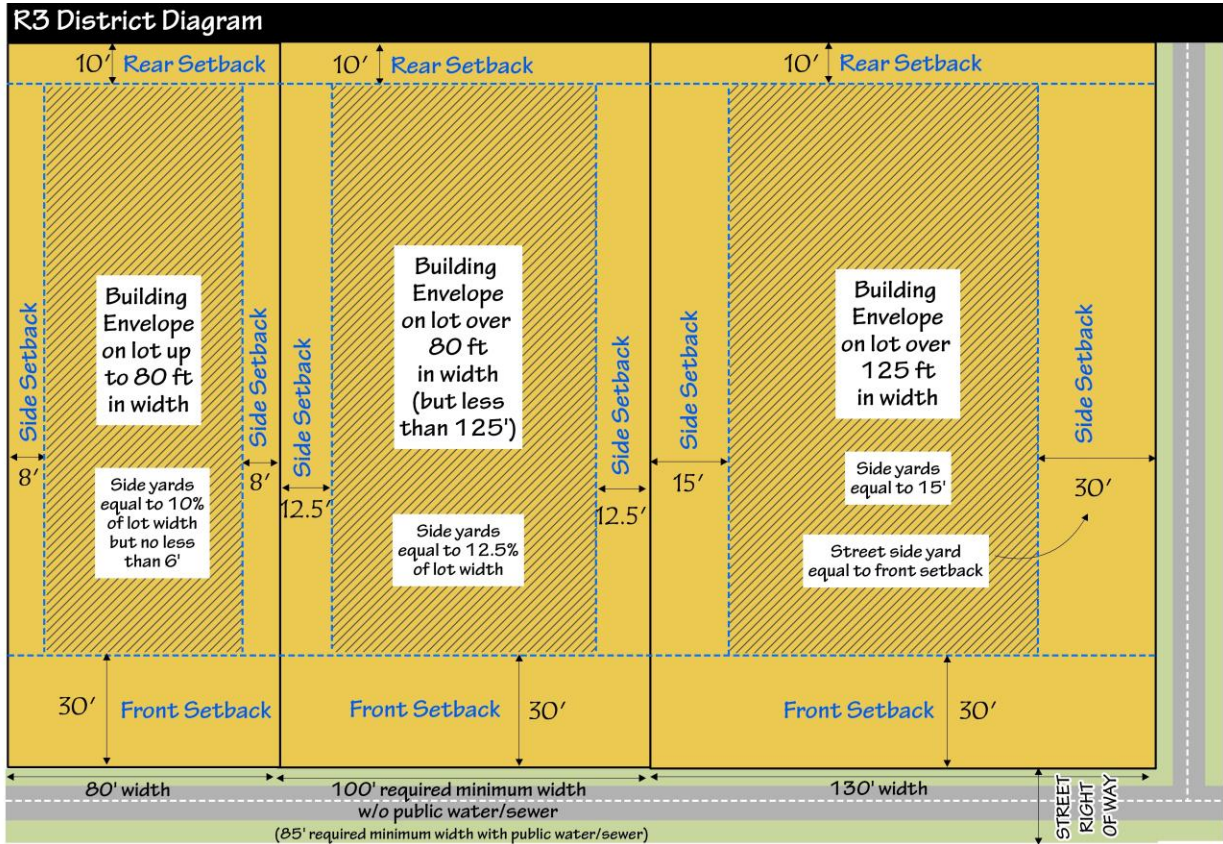
a. Front (minimum)	30 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	Lots to 80 feet in width require minimum side yards equal to 10% of lot width, but not less than 6 feet. Lots over 80 feet in width up to 125 feet in width require minimum side yards equal to 12.5% of lot width. Lots over 125 feet in width require minimum side yards of 15 feet.
d. Side - street side - corner lot (minimum)	30 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20 .

Figure 4.8A
District Setbacks

R-3



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.9 MHC – Manufactured Housing Community District

MHC

A. Purpose.

In recognition of the growing trend toward manufactured homes and manufactured home communities and the need for well-located and properly developed areas to accommodate them, this District is designed to provide for such use under appropriate construction and development standards to promote the health, safety and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area should also be suitable for residential use and should be so located as not to impede other more conventional residential developments in the vicinity.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.9A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.9A Permitted & Special Land Uses	
P = Permitted by right	MHC
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations	
Human Care & Social Assistance	
<i>Adult Foster Care Family Homes (6 or less adults)</i>	P
<i>Adult Day Care Family Home (6 or less)</i>	P
<i>Adult Day Care Group Home (7-12)</i>	S
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Residential Facility for Battered Women and Children (in a private residence)</i>	P
<i>State-Licensed Residential Facilities (6 or less adults)</i>	P
Manufacturing/Industrial/Mining/ Waste Management	
<i>Mining (incl sand and gravel operations) (§7.15)</i>	S*
Miscellaneous & Mixed Uses	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)</i>	P*
Residential Uses	
<i>Accessory Dwelling Units/Guest Houses (§7.18)</i>	P*
<i>Cottage Industry (§7.7)</i>	S
<i>Home Occupations (wholly contained) (§7.7)</i>	P*
<i>Manufactured Housing Community</i>	S
<i>Single-Family Detached Dwelling</i>	P
Utilities/Energy	
<i>Wind Energy Systems (on-site) (§7.21)</i>	S*

C. Development Standards.

MHC

Table 4.9 B

1. Lot & Structure Standards (Figure 4.9A)

a. Lot Area (minimum)	5 acres for each manufactured housing community.
b. Lot Area per Dwelling Unit (minimum)	4,000 sq ft within manufactured housing community.
c. Lot Width (minimum)	40 ft per each lot (within or outside of manufactured housing community).
d. Building Height (maximum)	20 ft
e. Building Width – Primary Structure (minimum)	14 ft
f. Floor Area (minimum)	Per Dwelling Unit: Single-family - 768 sq ft Nonresidential: No minimum square footage except as required by building code.

2. Setbacks (Figure 4.9A)

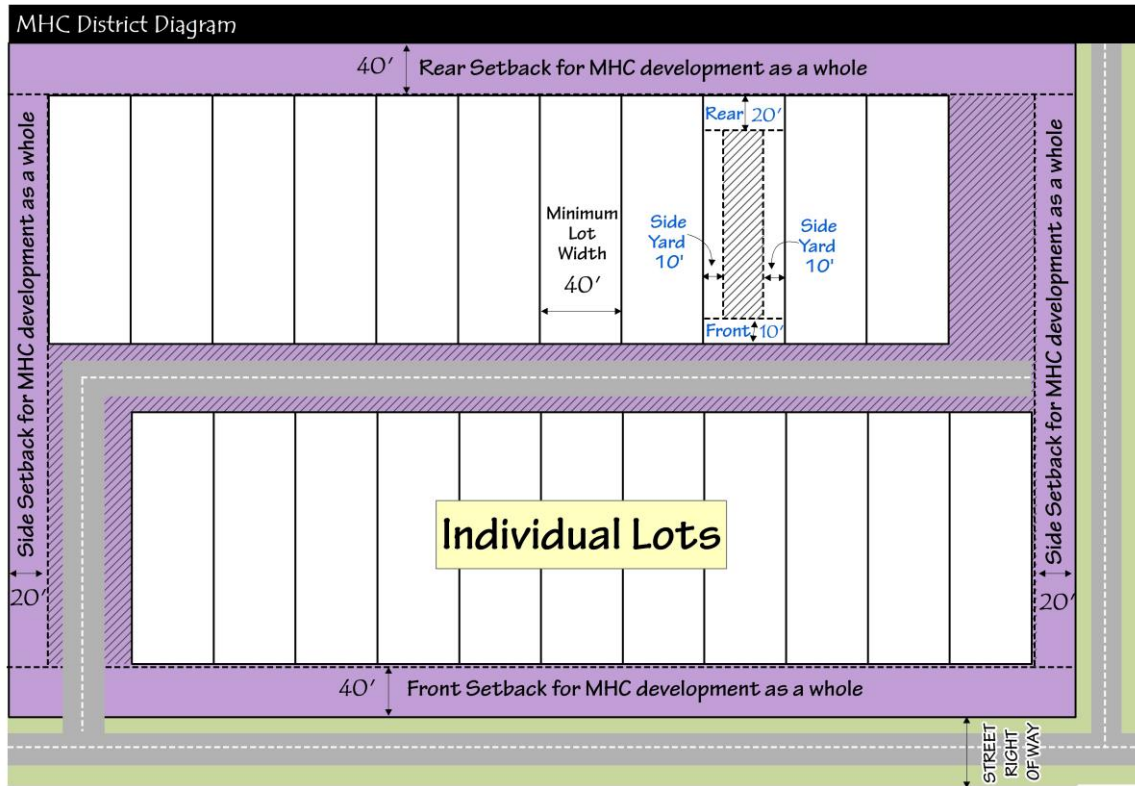
	Manufactured Housing Community	Each lot within or outside of MHC
a. Front (minimum)	40 ft	10 ft
b. Rear (minimum)	20 ft	20 ft
c. Side (minimum)	20 ft each	10 ft each

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C. A greenbelt may be used for screening purposes as per §3.21.
c. Fences	Regulated by §3.20.

MHC

Figure 4.9A
District Setbacks



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Albert Township Zoning Ordinance

Section 4.10 FR – Forest Residential District

FR

A. Purpose.

The predominant land uses in this District are rural in character embodying agricultural, forest lands, open country and co-mingled with bodies of water. It is the intent of this Ordinance to conserve and promote the general continuance of these uses. However, the provisions of this Section also recognize the gradual extension of residential and other property uses into the District, and the importance of adopting good standards to guide such developments in the interest of overall use.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.10A](#) (also [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.10A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FR
Accommodation and Food Services	
Bed & Breakfasts & Tourist Homes (§7.8)	S*
Cabin Courts (Cottages – rental)	S
Inns	S
Microbreweries, Distilleries, & Wineries (serving directly to the public)	S
Resorts (§7.5)	S*
Short Term Rentals	P
Agriculture/Forest Products	
Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)	P
Agricultural Tourism Businesses (on Farms) (Guest Ranches see §7.5)	S*
Animal Sales Yards	S
Animal Shelter (§7.14)	S*
Biofuel Production Facilities on Farms (§7.16)	P*
Boarding/Riding Stables & Academies/Riding Arena	P
Cider Mills	P
Composting Business	S
Farms, Commercial & Noncommercial (hobby farms)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)	S
Game Preserves	S
Grain Elevators	S
Kennels (§7.14)	S*
Roadside Stands (§7.4)	P*
Arts, Entertainment, & Recreation	
Amusement Parks	S

Art Studios & Galleries	P
Campgrounds/RV Parks	S
Camps (ex: summer camp) (§7.1)	P*
Canoe/Kayak Liveries	S
Golf Courses & Driving Range	S
Hunting Preserves (§7.6)	S*
Outdoor Performance Facilities/Music (Concert) Venue	S
Private Clubs; Lodges; Snowmobile Clubs	P
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Ballfields	P
Race Tracks	S
Sportsmen's Associations/Firearms Ranges/Archery Ranges	S
Wildlife Preserves (§7.6)	S*
Zoos and Animal Tours	S
Commercial/Retail/Office/Service	
Furniture Restoration & Repair (refinishing/upholstery)	P
Taxidermy Shops	P
Communications	
Television/Radio Broadcasting Stations	S
Wireless Communications Equipment & Support Structures (towers) (§7.11)	S*
Construction/Contractors	
Contractor's Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	S
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

FR

Table 4.10A Permitted & Special Land Uses (continued)

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FR
Educational Services/Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S
Religious Institutions and associated structures (parish hall, school, cemetery)	P
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	S
Human Care & Social Assistance	
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (more than 20 adults)	S
Adult Day Care Family Home (6 or less)	P
Adult Day Care Group Home (7-12)	S
Family Child Care Home (6 or less)	P
Group Child Care Home (7 -12)	S
Residential Facility for Battered Women and Children (in a private residence)	P
State-Licensed Residential Facilities (6 or less adults)	P
Manufacturing/Industrial/Mining/Waste Management	
Junk Yard/Salvage Yards with a minimum of 80 acres (§7.2)	S*
Mining (incl sand and gravel operations) (§7.15)	S*
Miscellaneous & Mixed Uses	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)	P*
Accessory Buildings (Stand Alone) (§3.6)	P*
Cemeteries including Columbaria, Mausoleums	S
Planned Unit Development (§7.19)	S*
Site Condominium Development (§7.20)	S*
Public Facilities	
Community Centers	P
Governmental Buildings	P
Libraries	P
Police/Fire Stations/Jails	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Water & Wastewater Treatment Plants; Water Towers	P

Residential Uses

Accessory Dwelling Units/Guest Houses (§7.18)	P*
Cottage Industry (§7.7)	S*
Home Occupations (wholly contained) (§7.7)	P*
Home Occupations (using land outside dwelling unit) (§7.7)	S*
Multiple-Family Dwellings (apartments)	P
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses)	P
Two-Family Dwelling (duplex)	P

Transportation Services / Warehousing / Wholesale Trade / Storage / Shipping

Airports, Aviation Support Services, Heliports & Landing Fields (added)	S
---	---

Utilities/Energy

Solar Panels Energy Facility (§7.17)	S*
Wind Energy Facilities and Anemometer Towers (Commercial) (§7.21)	S*
Wind Energy Systems (on-site) (§7.21)	S*

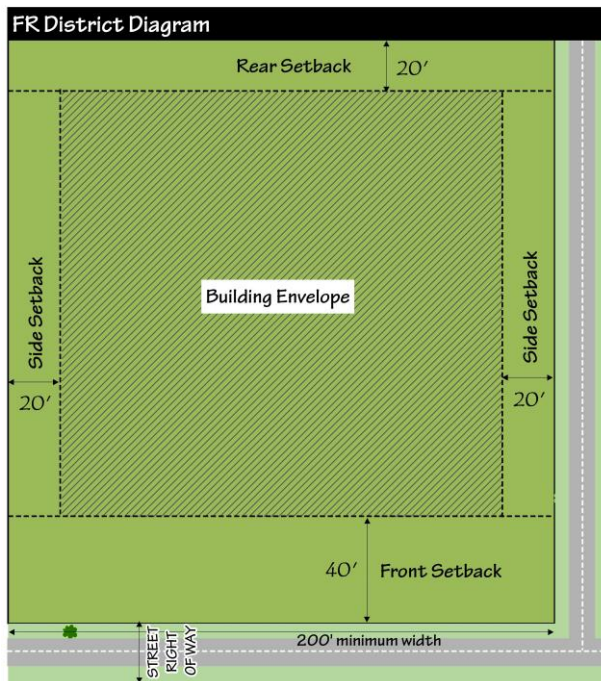
C. Development Standards.

FR

Table 4.10 B

1. Lot & Structure Standards (Figure 4.11A)	
a. Lot Area (minimum)	10 acres (5 acres on roads maintained by Montmorency County)
b. Lot Width (minimum)	200 ft The width of any lot, parcel or land division of fifteen (15) acres or less created after the effective date of this Ordinance may not be less than twenty-five (25) percent of the lot or parcel depth.
c. Building Height (maximum)	50 ft
d. Building Width – Primary Structure (minimum)	14 ft
e. Lot Coverage (maximum)	-----
f. Floor Area (minimum)	Single-Family Detached on parcels one (1) acre or greater: 440 sq ft per dwelling unit. Single-Family Detached on parcels less than one (1) acre or in platted subdivisions: 768 sq ft per dwelling unit. Single-Family Attached and Two-Family Dwelling Units: 600 sq ft per dwelling unit. Nonresidential: No minimum square footage except as required by building code.
2. Setbacks (Figure 4.11A)	
a. Front (minimum)	40 ft
b. Rear (minimum)	20 ft
c. Side (minimum)	20 ft each
3. Additional Development Standards	
a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20 .

Figure 4.10A
District Setbacks



Section 4.11 C-P – Commercial-Pedestrian District

C-P

A. Purpose.

The purpose for establishing the C-P District is to provide for the continuation of and enhancement of an existing commercial area which caters to the pedestrian and provides for the needs of the permanent and seasonal residents and tourists of the area. In addition to providing the day to day needs, this District should also be permitted to develop very specialized uses which would attract visitors and residents into this District. While automotive and vehicular traffic would not be prohibited, the prime emphasis of this District is to cater to the pedestrian.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in **Table 4.11A** (also in **Section 4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.11A Permitted & Special Land Uses			
P = Permitted by right	C-P	<i>Outdoor Performance Facilities/Music (Concert) Venue</i>	
S = Permitted with a Special Use Permit		<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas, Ballfields</i>	
*Uses with Supplemental Regulations		<i>Skating Rinks (indoor or outdoor)</i>	
Accommodation and Food Services		<i>Theaters/Performing Arts Facilities</i>	
<i>Bakeries (goods produced & sold on-site)</i>	P	<i>Tours (Commercial Operations)</i>	
<i>Cabin Courts (Cottages – rental)</i>	S	Commercial/Retail/Office/Service	
<i>Caterers/Food Service Contractors</i>	P	<i>Antique Stores</i>	P
<i>Coffee Shops</i>	P	<i>Automobile Related Uses:</i>	
<i>Drinking Establishments/Taverns/Bars</i>	P	<i>Auto Repair Auto/Auto Body/Paint/Interior & Glass</i>	S
<i>Hotels & Motels (attached or detached units)</i>	P	<i>Gas Station</i>	S
<i>Inns</i>	P	<i>Oil Change</i>	S
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>	P	<i>Bait and Tackle Shops</i>	P
<i>Restaurants without Drive-Through</i>	P	<i>Cash Advance Stores</i>	P
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>	P	<i>Clothing & Clothing Accessories Stores; Shoe Sales & Repair</i>	P
<i>Rooming Houses & Boarding Houses (§7.9)</i>	P*	<i>Convenience Stores</i>	P
Agriculture/Forest Products		<i>Drive-Through Establishments (other than restaurants)</i>	P
<i>Farmer’s Markets/Fruit & Vegetable Market</i>	P	<i>Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	P
<i>Lumber Yards (pre-planned, finished lumber)/Building Material Sales</i>	P	<i>Electronic & Precision Equipment Repair & Maintenance</i>	P
<i>Veterinary Clinic or Hospital</i>	P	<i>Electronics & Appliance Stores</i>	P
Arts, Entertainment, & Recreation		<i>Farm Supply Stores</i>	P
<i>Amusement Arcades</i>	P	<i>Film Production Facilities including sound stages and other related activities</i>	P
<i>Art Studios & Galleries</i>	P	<i>Financial Institutions</i>	P
<i>Bike Shops</i>	P	<i>Florists</i>	P
<i>Bowling Centers/Billiards Halls</i>	P	<i>Funeral Homes & Mortuaries</i>	P
<i>Equipment Rental (non-motorized)/Outfitter</i>	P	<i>Furniture & Home Furnishings/Fixtures Stores</i>	P
<i>Fitness & Recreational Sports Center (spas, health clubs, racquetball, karate, yoga, swim)</i>	P	<i>Furniture Restoration & Repair (refinishing/upholstery)</i>	P
<i>Museums</i>	P	<i>General Retail</i>	P
		<i>General Rental Centers</i>	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C-P

Table 4.11A Permitted & Special Land Uses (continued)	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	C-P
Commercial/Retail/Office/Service (continued)	
Gift Shops	P
Grocery Stores	P
Hardware Stores	P
Health & Personal Care Stores	P
Locksmiths	P
Medical Equipment Sales	P
Movie Rental Stores	P
Office Supply Stores	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Pawn Shops/Resale Shops/Thrift Store	P
Personal Services (beauty shops, tailoring, massage, spas)	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters) – no outside kennels	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Offices	P
Real Estate Sales	P
Recording Studios	P
Seasonal Sales/Transient Sales/Pop-Up Businesses (§7.23)	P*
Shopping Center – Multiple Businesses	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance and music	P
Taxidermy Shops	P
Construction/Contractors	
Contractor's Offices	P
Educational Services/Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S
Human Care & Social Assistance	
Health Care/Dental/Optical Clinics	P
Manufacturing / Industrial / Mining / Waste Management	
Mining (incl sand and gravel operations) (§7.15)	S*

Miscellaneous & Mixed Uses	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)	P*
Accessory Buildings (Stand Alone) (§3.6)	P*
Conversion of Commercial to Residential	S
Mixed Use – Residential and Commercial (in one building or on one lot)	P
Parking Lots	P
Planned Unit Development (§7.19)	S*
Site Condominium Development (§7.20)	S*
Public Facilities	
Community Centers	P
Governmental Buildings	P
Libraries	P
Police/Fire Stations/Jails	P
Residential Uses	
Dwelling Units above/to the rear of a Commercial Establishment	P
Utilities/Energy	
Wind Energy Systems (on-site) (§7.21)	S*

C. Development Standards.

C-P

Table 4.11 B

1. Lot & Structure Standards (Figure 4.11A)

a. Lot Area (minimum)	12,000 sq ft for each lot without public water or sewer. 8,500 sq ft for each lot with public water or sewer.
b. Lot Width (minimum)	-----
c. Building Height (maximum)	35 ft
d. Building Width – Primary Structure (minimum)	-----
e. Lot Coverage (maximum)	-----
f. Floor Area (minimum)	No minimum square footage except as required by building code.

2. Setbacks (Figure 4.11A)

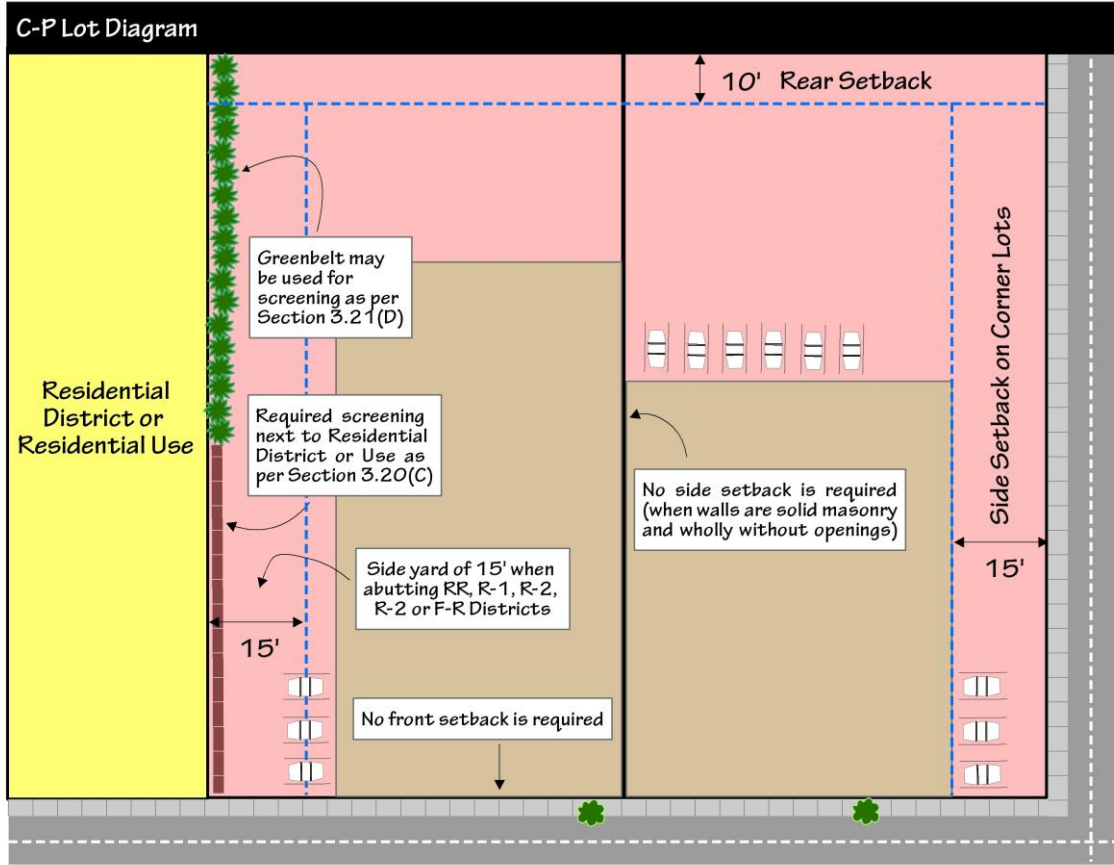
a. Front (minimum)	0 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	0 ft No side yard required when walls abutting a side lot line are solid masonry and wholly without openings. Where any adjacent lot is occupied by a residential use or zoned RR, R 1, R 2, R 3 or FR, an open a side yard not less than fifteen (15) feet in width shall be required.
d. Street Side on Corner Lots (minimum)	15 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20 .

Figure 4.11A
District Setbacks

C-P



Section 4.12 C-V – Commercial-Vehicular District

C-V

A. Purpose.

The purpose of establishing the C-V District is to cater to the needs of the motoring public and the needs of an expanded consumer population that is not sufficiently served by the C-P District. This District typically accommodates those retail and business activities which are highway oriented or create extensive pedestrian vehicle conflict or are accompanied by cyclical high-use periods with the primary means of transportation being vehicular, as opposed to pedestrian, to on-site parking facilities. It is also the purpose of this District to permit a wide variety of business types which cannot be incorporated in the C-P District.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.12A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.12A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	C-V
Accommodation and Food Services	
<i>Bakeries (goods produced & sold on-site)</i>	P
<i>Bed & Breakfasts & Tourist Homes (§7.8)</i>	P*
<i>Cabin Courts (Cottages – rental)</i>	S
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Convention Centers/Conference Centers/Banquet Halls</i>	P
<i>Drinking Establishments/Taverns/Bars</i>	P
<i>Event Venues (weddings, etc)</i>	P
<i>Hotels & Motels (attached or detached units)</i>	P
<i>Inns</i>	P
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>	P
<i>Restaurants without Drive-Through</i>	P
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	P
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>	P
<i>Rooming Houses & Boarding Houses (§7.9)</i>	P*
Agriculture/Forest Products	
<i>Agricultural Equipment Dealers/Repair</i>	P
<i>Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)</i>	P
<i>Animal Shelter</i>	S
<i>Farm Supply & Feed Stores</i>	P
<i>Farmer’s Markets/Fruit & Vegetable Market</i>	P
<i>Food Hub/Food Incubator</i>	P

<i>Greenhouses/Hoophouses/Nurseries/Landscaping Establishment/Tree Trimming Businesses</i>	P
<i>Lumber Yards (pre-planned, finished lumber)/Building Material Sales</i>	P
<i>Veterinary Clinic or Hospital</i>	P
Arts, Entertainment, & Recreation	
<i>Amusement Arcades</i>	P
<i>Art Studios & Galleries</i>	P
<i>Bike Shops</i>	P
<i>Bowling Centers/Billiards Halls</i>	P
<i>Canoe/Kayak Liveries</i>	S
<i>Equipment Rental (non-motorized)/Outfitter</i>	P
<i>Fitness & Recreational Sports Center (spas, health clubs, racquetball, karate, yoga, swim)</i>	P
<i>Golf Courses & Driving Range</i>	P
<i>Museums</i>	P
<i>Outdoor Performance Facilities/Music (Concert) Venue</i>	S
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>	P
<i>Private Clubs; Lodges; Snowmobile Clubs</i>	P
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas, Ballfields</i>	P
<i>Skating Rinks (indoor or outdoor)</i>	P
<i>Sportsmen’s Associations/Firearms Ranges/Archery Ranges</i>	S
<i>Theaters/Performing Arts Facilities</i>	P
<i>Tours (Commercial Operations)</i>	P

Albert Township Zoning Ordinance

C-V

Table 4.12A Permitted & Special Land Uses (continued)

P = Permitted by right
S = Permitted with a Special Use Permit
*Uses with Supplemental Regulations

Commercial/Retail/Office/Service	C-V
Antique Stores	P
Automobile Related Uses:	
Auto Repair Auto/Auto Body/Paint/Interior & Glass	P
Automotive Equipment Rental/Leasing	P
Car Washes	P
Gas Station	P
Oil Change	P
Bait and Tackle Shops	P
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Cash Advance Stores	P
Clothing & Clothing Accessories Stores; Shoe Sales & Repair	P
Convenience Stores	P
Drive-Through Establishments (other than restaurants)	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Electronic & Precision Equipment Repair & Maintenance	P
Electronics & Appliance Stores	P
Extermination & Pest Control Services	P
Farm Supply Stores	P
Film Production Facilities including sound stages and other related activities	P
Financial Institutions	P
Flea Market	S
Florists	P
Funeral Homes & Mortuaries	P
Furniture & Home Furnishings/Fixtures Stores	P
Furniture Restoration & Repair (refinishing/upholstery)	P
General Retail	P
General Rental Centers	P
Gift Shops	P
Grocery Stores	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Interior Designers/Showrooms	P
Locksmiths	P
Manufactured Home Dealers/Repair	P
Medical Equipment Sales	P
Medical Laboratories	P
Movie Rental Stores	P
Office Supply Stores	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P

Outdoor Sales/Rental of automobiles, trucks, motorcycles, recreational equipment, marine craft, farm implements, contractor's equipment	P
Pawn Shops/Resale Shops/Thrift Store	P
Personal Services (beauty shops, tailoring, massage, spas)	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters) – no outside kennels	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales	P
Recording Studios	P
Retail Uses with Outdoor Storage	P
Seasonal Sales/Transient Sales/ Pop-Up Businesses (§7.23)	P*
Shopping Center – Multiple Businesses	P
Small Engine Repair	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance and music	P
Taxidermy Shops	P
Construction/Contractors	
Contractors Offices	P
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
Educational Services/Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	P
Religious Institutions and associated structures (parish hall, school, cemetery)	P
Human Care & Social Assistance	
Adult Commercial Day Care – Small Group (7-12 adults)	P
Adult Commercial Day Care – Large Group (greater than 12 adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (more than 20 adults)	S
Child Care Center/Nursery School(not in home)	P
Child Caring Institution	P
Health Care/Dental/Optical Clinics	P
Hospitals & Sanitariums	S

- | | | | | |
|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
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C-V

Table 4.12A Permitted & Special Land Uses (continued)	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	C-V
Human Care & Social Assistance (cont.)	
Assisted Living Home/Nursing Home/Convalescent Home	P
Residential Human Care and Treatment Facility	S
Manufacturing / Industrial / Mining / Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Bakeries (not dealing directly with customers)	P
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	P
Mining (incl sand and gravel operations) (§7.15)	S*
Sign Painting & Mfg	P
Miscellaneous & Mixed Uses	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)	P*
Accessory Buildings (Stand Alone) (§3.6)	P*
Conversion of Commercial to Residential	S
Mixed Use – Residential and Commercial (in one building or on one lot)	P
Parking Lots	P
Planned Unit Development (§7.19)	S*
Site Condominium Development (§7.20)	S*
Public Facilities	
Community Centers	P
Governmental Buildings	P
Libraries	P
Police/Fire Stations/Jails	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Water & Wastewater Treatment Plants; Water Towers	P

Residential Uses	
Dwelling Units above/to the rear of a Commercial Establishment	P
Transportation Services / Warehousing / Wholesale Trade / Storage / Shipping	
Couriers/Parcel Packing/Shipping/Delivery/Mail Order Establishments	P
Marinas, Port and Dock Facilities	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Towing Businesses	S
Utilities/Energy	
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	S
Wind Energy Systems (on-site) (§7.21)	S*

C. Development Standards.

C-V

Table 4.12 B

1. Lot & Structure Standards (Figure 4.12A)

a. Lot Area (minimum)	12,000 sq ft
b. Lot Width (minimum)	100 ft
c. Building Height (maximum)	35 ft
d. Building Width – Primary Structure (minimum)	-----
e. Lot Coverage (maximum)	-----
f. Floor Area (minimum)	No minimum square footage except as required by building code.

2. Setbacks (Figure 4.12A)

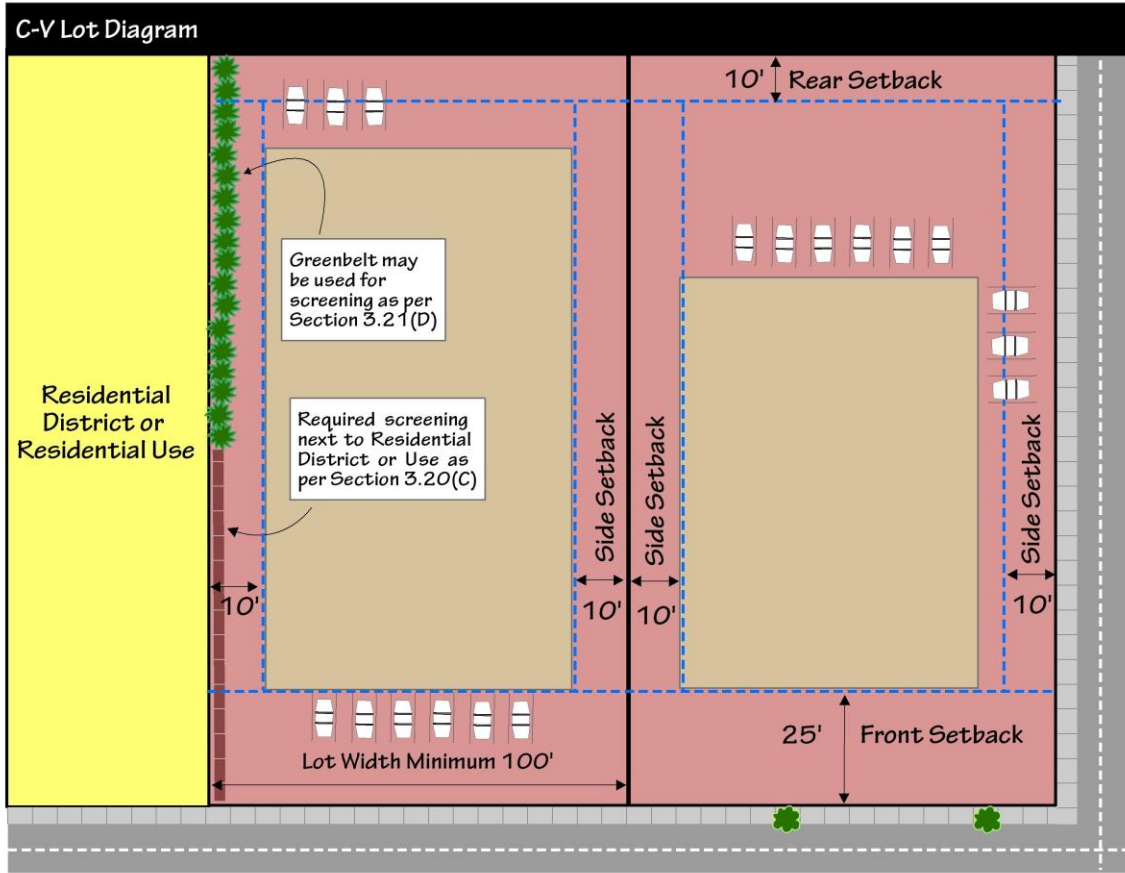
a. Front (minimum)	25 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	10 ft each

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20 .

Figure 4.12A
District Setbacks

C-V



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.13 IE – Industrial/Extractive District

IE

A. Purpose.

The primary purpose of this District is to provide areas within the Township for the encouragement, promotion and conduct of industries and extraction of natural resources, for processing raw materials and finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities and employee facilities customarily associated with any permitted use; PROVIDED, that no use shall be permitted, the conduct of which shall constitute a nuisance to any prior existing permitted use of any adjacent premises.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in [Table 4.13A](#) (also in [Section 4.15: Table of Permitted and Special Land Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.13A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	IE
Accommodation and Food Services	
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>	P
Agriculture/Forest Products	
<i>Agricultural Equipment Dealers/Repair</i>	P
<i>Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)</i>	P
<i>Bulk seed, feed, fertilizer & nursery stock outlet & distribution centers</i>	P
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)</i>	P
<i>Food Hub/Food Incubator</i>	P
<i>Greenhouses/Hoophouses/Nurseries/Landscaping Establishment/Tree Trimming Businesses</i>	P
<i>Kennels</i>	S
<i>Lumber Yards (pre-planned, finished lumber)/Building Material Sales</i>	P
<i>Meat Packing Plants</i>	S
<i>Slaughter Houses</i>	S
<i>Veterinary Clinic or Hospital</i>	P
Commercial/Retail/Office/Service	
<i>Automobile Related Uses:</i>	
<i>Auto Repair Auto/Auto Body/Paint/Interior & Glass</i>	P
<i>Gas Station</i>	P
<i>Oil Change</i>	P
<i>Boat/RV/Recreational Equipment Repair & Storage</i>	P
<i>Building & Garden Equipment & Supplies Dealers</i>	P

<i>Commercial/Industrial Equipment Rental & Leasing</i>	P
<i>Commercial Equipment Repair & Maintenance</i>	P
<i>Crematoriums</i>	S
<i>Extermination & Pest Control Services</i>	P
<i>Farm Supply Stores</i>	P
<i>Film Production Facilities including sound stages and other related activities</i>	P
<i>Flea Market</i>	S
<i>Furniture Restoration & Repair (refinishing/upholstery)</i>	P
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Manufactured Home Dealers/Repair</i>	P
<i>Medical Laboratories</i>	P
<i>Outdoor Sales/Rental of automobiles, trucks, motorcycles, recreational equipment, marine craft, farm implements, contractor's equipment</i>	P
<i>Professional Cleaning Services</i>	P
<i>Recording Studios</i>	P
<i>Retail Uses with Outdoor Storage</i>	P
<i>Sexually Oriented Businesses (§7.22)</i>	S*
<i>Small Engine Repair</i>	P
<i>Taxidermy Shops</i>	P
Communications	
<i>Television/Radio Broadcasting Stations</i>	S
<i>Wireless Communications Equipment & Support Structures (towers) (§7.11)</i>	P*

IE

Table 4.13A Permitted & Special Land Uses (continued)	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	IE
Construction/Contractors	
Contractor's Offices	P
Contractor's Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
Educational Services/Religion	
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	P
Manufacturing / Industrial / Mining / Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Bakeries (not dealing directly with customers)	P
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries	P
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	P
Industrial manufacturing operations and operations for servicing, compounding, assembling or treatment of articles of merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings except for the following permissible outdoor activities;	P
a. Outdoor storage in the rear yard area which must not exceed fifty (50) percent of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of a higher use district classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.	
b. Delivery operations to and from said business.	
Laboratories	P
Mining (incl sand and gravel operations) (§7.15)	S*
Office Uses related to manufacturing/industry	P

Printing, Lithographic & Blueprinting	P
Recycling & Resource Recovery Facilities/Transfer Stations/Waste Collection	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Sign Painting & Mfg	P
Truck (light) and care maintenance with office areas	P
Miscellaneous & Mixed Uses	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)	P*
Accessory Buildings (Stand Alone) (§3.6)	P*
Cemeteries including Columbaria, Mausoleums	S
Planned Unit Development (§7.19)	S*
Site Condominium Development (§7.20)	S*
Transportation Services / Warehousing / Wholesale Trade / Storage/Shipping	
Airports, Aviation Support Services, Heliports & Landing Fields (added)	P
Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments	P
Moving Companies	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Self-Storage Facilities	P
Towing Businesses	P
Truck/Freight Terminal/Maintenance & Repair	P
Trucking & Transportation-Related Uses	P
Truck Washes	P
Vehicle Parking & Storage, Seasonal	P
Warehousing & Storage (within an enclosed building)	P
Wholesale Trade	P
Utilities/Energy	
Bottled Gas Dealer (i.e. propane)	S
Electrical Transformer Stations & Substations	S
Heating & Electric Power Generating Plants	S
Wind Energy Systems (on-site) (§7.21)	S*

C. Development Standards.

IE

Table 4.13 B

1. Lot & Structure Standards (Figure 4.13A)

a. Lot Area (minimum)	2.5 acres for a single industry 1.25 acres for an industrial park lot
b. Lot Width (minimum)	165 ft for lots within an industrial park. No minimum for lots outside of an industrial park.
c. Building Height (maximum)	40 ft
d. Building Width – Primary Structure (minimum)	-----
e. Lot Coverage (maximum)	-----
f. Floor Area (minimum)	No minimum square footage except as required by building code.

2. Setbacks (Figure 4.13A)

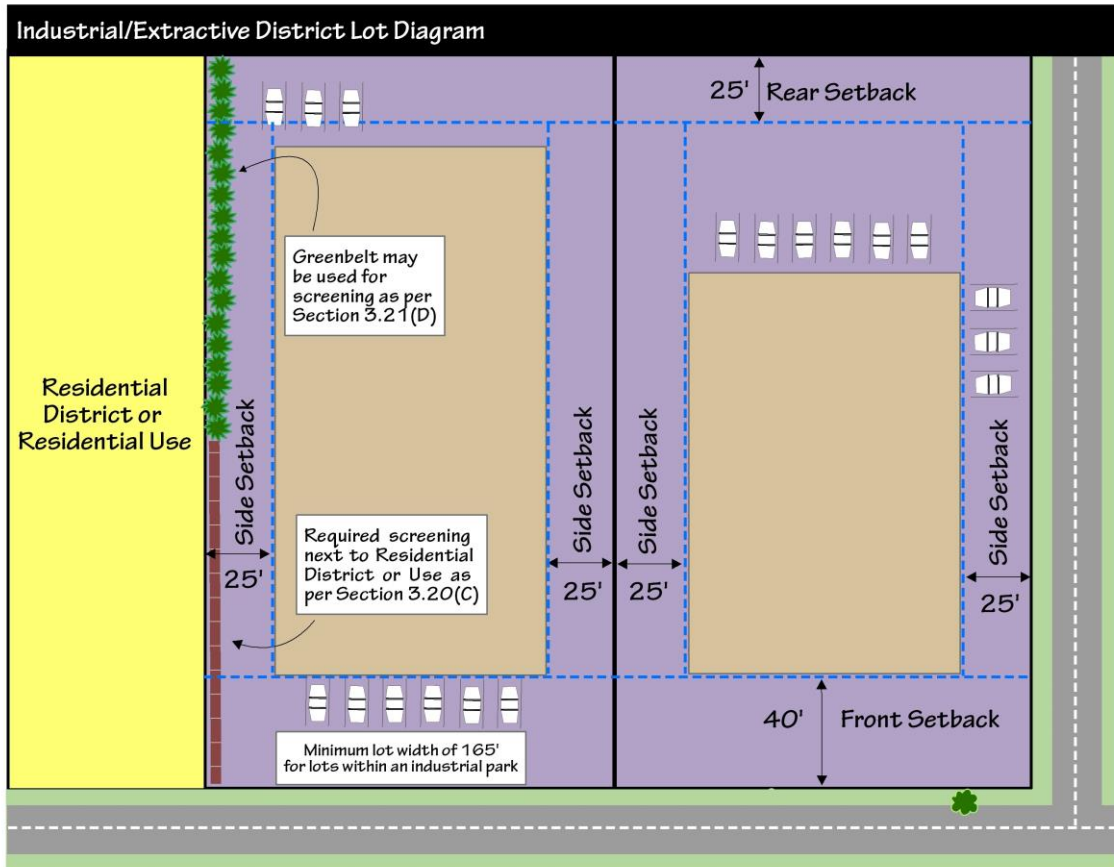
a. Front (minimum)	40 ft
b. Rear (minimum)	25 ft
c. Side (minimum)	25 ft each

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.6 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C . A greenbelt may be used for screening purposes as per §3.21 .
c. Fences	Regulated by §3.20 .
d. Performance Standards	Application for a zoning permit shall be accompanied by a written statement from the property owner on the effects of the operations on traffic; on water and air pollution; on noise and glare conditions; on fire and safety hazards; on emission of dangerous or obnoxious matter; and on the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including smoke and pollution control, not exceeding quality standards established by the State of Michigan.

Figure 4.13A
District Setbacks

IE



Section 4.14 GB – Greenbelt District

GB

A. Scope

The Green Belt District shall apply to all lakefront and stream front property specified herein. All future subdivision plats and land divisions shall comply with this section. The Green Belt (GB) District is an overlay District, and all regulations applicable to the properties in each underlying district apply except to the extent they are modified by the provisions of this Section 4.14.

B. Purpose.

The primary purpose of this section is to provide the most desirable residential areas while preserving the existing quality of the lakes and streams in Albert Township, Montmorency County. The Green Belt District shall extend four hundred (400) feet from the river's edge on both sides of the river or from the lake's ordinary high water mark or edge of canal or channel. For the purpose of this Ordinance, roadside ditches made or used for drainage purposes are not classified as streams.

C. Objectives.

1. Avoidance of excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access.
2. Maintenance of high water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep pollutants from entering the waters, prevent erosion and help maintain cool water temperatures through shading.
3. Protection of the natural environment of streams and lakes for wildlife habitat purposes and preservation, to the extent possible, of natural waterfront landscapes.
4. Promotion of the general welfare of the Township by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and safeguarding against flooding.

D. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed in each underlying district in [Table Section 4.15: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

E. Development Standards.

GB

Table 4.14 A

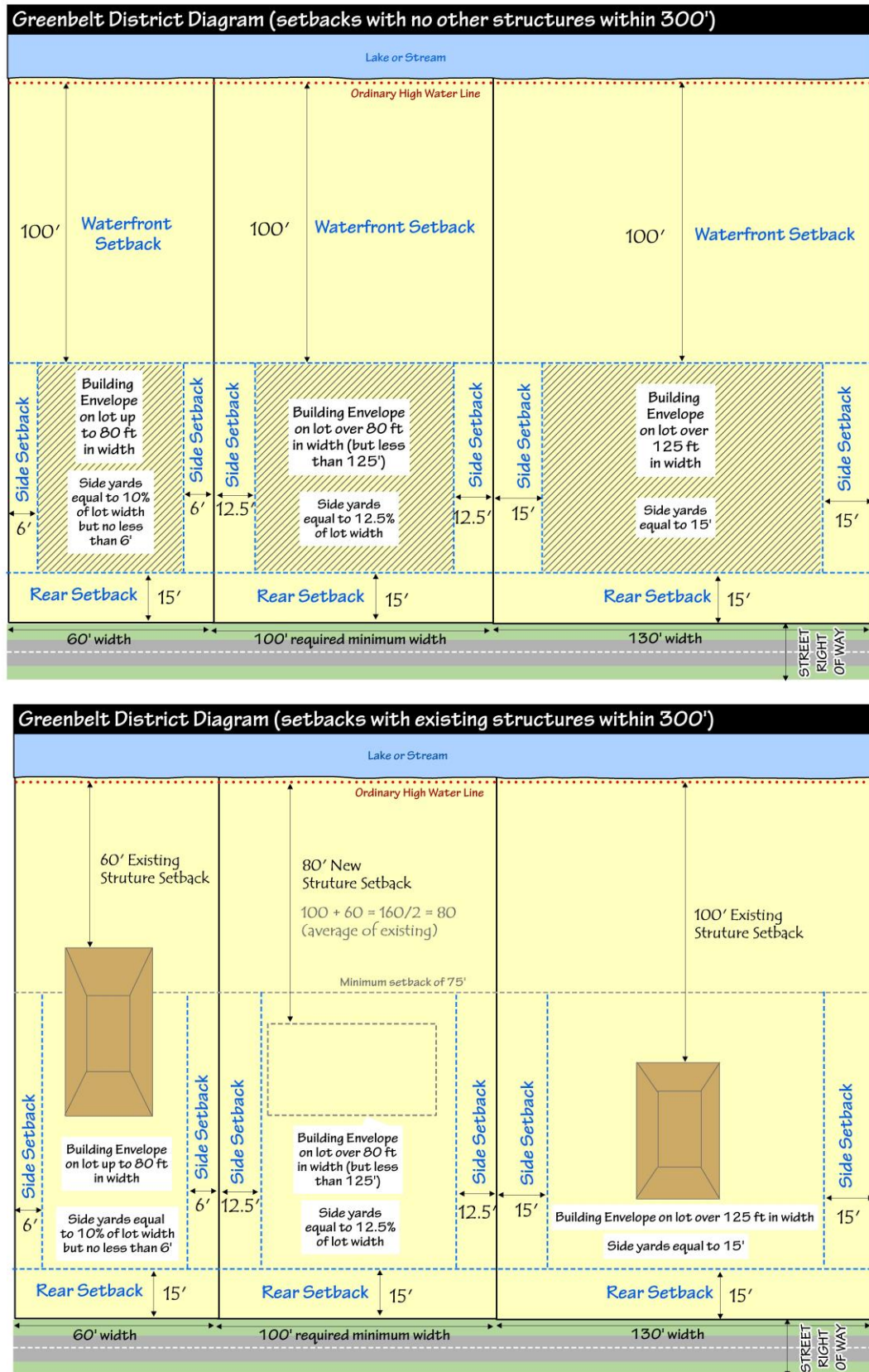
1. Lot & Structure Standards (Figure 4.14A)

a. Lot Area (minimum)	20,000 sq ft
b. Lot Area per Dwelling Unit (minimum)	20,000 sq ft
c. Lot Width (minimum)	100 ft
d. Lot Depth (minimum)	200 ft
e. Building Height (maximum)	35 ft
f. Building Width – Primary Structure (minimum)	20 ft
g. Lot Coverage (maximum)	When the underlying districts are RR, R-1, R-2, R-3, and MHC, on lots of twenty thousand (20,000) square feet or less, the total ground floor area of all structures shall not exceed thirty (30) percent of the lot area.
h. Floor Area (minimum)	Single-Family: 768 sq ft Nonresidential: No minimum square footage except as required by building code.

2. GB Setbacks (Figure 4.14A)

a. Front (minimum) – Front yards on waterfront lots shall be that part of the lot nearer the water.	<p>The waterfront setback on any building shall be determined by the average setback of all dwellings within three hundred (300) feet of both sides of the property in question, but in no case shall it be closer than seventy-five (75) feet from the ordinary high water mark as defined in Part 301 (Inland Lakes & Streams) of the Natural Resources and Environmental Protection Act 1994 PA 451. In the case that there are no dwellings within three hundred (300) feet of either side of the property in question, the waterfront setback shall be one hundred (100) feet from the ordinary high water mark.</p> <p>For the purpose of this section, docks shall not be considered buildings and shall not be roofed, nor enclosed by screens or walls.</p> <p>Elevated banks may be used in computing this minimum setback as follows: Each foot of elevation above the high water mark may be counted as one (1) foot of horizontal setback, but in no case can more than twenty (20) feet of bank elevation be used as part of the total setback requirement.</p>
b. Rear (minimum)	15 ft
c. Side (minimum)	<p>Lots to eighty (80) feet in width require minimum side yards equal to ten (10) percent of lot width, but not less than six (6) feet.</p> <p>Lots over eighty (80) feet in width but less than one hundred twenty-five (125) feet in width require minimum side yards equal to twelve and one-half (12.5) percent of lot width.</p> <p>Lots over one hundred twenty-five (125) feet in width require minimum side yards of fifteen (15) feet.</p>

Figure 4.14A Setbacks

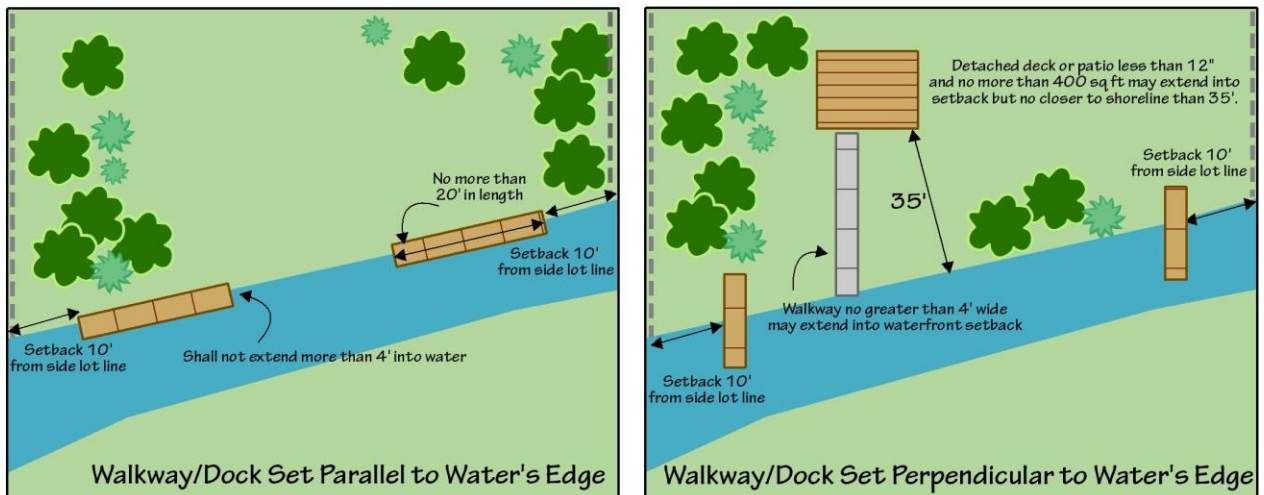


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|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
| 6 Special Land Uses | 7 Supplemental Regulations | 8 Zoning Board of Appeals | 9 Administration & Enforcement | 10 Adoption & Amendments |

3. GB Additional Development Standards

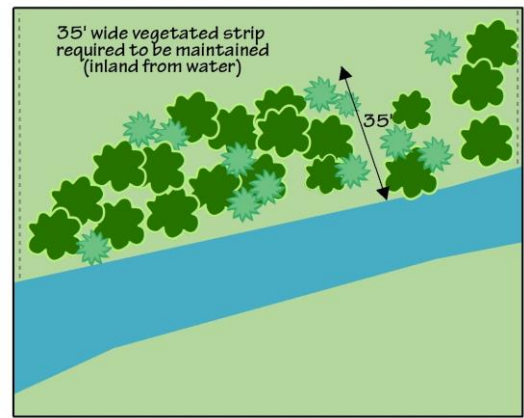
a. Accessory Buildings	Regulated by §3.6.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.20.C. A greenbelt may be used for screening purposes as per §3.21.
c. Fences	Regulated by §3.20. Fencing shall be set back from the ordinary high water mark by thirty-five (35) feet at minimum. Further a fence placed in any part of the lot lying between the principal building line and the ordinary high water mark shall not exceed four (4) feet in height, and shall not unreasonably obstruct waterfront views.
d. Boat Ramps & Docks (Figure 4.14B)	Boat ramps, docks, or boat hoists shall not be erected less than ten (10) feet from any side lot line as projected into the water according to law. Docks constructed parallel to shorelines may not be more than twenty (20) feet in length, and such docks shall not extend into the water more than four (4) feet. Docks shall be removed each year by October 31 st . Dock Rental Prohibited. Within any part of the Greenbelt District which is zoned for residential use (RR, FR, R-1, R-2 or R-3), commercial use of docks, or rental of dock space to anyone other than the riparian occupant is expressly prohibited.
e. Pump Houses	Pump houses of not more than twenty-five (25) square feet and not more than three (3) feet in height will be permitted in the setback.
f. Detached Decks and Patios (uncovered)	Detached uncovered decks or patios which are less than twelve (12) inches above the average natural grade at the deck building line and which do not exceed four hundred (400) square feet total (all decks in combination), may extend into the waterfront setback area but not nearer to the shoreline than thirty-five (35) feet. Walkways and pathways, if not wider than four (4) feet, are not restricted by this paragraph.

Figure 4.14B Docks and Decks/Patios



GB Additional Development Standards (continued)

<p>g. Impervious Surfaces</p>	<p>Within thirty-five (35) feet of the ordinary high water mark, the use of concrete or other impervious surface pavements shall be limited to walkways necessary for water access or boat launch ramps.</p>
<p>h. Vegetative Strip</p>	<p>Naturally occurring trees, shrubs and vegetation shall be maintained and enhanced along the banks of the rivers, streams, natural ponds and lakes in this District. Maintenance of the natural vegetation strip is required to help stabilize the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water run-off, provide screening of man-made elements, protect fisheries and wildlife habitat, and preserve the diversity of native flora. The vegetation strip may be trimmed and pruned for a view of the water body.</p> <p>(1) The vegetation strip shall be maintained for one hundred (100) percent of the lot width a distance of thirty-five (35) feet inland measured horizontally from the ordinary high water mark or from the landward extent of the beach, bulkhead, sea wall or riprap, if present.</p> <p>(2) If a vegetation strip does not now exist, property owners are strongly encouraged to establish such a vegetation strip to enhance and protect the water's edge. If such a strip is desired, please consult documentation on natural vegetation on file at the Albert Township offices. (Note – some grasses are not “naturally occurring” species in Michigan.)</p> <p>(3) Applicants for permits for new waterfront development shall be required to submit their plans for the establishment and maintenance of the natural vegetation strip to the Zoning Administrator for approval.</p> <p>(4) Earth change is allowed within a vegetation strip only in accordance with subsection I below.</p> <p>(5) Travel trailers, tents, campers and motor homes are not permitted within the vegetation strip (thirty-five [35] feet from the high water mark) and are further governed by Section 3.7.</p>
<p>i. Construction Limits Due to High Groundwater</p>	<p>No structure shall be constructed on lands where a minimum of four (4) feet between floor level and high ground water table cannot be met, unless a connection is made to a community sewer system. Filling to bring to grade level will not be permitted.</p> <p>A permit must be obtained from the Michigan DEQ or any other governmental agency requiring permits for any filling, grading, lagooning or dredging of the beds of a stream or lake, canal or channel.</p>



Albert Township Zoning Ordinance

j. Sanitary Waste System	Disposal fields and septic tanks shall not be closer than one hundred (100) feet from the ordinary high water mark. The disposal field tile trench bottoms shall be at least four (4) feet above the high water table. All sanitary waste systems shall be inspected and approved by the District Health Department.
k. Subsoil Drainage System	Subsoil drainage systems (footing drains) shall not empty into any river, lake, canal or channel.
l. Earth Changes	Any earth change which disturbs one or more acres of land, or is located within five hundred (500) feet of a lake or stream must have a permit and comply with the provisions of Part 91 (Soil Erosion and Sedimentation) and Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended . Earth changes include dredging, filling, excavation, grading, or similar activities.
m. Relation to AuSable River Natural River Zoning	Under the State of Michigan Natural Rivers Act , all property within four hundred (400) feet of the Middle Branch, Big Creek must comply with the State of Michigan AuSable River Natural River Zoning requirements. A certificate of zoning compliance issued under this State program shall be required before an Albert Township zoning permit may be issued for property within four hundred (400) feet of Big Creek.

Section 4.15 Table of Permitted & Special Land Uses

Permitted and Special Land Uses shall be limited to those listed in the following Table of Permitted and Special Land Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted in Albert Township. Unlisted uses are subject to [Section 3.10](#).

Table of Permitted and Special Land Uses									
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Accommodation & Food and Event Services									
<i>Bakeries (goods produced & sold on-site)</i>							P	P	
<i>Bed & Breakfasts & Tourist Homes (§7.8)</i>	S*	S*	S*	P*		S*		P	
<i>Cabin Courts (Cottages – rental)</i>	S	S	S	S		S	S	S	
<i>Caterers/Food Service Contractors</i>							P	P	
<i>Coffee Shops</i>							P	P	
<i>Convention Centers/Conference Centers/Banquet Halls</i>								P	
<i>Drinking Establishments/Taverns/Bars</i>							P	P	
<i>Event Venues (weddings, etc)</i>								P	
<i>Hotels & Motels (attached or detached units)</i>							P	P	
<i>Inns</i>	S	S	S	S		S	P	P	
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>	S					S	P	P	P
<i>Resorts (§7.5)</i>	S*	S*	S*	S*		S*			
<i>Restaurants without Drive-Through</i>							P	P	
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>								P	
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>							P	P	
<i>Rooming Houses & Boarding Houses (§7.9)</i>				P*			P*	P*	
<i>Short Term Rentals</i>	P	P	P	P		P			

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Table of Permitted and Special Land Uses									
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)									
	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Agriculture/Forest Products									
Agricultural Equipment Dealers/Repair								P	P
Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)	P					P		P	P
Agricultural Tourism Businesses (on Farms) (Guest Ranches see §7.5)	S*					S*			
Animal Sales Yards						S			
Animal Shelter (§7.14)	S*					S*		S*	
Biofuel Production Facilities on Farms (§7.16)	P*S*					P*S*			
Boarding/Riding Stables and Academies/Riding Arenas	P					P			
Bulk seed, feed, fertilizer & nursery stock outlet & distribution centers									P
Cider Mills	P					P			
Composting Business	S					S			
Farms, Commercial	P					P			
Farms, Non-Commercial (hobby farm)	P	S*	S*			P			
Farm Supply & Feed Stores								P	
Farmer's Markets/Fruit & Vegetable Market							P	P	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)	S					S			P
Food Hub/Food Incubator								P	P
Game Preserves	S					S			
Grain Elevators	S					S			
Greenhouses/Hoophouses/Nurseries/Landscaping Establishment/Tree Trimming Businesses								P	P
Kennels (§7.14)	S*					S*			S*
Lumber Yards (pre-planned, finished lumber)/Building Material Sales							P	P	P
Meat Packing Plants									S
Roadside Stands (§7.4)	P*					P*			
Slaughter Houses									S
Veterinary Clinic or Hospital							P	P	P

- 1** Purpose & Authority
- 2** Definitions
- 3** General Provisions
- 4** District Regulations
- 5** Site Plans & Plot Plans
- 6** Special Land Uses
- 7** Supplemental Regulations
- 8** Zoning Board of Appeals
- 9** Administration & Enforcement
- 10** Adoption & Amendments

Table of Permitted and Special Land Uses										
P = Permitted by right S = Permitted with a Special Use Permit										
*Uses with Supplemental Regulations (Article 7)										
	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE	
Arts, Entertainment, & Recreation										
Amusement Arcades							P	P		
Amusement Parks	S					S				
Art Studios & Galleries						P	P	P		
Bike Shops							P	P		
Bowling Centers/Billiards Halls							P	P		
Campgrounds/RV Parks	S					S				
Camps (ex: summer camp) (§7.1)	P*					P*				
Canoe/Kayak Liveries	S	S	S			S		S		
Equipment Rental (non-motorized)/Outfitter							P	P		
Fitness & Recreational Sports Center (spas, health clubs, racquetball, karate, yoga, swim)							P	P		
Golf Courses & Driving Range	S					S		P		
Hunting Preserves (§7.6)	S*					S*				
Museums							P	P		
Outdoor Performance Facilities/Music (Concert) Venue	S					S	S	S		
Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)								P		
Private Clubs; Lodges; Snowmobile Clubs	P					P		P		
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Ballfields		P	P			P	P	P		
Race Tracks	S					S				
Skating Rinks (indoor or outdoor)							P	P		
Sportsmen’s Associations/Firearms Ranges/Archery Ranges	S					S		S		
Theaters/Performing Arts Facilities							P	P		
Tours (Commercial Operations)							P	P		
Wildlife Preserves (§7.6)	S*					S*				
Zoos and Animal Tours	S					S				

- 1** Purpose & Authority
- 2** Definitions
- 3** General Provisions
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Table of Permitted and Special Land Uses									
P = Permitted by right S = Permitted with a Special Use Permit									
*Uses with Supplemental Regulations (Article 7)									
	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Commercial/Retail/Office/Service									
Antique Stores							P	P	
Automobile Related Uses:									
Auto Repair Auto/Auto Body/Paint/Interior & Glass							S	P	P
Automotive Equipment Rental/Leasing								P	
Car Washes								P	
Gas Station							S	P	P
Oil Change							S	P	P
Bait and Tackle Shops	S						P	P	
Boat/RV/Recreational Equipment Repair & Storage								P	P
Building & Garden Equipment & Supplies Dealers								P	P
Cash Advance Stores							P	P	
Clothing & Clothing Accessories Stores; Shoe Sales & Repair							P	P	
Commercial/Industrial Equipment Rental & Leasing									P
Commercial Equipment Repair & Maintenance									P
Convenience Stores							P	P	
Crematoriums									S
Drive-Through Establishments (other than restaurants)							P	P	
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)							P	P	
Electronic & Precision Equipment Repair & Maintenance							P	P	
Electronics & Appliance Stores							P	P	
Extermination & Pest Control Services								P	P
Farm Supply Stores							P	P	P
Film Production Facilities including sound stages and other related activities							P	P	P
Financial Institutions							P	P	
Flea Market								S	S
Florists							P	P	
Funeral Homes & Mortuaries							P	P	
Furniture & Home Furnishings/Fixtures Stores							P	P	

- 1** Purpose & Authority
- 2** Definitions
- 3** General Provisions
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P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)									
	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Commercial/Retail/Office/Service									
<i>Furniture Restoration & Repair (refinishing/upholstery)</i>	P					P	P	P	P
<i>General Retail</i>							P	P	
<i>General Retail Centers</i>							P	P	
<i>Gift Shops</i>							P	P	
<i>Grocery Stores</i>							P	P	
<i>Grocery Stores with not more than 4,000 square feet of floor area</i>	S								
<i>Hardware Stores</i>							P	P	
<i>Health & Personal Care Stores</i>							P	P	
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>								P	P
<i>Interior Designers/Showrooms</i>								P	P
<i>Locksmiths</i>							P	P	
<i>Manufactured Home Dealers/Repair</i>								P	P
<i>Medical Equipment Sales</i>							P	P	
<i>Medical Laboratories</i>								P	P
<i>Movie Rental Stores</i>							P	P	
<i>Office Supply Stores</i>							P	P	
<i>Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).</i>							P	P	
<i>Outdoor Sales/Rental of automobiles, trucks, motorcycles, recreational equipment, marine craft, farm implements, contractor's equipment</i>								P	P
<i>Pawn Shops/Resale Shops/Thrift Store</i>							P	P	
<i>Personal Services (beauty shops, tailoring, massage, spas)</i>							P	P	
<i>Pet and Pet Care Stores (except Veterinary and Animal Shelters) – no outside kennels</i>							P	P	
<i>Pharmacies/Medical & Optical Supplies</i>							P	P	
<i>Photofinishing/Photographers</i>							P	P	
<i>Printing/Binding/Publishing of Printed Materials</i>							P	P	
<i>Professional Cleaning Services</i>								P	P
<i>Professional Offices</i>							P	P	

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	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Commercial/Retail/Office/Service									
<i>Real Estate Sales</i>							P	P	
<i>Recording Studios</i>							P	P	P
<i>Retail Uses with Outdoor Storage</i>								P	P
<i>Seasonal Sales/Transient Sales/ Pop-Up Businesses (§7.23)</i>							P*	P*	
<i>Sexually Oriented Businesses (§7.22)</i>									S*
<i>Shopping Center – Multiple Businesses</i>							P	P	
<i>Small Engine Repair</i>								P	P
<i>Small-Scale Craft Making</i>							P	P	
<i>Sporting Goods, Hobby, Book & Music Stores</i>							P	P	
<i>Studios for dance and music</i>							P	P	
<i>Taxidermy Shops</i>	P					P	P	P	P
Communications									
<i>Television/Radio Broadcasting Stations</i>	S					S			S
<i>Wireless Communications Equipment & Support Structures (towers) (not less than 10 acres in R-2) (§7.11)</i>	S*		S*			S*			P*
Construction/Contractors									
<i>Contractor's Offices</i>							P	P	P
<i>Contractor's Establishments (provided all products, material and equipment are stored within an enclosed building). Ex: Carpentry, Plumbing, Electrical</i>	S					S		P	P
<i>Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.</i>	S					S		P	P
Educational Services/Religion									
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	S					S	S	P	
<i>Public or private schools</i>			S	P					
<i>Religious Institutions and associated structures (parish hall, school, cemetery)</i>	P	S	S	P		P		P	
<i>Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)</i>	S					S			P

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	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Human Care & Social Assistance									
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P	P	P			
Adult Foster Care Small Group Home (7-12 adults)	S	S	S	S		S		S	
Adult Foster Care Large Group Home (13-20 adults)	S		S	S		S		S	
Adult Foster Care Congregate Facilities (more than 20 adults)	S		S	S		S		S	
Adult Commercial Day Care – Small Group (7-12 adults)								P	
Adult Commercial Day Care – Large Group (greater than 12 adults)								P	
Adult Day Care Family Home (6 or less)	P	P	P	P	P	P			
Adult Day Care Group Home (7-12)	S	S	S	S	S	S			
Child Care Services (see following)									
Family Child Care Home (6 or less)	P	P	P	P	P	P			
Group Child Care Home (7 -12)	S	S	S	S	S	S			
Child Care Center/Nursery School(not in home)								P	
Child Caring Institution								P	
Health Care/Dental/Optical Clinics							P	P	
Hospitals & Sanitariums								S	
Assisted Living Home/Nursing Home/Convalescent Home								P	
Residential Human Care and Treatment Facility								S	
Residential Facility for Battered Women and Children (in a private residence)	P	P	P	P	P	P			
State-Licensed Residential Facilities (6 or less adults)	P	P	P	P	P	P			

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Manufacturing/Industrial/Mining/Waste Management									
<i>Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)</i>								P	P
<i>Bakeries (not dealing directly with customers)</i>								P	P
<i>Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries</i>									P
<i>Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg</i>									P
<i>Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.</i>								P	P
<i>Industrial manufacturing operations and operations for servicing, compounding, assembling or treatment of articles of merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings except for the following permissible outdoor activities;</i> <i>a. Outdoor storage in the rear yard area which must not exceed fifty (50) percent of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of a higher use district classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.</i> <i>b. Delivery operations to and from said business.</i>									P
<i>Junk Yard/Salvage Yards with a minimum of 80 acres (§7.2)</i>	S*					S*			
<i>Laboratories</i>									P
<i>Mining (incl sand and gravel operations) (§7.15)</i>	S*	S*	S*	S*	S*	S*	S*	S*	S*
<i>Office Uses related to manufacturing/industry</i>									P
<i>Printing, Lithographic & Blueprinting</i>									P
<i>Recycling & Resource Recovery Facilities/Transfer Stations/Waste Collection</i>									P
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>									P
<i>Sign Painting &Mfg</i>								P	P
<i>Truck (light) and care maintenance with office areas</i>									P

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	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE	
Miscellaneous & Mixed Uses										
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.6)</i>	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
<i>Accessory Buildings (Stand Alone) (§3.6)</i>	P*	P*	P*	P*		P*	P*	P*	P*	P*
<i>Cemeteries including Columbaria, Mausoleums</i>	S	S		S		S				S
<i>Conversion of Commercial to Residential</i>							S	S		
<i>Mixed Use – Residential and Commercial (in one building or on one lot)</i>							P	P		
<i>Parking Lots</i>							P	P		
<i>Planned Unit Development (§7.19)</i>	S*	S*	S*	S*		S*	S*	S*	S*	S*
<i>Site Condominium Development (§7.20)</i>	S*	S*	S*	S*		S*	S*	S*	S*	S*
Public Facilities										
<i>Community Centers</i>						P	P	P		
<i>Governmental Buildings</i>						P	P	P		
<i>Libraries</i>						P	P	P		
<i>Police/Fire Stations/Jails</i>						P	P	P		
<i>Post Office</i>						P		P		
<i>Public Works Facilities with Outdoor Storage</i>						P		P		
<i>Water & Wastewater Treatment Plants; Water Towers</i>						P		P		

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	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE
Residential Uses									
Accessory Dwelling Units/Guest Houses (§7.18)	P*	P*	P*	P*	P*	P*			
Cottage Industry (§7.7)	S*	S*	S*	S*	S*	S*			
Dwelling Units above/to the rear of a Commercial Establishment							P	P	
Home Occupations (wholly contained) (§7.7)	P*	P*	P*	P*	P*	P*			
Home Occupations (using land outside dwelling unit) (§7.7)	S*	S*	S*	S*		S*			
Manufactured Housing Community					S				
Multiple-Family Dwelling Units (apartments)	P		S	P		P			
Single-Family Detached Dwelling	P	P	P	P	P	P			
Single-Family Attached Dwelling (Townhouses)	P		S	P		P			
Two-Family Dwelling (duplex)	P	P	P	P		P			
Transportation Services/Warehousing/Wholesale Trade/ Storage/Shipping									
Airports, Aviation Support Services, Heliports & Landing Fields (added)						S			P
Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments								P	P
Marinas, Port and Dock Facilities		P						P	
Moving Companies									P
Scenic & Sightseeing Transportation/Ground Passenger Transportation								P	P
Self-Storage Facilities									P
Towing Businesses								S	P
Truck/Freight Terminal/Maintenance & Repair									P
Trucking & Transportation-Related Uses									P
Truck Washes									P
Vehicle Parking & Storage, Seasonal									P
Warehousing & Storage (within an enclosed building)									P
Wholesale Trade									P

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	RR	R-1	R-2	R-3	MHC	FR	C-P	C-V	IE	
Utilities/Energy										
Bottled Gas Dealer (i.e. propane)										S
Electrical Transformer Stations & Substations										S
Heating & Electric Power Generating Plants										S
Public Utility Facilities (without storage yards)								P		
Public Utility Facilities (with storage yards)								S		
Solar Panels Energy Facility (§7.17)	S*					S*				
Wind Energy Facilities and Anemometer Towers (Commercial) (§7.21)	S*					S*				
Wind Energy Systems (on-site) (§7.21)	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*

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Section 4.16 Schedule of Regulations

Zoning District		Minimum Lot Size			Maximum Building Height	Setbacks (ft)				Minimum Floor Area per Dwelling Unit	Maximum Lot Coverage (for lots 20,000 sq ft or less)	Minimum Width per Dwelling Unit
		Area	Lot Area per Dwelling Unit	Lot Width (ft)		ft	Front (Min ft)	Side (each) (Min ft)	Rear (Min ft)			
FR (Forest Residential)	Lots on County-maintained roads	5 acres	-----	200	50	40	20	20	-----	e	-----	14
	All other lots	10 acres										
RR (Rural Residential)		20,000 sq ft	-----	150	35	40	20	20	-----		30	14
R-1 (Single-Family Residential)		12,000 sq ft	-----	100	35	40	a	15	b		30	20
R-2 (Single & Two-Family Residential)	Lots without public water or sewer	12,000 sq ft	6,000 sq ft	100	35	35	a	10	b		30	20
	Lots with public water or sewer	8,500 sq ft	4,250 sq ft	85								
R-3 (Multiple-Family Residential District)	Lots without public water or sewer	12,000 sq ft	4,000 sq ft	100	35	30	a	10	b		30	20
	Lots with public water or sewer	8,500 sq ft		85								
MHC (Manufactured Housing Community District)	Total tract for MHC	5 acres	-----	-----	20	40	20	20	-----	768	-----	14
	Each lot within MHC	-----	4,000 sq ft	40		10	10	20				
C-P (Commercial-Pedestrian District)	Lots without public water or sewer	12,000 sq ft	-----	-----	35	0	0 (d)	10	15	-----	-----	-----
	Lots with public water or sewer	8,500 sq ft										
C-V (Commercial-Vehicular District)		12,000 sq ft	-----	100	35	25	10	10	-----	-----	-----	-----
IE (Industrial/Extractive District)	For a single industry	2.5 acres	-----	-----	40	40	25	25	-----	-----	-----	-----
	For an industrial park	1.25 acres	-----	165								
GB (Greenbelt District)		20,000 sq ft	20,000 sq ft	100	35	c	a	15	-----	768	30	20

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a. Side Yards in R-1, R-2, R-3, and GB Districts.

- 1. Lots to eighty (80) feet in width require minimum side yards equal to ten (10) percent of lot width, but not less than six (6) feet.
- 2. Lots over eighty 80 feet in width but less than one hundred twenty-five (125) feet in width require minimum side yards equal to twelve and one-half (12.5) percent of lot width.
- 3. Lots over one hundred twenty-five (125) feet in width require minimum side yards of fifteen (15) feet.

b. **Corner Lots.** On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both front lot lines shall be a required front yard. The owner shall elect, and so designate on the application for zoning permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.

c. **Greenbelt District Front Yard Setback (Waterfront Yard).** The waterfront setback on any building shall be determined by the average setback of all dwellings within three hundred (300) feet of both sides of the property in question, but in no case shall it be closer than seventy-five (75) feet from the ordinary high water mark as defined in the [Inland Lakes & Streams Act Part 301 \(Inland Lakes & Streams\)](#) of the [Natural Resources and Environmental Protection Act 1994 PA 451](#). In the case that there are no dwellings within three hundred (300) feet of either side of the property in question, the waterfront setback shall be one hundred (100) feet from the ordinary high water mark. For the purpose of this section, docks shall not be considered buildings and shall not be roofed, nor enclosed by screens or walls. Elevated banks may be used in computing this minimum setback as follows: Each foot of elevation above the high water mark may be counted as one (1) foot of horizontal setback, but in no case can more than twenty (20) feet of bank elevation be used as part of the total setback requirement.

d. Side Yards in C-P District.

- 1. No side yard required when walls abutting a side lot line are solid masonry and wholly without openings.
- 2. Where any adjacent lot is occupied by a residential use or zoned RR, R 1, R 2, R 3 or FR, an open a side yard not less than fifteen (15) feet in width shall be required.

e. Minimum Dwelling Unit Size in RR, FR, R-1, R-2, and R-3.

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1. Single-Family Detached on parcels one (1) acre or greater: four hundred forty (440) square feet per dwelling unit.
2. Single-Family Detached on parcels less than one (1) acre or in platted subdivisions: seven hundred sixty eight (768) square feet per dwelling unit.
3. Two-Family and Single-Family Attached: Six hundred (600) square feet per dwelling unit.
4. Nonresidential: No minimum square footage except as required by building code.

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Article 5

Plot Plan & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.0	Purpose & Approval Summary Table	5-1	5.5	Site Plan Review Procedures	5-7
5.1	Plot Plans	5-2	5.6	Site Plan Approval Standards	5-9
5.2	Site Plans – Circumstances Requiring	5-4	5.7	Conformity to Site Plan Required	5-11
5.3	Pre-Application Conference	5-5	5.8	Amendment to an Approved Site Plan	5-11
5.4	Site Plan Data Required	5-5	5.9	Expiration of a Site Plan	5-13

Section 5.0 Purpose & Approval Summary Table

The purpose of this article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as it was promised by the developer. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Table 5.0 A: Approval Summary Table*

Type of Use	Plan Required	Approving Body
1. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings	Plot Plan	Reviewed and approved by ZA
2. Adult Foster Care Family Homes & State Licensed Residential Facilities	Plot Plan	Reviewed and approved by ZA
3. Residential Special Uses	Plot Plan	Reviewed and approved by PC after public hearing required as per §9.4 .
4. Special Uses (non-residential)	Site Plan	
5. Parking Lots	Plot Plan	Reviewed and approved by ZA
6. Change of Use - between or within use categories (i.e. commercial to industrial or florist shop to restaurant)	-----	Reviewed and approved by ZA
7. Accessory Structures	Plot Plan	Reviewed and approved by ZA
8. Accessory Structures for Non-Residential Buildings	Plot Plan	Reviewed and approved by ZA <i>(ZA reserves the right to refer approval to PC)</i>
9. Fences	**	Reviewed and approved by ZA
10. Signs	-----	Reviewed and approved by ZA
11. Essential Services (construction of buildings)	Plot Plan	Reviewed and approved by ZA
12. New Commercial, Industrial, & Institutional Structures/Uses	Site Plan	Reviewed and approved by PC
13. Expansion of an existing use, other than one single-family and two-family dwellings, which increases the existing floor area	Site Plan	Reviewed and approved by PC
14. Multiple-family dwelling units	Site Plan	Reviewed and approved by PC.
15. Planned Unit Developments & Site Condominium Projects	Site Plan	Reviewed and approved by PC after public hearing required as per §9.4 .
16. Private Roads	Site Plan	Reviewed and approved by PC
17. Stand-alone Storage Buildings	Plot Plan	Reviewed and approved by ZA as per §3.6.C .

PC = Planning Commission ZA = Zoning Administrator

*Projects requiring a site plan that have a construction cost of less than \$10,000 require review and approval by the ZA. Projects requiring a site plan that have a construction cost equal to or greater than \$10,000 require review and approval by the PC.

**A survey may be required by the Zoning Administrator

Section 5.1 Plot Plans

A. Circumstances Requiring a Plot Plan.

Before proceeding with the erection, alteration, enlargement, razing, conversion or moving of any building or structure, a plot plan shall be submitted with all applications for Zoning Permits for the uses listed below (also listed in Table 5.0A).

1. Single-Family Detached, Single-Family Attached and Two-Family Dwelling Units.
2. Adult Foster Care Family Homes & State Licensed Residential Facilities.
3. Residential Special Land Uses.
4. Accessory Structures (for Residential and Non-Residential Buildings).
5. Stand-Alone Storage Buildings.
6. Essential Services (for the construction of buildings).
7. Parking Lots.
8. All uses which do not require a site plan as per [Section 5.2](#).

The plot plan requirement shall not apply to alterations inside a building or structure if no change is made in foundations or in outside perimeter.

B. Plot Plan Data Required for Application.

The Plot Plan, drawn to approximate scale in a blueprint or pen and ink drawing shall contain the following items and shall be submitted with an application form provided by the Township. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this section shall be construed as to prohibit a property owner or his agent from preparing his own plans and specifications, provided the same are clear and legible and that the information listed in [Table 5.1A](#) is provided.

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Table 5.1 A: Plot Plan Requirements	
1. Location	Address or legal or tax description of the property where the proposed use will occur.
2. Contact information	Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
3. Setbacks	Location of required setbacks of the zoning district.
4. Property Lines	The shape, location and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. The scale, north arrow, and date.
5. Accesses	The location and configuration of the lot access and driveway, drawn to scale.
6. Structures & Materials	The location, shape, dimensions, type, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
7. Type of Use	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.
8. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
9. Rights-of-Way and Easements	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
10. Landscaping	All landscaping that will appear on the property.
11. Sewer/Water	Location and type of sewage disposal and water supply facilities, when required by the Zoning Administrator.
12. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.
13. Survey	Boundary Survey may be required by the Zoning Administrator.

C. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval chart in [Section 5.0](#) after application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to [Section 9.1](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Section 5.2 Site Plans – Circumstances Requiring

A. Intent.

It is recognized that there is value to the public in establishing safe and convenient traffic movements to higher density areas, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further, that there is benefit to the public conserving natural resources. Toward this end, this section requires site plan review by the Planning Commission for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land uses.

B. Uses Requiring a Site Plan.

The Zoning Administrator shall not issue a zoning permit for the construction of the buildings and structures identified in this section, or issue a zoning permit for the change of use of any parcel, unless a detailed site plan has been reviewed and approved by the Planning Commission or, when applicable, has undergone administrative review by the Zoning Administrator, and such approval is in effect. The following uses require a site plan:

1. New Commercial, Industrial, & Institutional Structures/Uses.
2. Special Land Uses (except Residential Special Land Uses such as Group Day Care Home).
3. Planned Unit Developments.
4. Site Condominium Projects.
5. Multiple-Family Dwelling Units.
6. Expansion of an existing use, other than one single-family and two-family dwellings.
7. Private Roads.
8. Any other uses as required by this Ordinance.

Change of ownership of an existing use shall not require a site plan.

C. Approvals

Projects requiring a site plan that have a construction cost of less than ten thousand (10,000) dollars require administrative review and approval by the Zoning Administrator. Projects requiring a site plan that have a construction cost of greater than ten thousand (10,000) dollars require review and approval by the Planning Commission.

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Section 5.3 Site Plan Pre-Application Conference

The Zoning Administrator alone or in conjunction with the Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

Section 5.4 Site Plan Data Required

Each site plan submitted shall be an overall plan for the entire development at such accuracy that the Planning Commission can readily interpret the site plan. Each site plan shall contain the information contained in the following table. The Zoning Administrator may waive any of the site plan requirements listed below when he/she finds that those requirements are not applicable to the proposed development.

Table 5.4 A: Site Plan Requirements	
A. General Information	
1.	Name and address of property owner and developer (including contact information).
2.	Name and address of firm preparing the site plan (including contact information).
3.	Property’s legal description.
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
5.	Gross acreage of development and total usable floor area.
6.	Type of use and hours of operation.
7.	Impact statement addressing the demands the development will have on community services and any environmental impacts.
B. Map Information	
1.	Date, north arrow.
2.	Scale at least 1” = 50’ for property less than 3 acres and at least 1” = 100’ for property 3 or more acres.
3.	A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses.
C. Lot Lines & Right of Way	
1.	Existing and proposed boundary lines of the property to include all dimensions and legal description.

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2. The location and width of all abutting right-of-ways.

D. Development Features

1. **Proposed Features.** The site plan shall show all building locations; proposed finished floor and grade line elevations; size of proposed principal and accessory buildings, their relation to one another and to any existing structure on the site; the height of all buildings, and square footage of floor space. The site plan shall also show proposed signs, fences, common use areas, and recreational facilities.
2. **Existing Man-Made Features.** The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as water and sewer lines; excavations; bridges; culverts; drains; and easements. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
3. **Vehicular and Pedestrian Circulation.** The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
4. **Parking.** The site plan shall show the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
5. **Loading and Unloading Areas.** The site plan shall show the proposed location and size of all loading and unloading areas.
6. **Landscaping.** The site plan shall show the proposed location, use and size of open spaces; and the location of any landscaping, fences, buffering, screening, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
7. **Waste.** The site plan shall show storage and disposal facilities for solid waste generated, including location of dumpsters.
8. **Lighting.** The site plan shall show the location of all exterior lighting, including size and type.
9. **Hazardous Materials.** The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with all State and Federal regulations.
10. **Density.** Site plans for residential developments shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type, unit size, and number of each unit type.
11. Outdoor storage areas and snow storage areas.
12. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
13. The type, location and size of all existing and proposed utilities.
14. The location, size and slope of all surface and subsurface drainage facilities.

E. Natural Features

1. The location of existing environmental features, such as lakes, streams, wetlands, wooded areas, drains or any other natural or environmental features.
2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10) percent or greater, contours shall be shown at intervals of two (2) feet or less.

F. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the

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- following:
1. Relationship and identification of future structures.
 2. Pedestrian and vehicular circulation.
 3. Time schedule for completion of the various phases of the proposed construction.
 4. Temporary facilities or construction of same as required to facilitate the stated development.
- G. Other**
1. **Other Information.** Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.
 2. **Compliance with State/Federal Laws.** The site plan shall include an affidavit signed by the property owner that he has complied with all applicable State and Federal laws and regulations directed to the use and development of real property, including all State and Federal environmental protection legislation.
 3. **Groundwater Protection Information.** The site plan shall include the groundwater protection information identified in [Section 3.18](#).

Section 5.5 Site Plan Review Procedures (for projects with construction costs of \$10,000 or greater)

A. Number of Copies.

Ten (10) copies of the proposed site plan, including all required additional or related information, shall be submitted to the Zoning Administrator by the petitioner or property owner or his/her designated agent. A digital copy of the site plan may be required.

B. Timing of Submittal.

Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. If the site plan is required as part of a Special Use Permit or Planned Unit Development, the submittal procedures from [Article 6](#) shall be followed. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

C. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least thirty (30) days prior to the meeting. If the site plan was submitted less than thirty (30) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

D. Coordination with Other Agencies.

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The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The Montmorency County Soil Erosion and Sedimentation Control Officer;
2. The Montmorency County Drain Commissioner;
3. The Montmorency County Road Commission and, if appropriate, the Michigan Department of Transportation;
4. District Health Department;
5. Local police, fire and ambulance service providers;
6. Planning consultant;
7. Other agencies as deemed appropriate.

E. Application Fees.

Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.

F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the site plan may be approved contingent upon approval of the Zoning Board of Appeals.

G. Representation at Meeting.

If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

H. Consultant.

The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

I. Planning Commission Action.

1. Within sixty (60) days of the date of the Planning Commission meeting at which the site plan is first heard, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in [Section 5.6](#).
2. The sixty (60) day time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.

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3. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
4. Approval of a final site plan authorizes issuance of a zoning permit.
5. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.
6. The applicant may be required to post performance guarantees to insure completion of improvements associated with the project as per [Section 9.3](#).

J. Signed Copies.

Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed site plan on file.

K. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to [Section 9.6](#) of this Ordinance.

Section 5.6 Site Plan Approval Standards

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. Harmonious with Adjacent Uses.

The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. Preservation of Natural Landscape.

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The natural landscape shall be preserved in its natural state, insofar, as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

C. Drainage.

Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. The property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten (10) year design storm).

D. Privacy.

The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

E. Circulation.

1. There shall be a proper relationship between existing and proposed streets within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.
2. Circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.
3. Vehicular and pedestrian circulation shall be well defined.
4. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
5. Pedestrian-friendly streetscape elements shall be provided, if appropriate.

F. Emergency Vehicle Access.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

G. Access.

Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use. Where possible, shared commercial access drives shall be encouraged.

H. Outside Storage.

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Outside storage areas, including areas for storage of trash which face or are visible from residential districts or use, shall be screened.

I. Lighting.

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

J. Groundwater Protection Standards.

The site plan shall meet the groundwater protection standards set forth in [Section 3.18](#).

K. Snow Storage.

Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

L. Landscaping.

Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area

M. Compliance with Other Statutes and Regulations.

Site plans shall conform to all applicable requirements of Federal, State, and local statutes, and approval may be conditioned on the applicant receiving necessary Federal, State, and local permits before the actual zoning permit is granted.

Section 5.7 Conformity to Site Plan Required

- A. Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Zoning Administrator.
- B. No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan.

Section 5.8 Amendment to an Approved Site Plan

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator may approve minor changes in an approved site plan,

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provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

A. Determination of Minor Changes to a Site Plan.

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25) percent.
3. Movement of a building or buildings by no more than ten (10) feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10) percent or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the Township or other State or Federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

B. Revised Site Plan with Minor Changes.

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After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

C. Amendment to Site Plan – Major.

1. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.9 Expiration of a Site Plan

Any approved site plan shall become invalid if the authorized work is not commenced within one (1) year after the zoning permit is issued or if the authorized work is suspended or abandoned for a period of one (1) year after time of commencing the work. Thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Zoning Administrator for a one (1) year extension of the site plan approval. The Zoning Administrator shall grant the requested extension for this additional one (1) year if he/she finds good cause for the extension.

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Article 6 Special Land Uses

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6.1	Special Land Use Review Procedures	6-1
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Section 6.0 Purpose

Special Land Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. Special Land Uses shall be subject to all general provisions and [Article 7: Supplemental Regulations](#) of this Ordinance as well as to the provisions of the zoning district ([Article 4](#)) where it is located. Each use shall be considered on an individual basis.

Section 6.1 Special Land Use Review Procedures

A. Application Submittal.

1. Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose and shall be accompanied by the fee prescribed in the Schedule of Fees adopted by the Albert Township Board, as provided.
2. **Timing of Submittal.** Special Land Use Applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.
3. **Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Land Uses in accordance with [Section 5.1](#) and a site plan for Non-Residential Special Land Uses prepared in accordance with [Section 5.2 through 5.5](#). Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Land Use.

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B. Application Processing.

1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with [Section 9.4](#).
2. **Coordination with Other Agencies.** The Zoning Administrator may distribute the application materials to the following for comment or recommendation prior to consideration for approval:
 - a. The Montmorency County Soil Erosion and Sedimentation Control Officer;
 - b. The Montmorency County Drain Commissioner;
 - c. The Montmorency County Road Commission and, if appropriate, the Michigan Department of Transportation;
 - d. District Health Department;
 - e. Local police, fire and ambulance service providers;
 - f. Planning consultant;
 - g. Other agencies as deemed appropriate.
3. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the application may be approved contingent upon approval of the Zoning Board of Appeals.
4. **Representation at Meeting.** If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.
5. **Consultant.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the application review process, if deemed necessary or advisable.

Section 6.2 Planning Commission Decision

A. Decision.

After the required notice, required public hearing and review of approval standards pursuant to [Section 6.3](#), the Planning Commission shall act to approve, approve with modifications and/or conditions, or deny the proposed Special Land Use.

B. Findings of Fact.

The decision on a Special Land Use shall be incorporated into a written statement of findings and

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conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

C. Conditions.

The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the requirements pursuant to [Section 9.6](#).

D. Signed Copies.

If a plot plan or site plan is required, upon approval of the plan, three (3) copies of the plot plan or site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated plot plan or site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved plot plan or site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed plot plan or site plan on file.

Section 6.3 Special Land Use Approval Standards

The Planning Commission shall review the proposed Special Land Use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location shall meet the following standards:

A. Compatibility with Adjacent Uses.

1. The location, use, and the nature of the proposed use will not be in conflict with any principal permitted uses of the District, or immediate neighborhood.
2. The proposed use will not be more objectionable to adjacent and nearby properties than the operation of any permitted principal use of the District by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage.
3. The proposed use will not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.

B. Public Services.

1. The sewage disposal facilities and water supply servicing the property will be safe and adequate for the proposed use.

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2. The use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
3. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

C. Transportation System.

1. The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
2. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

D. Natural Resources.

The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

E. Economic Well-Being of the Community.

The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs.

Section 6.4 Amendments to an Approved Special Land Use

Minor amendments to a previously approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.8](#). Amendments which do not fall under [Section 5.8](#) shall be processed in the same manner as a new Special Land Use.

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Section 6.5 Expiration, Suspension or Revocation of a Special Land Use

A. Expiration of Special Land Use Permit.

Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within six (6) months after the zoning permit is issued. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension.

B. Special Land Use that has been Replaced or Superseded.

The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

D. Special Land Use and Transfer or Sale of Property.

A Special land use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).

E. Special Land Use Suspension or Revocation.

The Zoning Administrator may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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Supplemental Regulations

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Section 7.0 Purpose

Those permitted uses and special permit uses enumerated in any zoning district, and if included below, shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 7.1 Summer Camps

Summer camps shall be located on not less than ten (10) acres.

Section 7.2 Junkyards, Salvage Yards and Sanitary Landfills

All junkyards, salvage yards and sanitary landfills shall be set up, regulated and maintained in accordance with State of Michigan regulations and statutes. In addition, they shall be subject to the following provisions:

- A. The location shall not be less than one hundred twenty-five (125) feet from any public highway and the use completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well-maintained evergreens.

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- B. Glare from any process such as arc welding, which emits harmful ultraviolet rays, shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 7.3 Gas and Oil Processing Facilities

The purpose of the provisions of this Section is to preserve the desirable character and personality of Albert Township, as well as to recognize the desirability of developing the gas and oil resources lying beneath the Township, the rights of those owning and developing such resources, and the rights of other residents to be as free as possible of an unpleasant or less than desirable atmosphere which may occur should standards not be enacted and applied to the facilities used in the development of the resource. Therefore, the location of all gas and oil processing facilities shall be subject to the following provisions:

A. General Regulations.

1. Shall comply with all State and local building, environmental and health codes and regulations.
2. Shall, in addition to providing of data required by [Section 5.4](#), provide as part of any site plan copies of the application for permit to drill, permit to drill, survey record of well location, and plat, as provided to the Department of Environmental Quality, as part of the permit process for the location and erection of oil and gas processing facilities.
3. The Planning Commission may impose conditions in order to comply with the Zoning Ordinance standards.
4. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, proper documents must be submitted to the Township together with length of lease.
5. Because the subject facilities are industrial in nature, the site plan shall show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
6. In the event the facility is no longer required or is not used for 2 (two) years, the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to insure it is clear of pollutants.

B. Regulations by District.

1. In all Residential (R-1, R-2, R-3, MHP), Recreational RR (except land administered by the State), Commercial (C-V, C-P), and Industrial/Extractive (IE) zoned districts the following regulations shall apply:

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- a. The sound level of any such facility shall not exceed fifty (50) decibels as measured four hundred fifty (450) feet in any direction from the facility.
 - b. The facility shall be built no closer than four hundred fifty (450) feet from an existing dwelling.
 - c. The facility shall comply with the standards of [Article 5 \(Site Plan Review\)](#) and [Article 6 \(Special Uses\)](#).
2. In RR (land administered by the State only), and FR districts the following regulations shall apply:
- a. The sound level of any such facility shall not exceed fifty (50) decibels as measured four hundred fifty (450) feet in any direction from the facility.
 - b. The facility shall be built no closer than four hundred fifty (450) feet from an existing dwelling.
 - c. The isolation from public roads shall be one hundred (100) feet.
 - d. The facility shall comply with the standards of [Article 5 \(Site Plan Review\)](#).
 - e. As a Permitted Use, appeal of zoning provisions may be made to the Zoning Board of Appeals.

Section 7.4 Roadside Stands

Roadside stands shall not exceed two hundred (200) square feet in floor area. The facilities for customary entry, exit and parking be approved by the County Road Commission in writing as safe and adequate.

Section 7.5 Guest Ranches, Hunting/Fishing Resorts, Resort Hotels

Guest ranches, hunting and/or fishing resorts, resort hotels, including accessory facilities such as stables, corral, swimming pools, food services and incidental retail sales and services, shall be located on at least twenty (20) acres.

Section 7.6 Hunting Preserves and Wildlife Preserves

- A. Hunting preserves shall be located on parcels of at least three hundred twenty (320) acres, subject to applicable State and Federal permits and regulations.
- B. Wildlife preserves shall be located on parcels of at least ten (10) acres, subject to applicable State and Federal permits and regulations.

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Section 7.7 Home Occupations/Cottage Industries

While Albert Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-resident activities conducted in a residential zone. The intent then is to ensure that any home occupation/cottage industry is compatible with other permitted uses in residential districts and to maintain and preserve the quality of the neighborhood. Home occupations meeting the criteria set out below, and contained wholly within the dwelling unit shall be permitted in districts RR, R-1, R-2, R-3, FR, and MHC. Cottage Industries, home occupations utilizing any space outside the dwelling unit or any accessory building may be allowed as a use subject to special approval in districts RR, R-1, R-2, R-3 and FR.

- A. The home occupation/cottage industry shall be clearly incidental and subordinate to the principal use of the premises for residential purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character.
- B. The home occupation/cottage industry is only conducted by the person or persons occupying the premises as their principal residence and two (2) non-resident employees. Such use shall not occupy more than twenty (20) percent of the floor area (exclusive of attic or basement) of the primary dwelling, and shall show no external evidence of such use or any change in the appearance of the building, or of the premises from residential use except for one (1) permitted sign.
- C. The dwelling has no exterior evidence, other than a sign permitted under [Section 3.26](#), to indicate that the same is being utilized for any purpose other than that of a dwelling.
- D. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- E. No home occupation/cottage industry shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations, electrical disturbance, or night lighting. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
- F. Vehicular and pedestrian traffic generated by the home occupation/cottage industry shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.
- G. The home occupation/cottage industry shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
- H. Persons conducting a home occupation/cottage industry shall register same with the Zoning Administrator prior to commencing operations. The registration shall be renewed and updated at three (3) year intervals thereafter.

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- I. Any such home occupation/cottage industry shall be subject to inspection by the Zoning Administrator of the Township and may be terminated by order of such Administrator whenever the same fails to comply with the Zoning Ordinance. The Administrator shall have the authority to determine whether or not a proposed use complies with the Zoning Ordinance.

Section 7.8 Bed and Breakfast Facilities/Tourist Homes

While this Ordinance is established to enable single-family dwelling units to be used as Bed and Breakfast/Tourist Home operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A Bed and Breakfast/Tourist Home operation is a subordinate use to a single family dwelling unit subject to the following conditions:

- A. A Bed and Breakfast/Tourist Home operation shall be confined to the single family dwelling unit, and the operator shall live on the premises when the operation is active.
- B. The number of rooms allowable for guests shall be approved on a case-by-case basis during site plan review. Each guest room shall be equipped with a separate functioning smoke detector alarm and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- C. The maximum length of stay for guests shall be approved on a case-by-case basis during site plan review.
- D. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the Bed and Breakfast/Tourist Home, plus one (1) parking space for each available guest room and one (1) for any non-resident employee.
- E. The dwelling unit has no exterior evidence, other than a sign permitted under [Section 3.26](#), to indicate that the same is being utilized for any purpose other than as a residence.
- F. Any number of dwelling residents may assist with the Bed and Breakfast operation, but not more than two (2) non-resident employee may be hired.
- G. The Bed and Breakfast/Tourist Home operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

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Section 7.9 Rooming Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accordance with [Section 3.23](#).
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

Section 7.10 Residential Towers

All residential towers must meet the following requirements:

- A. The tower may not be located in the front yard and must abide by all setback requirements for the zoning district in which it is located.
- B. Residential towers shall not be placed on non-contiguous, vacant property.
- C. Only one (1) tower is allowed per lot.
- D. Guy anchors, if used, shall meet the setback requirements of the respective residential district and are allowed in side and rear yards only.

Section 7.11 Communication Towers (Wireless Communications Support Structures)

A. **Purpose.**

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Planning Commission finds that these

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regulations are necessary in order to:

1. facilitate the provision of wireless telecommunication services to the residents and businesses of the Township;
2. minimize adverse visual effects of towers through careful design and siting standards;
3. avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and ,
4. maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

B. Qualifying Conditions.

The following site and developmental requirements shall apply:

1. All tower sites shall have a minimum area sufficient to contain the tower and its accessory uses.
2. The site shall have permanent deeded access to a public road.
3. The base of the tower and wire cable supports shall be fenced with a minimum six (6) foot high fence.
4. An application for a zoning permit for a communications tower must be accompanied by an affidavit from the applicant stating that space on the proposed tower will be made available to future users, when possible.

C. Uses Allowed.

1. **Collocation - Permitted Use.** Pursuant to [Section 3514 of 2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.\)](#), collocation of wireless communications equipment is a permitted use of property.
2. **New Support Structure (also called “Tower”).** New support structures are a Special Land Use in the RR, R-2, and FR Districts and a Permitted use in the I District and shall be evaluated using the procedures stated in [subsection D](#) below.

D. Special Land Use Approval Procedure.

1. An application for Special Land Use approval of wireless communications support structures shall include all information required by [Section 5.4 \(Site Plan Data Required\)](#).

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2. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the fourteen (14) day period under [subsection D.1](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under [subsection D.1](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

E. **Special Performance Standards.**

1. **Fall Zone.** The internal fall-zone of the tower must be entirely within the setback requirements of the district. The applicant shall incur all costs associated with a qualified, independent engineering review.
2. **Antenna on Existing Structures.** Antenna erected on existing structures shall be allowed in any district (excluding residential-use districts) by right.
3. **Setbacks.** All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than thirty (30) feet to any property line or within the zoning district setback.
4. **Restricted Access.** All towers shall have all ladder or climbing rungs removed within twenty (20) feet of the ground to prevent unauthorized access.
5. **Construction.**
 - A. The tower construction plans shall be prepared and certified by a licensed structural engineer.
 - B. The applicant shall provide verification that the antenna mount and structure have been reviewed, approved and certified by a licensed structural engineer and that the installation is in compliance with all applicable codes.

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- C. All towers and antennas must meet the standards of the [Federal Aviation Administration](#) and [Federal Communications Commission](#) and the [Michigan Tall Structures Act](#).
 - D. All towers must meet the requirements of the current revision of the [Telecommunications Industries Association/ Electronic Industries Association](#) (T.I.A./E.I.A.) 222 titled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
6. **Signals and Radiation.**
- A. 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) feet above the ground at all points, unless buried underground.
 - B. Towers shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas. In the case of interference, it will be the tower owner/operator's continuing obligation and responsibility to resolve the problem.
 - C. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform within six (6) months of the issuance of such regulations to the extent required by such standard or the Special Use approval will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
7. **Clearance.** Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
8. **Lightings.** Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
9. **Signs.** There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
10. **Noise.** The tower or antenna structure shall produce no audible noise or vibration, and that no generators shall be used in association with the tower except upon an emergency basis.
11. **Employees.** There shall be no employees located on the site on a permanent basis to service or maintain the antenna.
12. **Equipment.** No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.

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13. **Screening.** Where the property adjoins any residentially zoned property or land use, the tower owner shall provide and maintain appropriate screening harmonious to the area.

14. **Abandonment.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Albert Township Zoning Administrator notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Albert Township Board may authorize the removal of such antenna or tower at the owner’s expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

15. **Inspections.** At least every twenty-four (24) months, the tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (E.I.A.) Standard 222, “Structural Standards for Steel Antenna Towers and Antenna Support Structures.”

16. **Other Standards.** In reviewing any application or site plan under this section, the Planning Commission shall consider the extent to which the proposed use seeks to:
 1. Minimize adverse visual effects of towers through careful design, siting and vegetative screening;
 2. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 3. Lessen traffic impacts on surrounding residential areas; and
 4. Maximize the use of new communications transmission towers in order to reduce the number of towers needed.

Section 7.12 Medical Marijuana Primary Caregivers

A. Intent and Purpose.

The purpose of this section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the [Michigan Medical Marijuana Act](#) (hereinafter referred to as the "MMMA"), [Initiated Law 1 of 2008, MCL 333.26423, et seq.](#), and its administrative rules, R 333.101, et seq.

B. Regulations for Qualifying Patients.

The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory building to that dwelling is hereby recognized as an accessory use to the principal residential

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use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

- 1 The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- 2 All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
- 3 If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

C. Regulations for Primary Caregivers.

The medical use of marijuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
2. Except when being transported as provided in [subsection 8](#) below, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband, and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.

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6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.

7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.

8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.

9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and

 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.

12. A primary caregiver facility shall not be located within one thousand five hundred (1,500) feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500) feet of a lot on which any of the following uses are located:
 - a. Any church or place of worship and its accessory structures.

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- b. Any public or private school, having a curriculum including kindergarten through twelve grade and its accessory structures.
 - c. Any preschool, child care or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

D. Relationship to Federal Law.

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

Section 7.13 Non-Public Waterfront Access Sites

A. Effective Date.

Non-Public Waterfront Access Sites, as defined herein, in existence as of the effective date of this Article (being January 25, 1985) shall not be governed by this section.

B. General.

This section is intended to establish development standards for Non-Public Waterfront Access Sites. As provided in this Ordinance, the Non-Public Waterfront Access Sites shall become a Permitted Use Subject to Special Conditions on riparian shoreland of inland lakes, rivers, streams, creeks, canals, and channels. Further, this Non-Public Waterfront Access Site land use is in addition to those uses as listed in all zoning districts of this Ordinance.

C. Purpose.

The purpose of this section is to protect the riparian rights and recreational qualities of waterfront property in this Township. The regulations set forth below are established to guide the development and reasonable use of shoreland areas adjacent to inland lakes, rivers, streams, creeks, canals, and channels, and thereby prevent water pollution, retain vegetative cover, preserve the natural aesthetics of waterfront properties, and prevent the recreational overuse and abuse of inland lakes, rivers, streams, creeks, canals, and channels in the Township.

D. Standards.

The following standards are applicable to Non-Public Waterfront Access Sites located on the

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shorelands of inland lakes, rivers, streams, creeks, canals, channels, and other surface waters. The standards pertain to the development of a Non-Public Waterfront Access Site for the common use of persons who own, rent or lease residential and/or recreational lands, lots, dwellings, or rooms.

E. Definitions.

1. "Dwellings" shall be defined as a building or portion thereof designed or used for residential occupancy and shall include single and multi-family residences, house trailers, mobile homes, motels, hotels, homes, cabins and other seasonal housing.
2. "Rooms" shall be defined as those units used primarily for transient use as are usually associated with motels, hotels, motor lodges, tourist courts, and tourist homes.
3. A "Non-Public Waterfront Access Site" shall be defined as a private beach facility with water related recreational areas co-owned and/or co-used by a selected group of persons owning, renting, or leasing residential and/or commercial real estate which is not waterfront property, but may be used in conjunction with the private beach facility.

F. Recreational Areas.

Recreational areas such as parks, beaches, camping facilities, parkways and other similar recreational activities owned and operated by any Federal, State or local governmental agency, division or authority thereof, and located on waterfront property with riparian rights, are not subject to the standards set forth in this section, provided they are for the use of the general public.

G. Non Riparian Property Rights.

Non-riparian property providing non-public waterfront access privileges to a commonly owned riparian parcel of land shall have these rights only by deeded conveyance assigned to the non-riparian property, and all such rights once conveyed shall not be severed and shall run with the land.

H. Parking Area.

A private parking area for vehicles and/or boat trailers shall be permitted provided these parking areas are a minimum distance of one hundred twenty-five (125) feet from the flood plain as established by the Michigan Department of Environmental Quality, and used only by those having privileges to the Non-Public Waterfront Access Site.

I. Camping.

Camping by tents, motorhomes, trailers or other means shall not be permitted within the boundaries of the Non-Public Waterfront Access Sites.

J. Green Belt.

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Provisions of [Section 4.14](#), Green Belt Districts, shall be strictly enforced.

K. Site Plan.

Any building or structure included in a site plan shall be in accordance with the zoning district regulations to which the property is applicable.

L. Minimum Land Area & Water Frontage.

The following components, equations, and rules shall be used in determining the minimum open land area in square feet, minimum water frontage in lineal feet, and maximum number of dwelling units or rooms to utilize the Non-Public Waterfront Access Sites:

1. A minimum lot area of twenty thousand (20,000) square feet, with one hundred (100) feet of frontage at the water's edge to service a maximum of five (5) dwelling units or rooms.
2. An additional ten (10) lineal feet of water frontage and two thousand (2,000) square feet shall be required for each additional dwelling unit or room.

M. Grading and Filling.

Any open land area within a Non-Public Waterfront Access Site not identified as wetlands may be graded and/or filled and maintained in accordance with provisions set forth in [Part 91 \(Soil Erosion and Sedimentation Control\)](#) of the [Natural Resources and Environmental Protection Act, 1994 PA 451, as amended](#). Such grading and filling shall be included as part of the site plan and shall not commence prior to approval by the Planning Commission.

N. Wetlands.

Wetlands shall not be used in computing use of Non-Public Waterfront Access Sites. Wetlands shall be defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life; and is commonly referred to as a bog, swamp, or marsh, and is contiguous to an inland lake, river, stream, creek, canal, or channel. Furthermore, these wetlands shall not be disturbed for any purpose, unless prior approval is granted by the Michigan Department of Environmental Quality, or other State agency responsible for enforcing [Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended](#).

O. Site Plan Review.

Every Non-Public Waterfront Access Site shall have a site plan review in accordance with [Article 5](#).

P. Special Approval.

Every Non-Public Waterfront Access Site shall be considered a use subject to special approval. The

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requirements listed in [Section 4.14](#) will be followed and shall include the site plan review.

Section 7.14 Kennels and Animal Shelters

- A. All kennels shall be operated in conformance with all applicable County and State regulations.
- B. For dog kennels, the minimum lot size shall be two (2) acres.
- C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, whichever is greater.
- D. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5) feet in height.
- E. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- F. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet of a residential use or district.
- G. Fences for outdoor areas shall be a minimum of six (6) feet in height.

Section 7.15 Mining/Resource Extraction

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110, as amended](#), the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
 - 1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
 - 2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

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- e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by [Part 632 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.63201 to 324.63223](#). However, such regulation shall be reasonable in accommodating customary mining operations.
- C. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence with a minimum height of five (5) feet.

Section 7.16 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110, as amended](#), the following regulations shall apply to biofuel production facilities:
1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Land Use approval under Subsections (3) to (5):
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of Subsection (1)(a) and (b) but that does not meet the requirements of Subsection (1)(c).
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of Subsection (1)(a) and (b).

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3. An application for Special Land Use approval for a biofuel production facility described in Subsection 2 shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the [National Environmental Policy Act of 1969, 42 USC 4321 to 4347](#), and the [Federal Water Pollution Control Act, 33 USC 1251 to 1387](#).
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of Subsections (2) and (5).
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under Subsection (2) not more than sixty (60) days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in Subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, State and Federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the Department of Environmental Quality and other State and Federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.

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- (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale or other legal use.
6. This section does not authorize biofuel production facilities that are not located on farms.

Section 7.17 Solar Energy

A. Solar Energy Facilities (Utility Scale).

- 1. **Reflection/Glare.** Attached, building-integrated or freestanding solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
- 2. **Impervious Surface/Stormwater.** If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
- 3. **Screening.** Solar devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
- 4. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all property lines.
- 5. **Abandonment.** Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If

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there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant’s expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

B. Solar Energy Panels (as Accessory Use).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A zoning permit is required.

1. **Height.**
 - a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed twenty (20) feet in height when oriented at maximum tilt.
 - b. Building-Mounted or Roof-Mounted Accessory Solar Energy Systems shall not exceed the maximum allowed building height in any zoning district.
2. **Setbacks.**
 - a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10) feet from the interior side lot line and ten (10) feet from a rear lot line. The required setback of the corner side lot line shall be equal to the front setback for a principal building in the district.
 - b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.
3. **Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.
4. **Coverage and Size.** Roof-Mounted or Building-Mounted Accessory Solar Energy Panels shall allow for adequate roof access for fire-fighting purposes. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed fifty (50) percent of the building footprint for the principal structure.

Section 7.18 Accessory Dwelling Units

The purpose of this section is to allow a minor amount of space within a dwelling or upon a lot with a primary dwelling to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. These provisions are further

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intended to provide reasonable control in recognition of the high percentage of owner-occupied single family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. The accessory dwelling unit shall not be utilized as a Tourist Home or Bed and Breakfast Facility.
- C. The accessory dwelling unit shall be a minimum of four hundred forty (440) square feet or shall not exceed fifty (50) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building. If accessory dwelling unit is a freestanding, detached unit or located within or attached to a principal dwelling, it shall meet the required principal dwelling unit setbacks.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall be a self-contained unit and shall be one of the following:
 - 1. located above an attached or detached garage.
 - 2. attached to the primary dwelling or garage.
 - 3. totally within a primary dwelling.
 - 4. a freestanding, detached unit.
- F. The accessory unit shall have a separate exterior entrance which shall not be visible from the front yard.
- G. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory unit shall conform to current building code standards.
- I. One additional parking space shall be provided on-site for the accessory dwelling unit.

Section 7.19 Planned Unit Development (PUD)

A. Purpose.

The purpose of a PUD is to provide for the widest variety of land use in a single district within the Township. Any contiguous tract of land within the Township containing two (2) or more acres of land may be established as a Planned Unit Development subject to the regulations herein provided.

B. Permitted Uses.

Any use permitted in RR, R 1, R 2, R 3, FR, MHP, C P, C V, and I Districts or any combination of such uses, or any use not normally permitted by right or special use in these Districts, and any accessory uses, are permitted. Mixed uses are encouraged.

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C. Standards.

The establishment of the PUD shall be subject to the following requirements:

1. The proposed development shall be served by adequate public facilities and services such as highways, streets, police and fire protection, drainage structures and refuse disposal. These facilities may be provided by a governmental or private organization.
2. The common space, common properties, individual properties and all other elements of the development shall be so planned that they will achieve a unified environmental scheme with open spaces and all other elements in appropriate locations suitably related to each other and the site and surrounding lands. Lands within the common spaces shall not include swamps or other lands unusable for recreational purposes. Each individual parcel shall be accessible directly or by pedestrian access ways to all units in the proposed development.
3. The applicant may be required to dedicate lands for street and park purposes by appropriate covenants restricting areas perpetually for the duration of the development as open space for common use. The applicant may be required to agree to a sequence of development requiring certain portions of the proposed development to be completed prior to commencing work on other portions of the development. The applicant may be required to post performance guarantees to insure completion of improvements associated with the project.
4. The development so authorized shall be subject to all conditions so imposed and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

D. Review and Approval.

The owner of land requesting the establishment of the PUD shall submit to the Planning Commission a plan for the development of the total tract of land in accordance with the provisions of [Article 5: Site Plan Review](#). In addition to the site plan data, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location and density of structures, accessory uses thereof, and public facilities as may be necessary for the welfare of the development and not inconsistent with the best interests of the entire Township of Albert.

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the Master Plan.

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2. **Submission of Preliminary Site Plan.** The developer shall submit ten (10) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
 - a. General footprint of proposed and existing buildings.
 - b. Indication of proposed uses and their general locations.
 - c. General layout of streets, drives, parking areas and pedestrian paths.
 - d. Individual parcels, if applicable.
 - e. Proposed setbacks for district perimeters and individual buildings within the development.
 - f. Proposed perimeter buffer zones and screening.
 - g. Conceptual landscape plan.
 - h. Development phases, if applicable.
 - i. Type, estimated number and density range for residential development.
 - j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
 - k. Additional supporting documentation including a written narrative describing the project.

3. **Preliminary Site Plan Approval.**

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with [Section 9.4](#) of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. **Final Site Plan Approval.**

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- a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit ten (10) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- b. The final site plan shall include all site plan data required in [Section 5.4](#) in addition to the following:
 - (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
 - (2) Preliminary building plans, including floor plans and exterior elevations.
 - (3) Landscaping plans.
 - (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- d. The Planning Commission shall conduct a public hearing in accordance with [Section 9.4](#) of this Ordinance.
- e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the requirements stated in this section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications.
- f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require

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modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

- g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.

- 5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.8](#).

Section 7.20 Site Condominium Development

A. Intent.

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

B. General Requirements.

- 1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable Federal, State, and local laws and ordinances.
- 2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
 - c. Required yards shall be measured from the boundaries of the site condominium unit.
- 3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with [Article 5](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.

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a. **Application.**

- (1) An application for site plan approval shall be filed for review as per the requirements of **Article 5** of this Ordinance. All procedures and standards of **Article 5** shall apply to site condominium projects.
- (2) All condominium site plans shall include the information required in **Section 66 of 1978 PA 59, as amended (Condominium Act, being MCL 559.166)**.
- (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
- (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.

b. **Deed Restrictions, Master Deed, By-Laws.**

- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.
- (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 9.3**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

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- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 7.21 Wind Energy Systems

A. Purpose and Goals.

The purpose of this section is to establish guidelines for siting wind energy systems and wind energy facilities. This section’s goals are as follows:

- 1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.
- 2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
- 3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

C. On-Site Wind Energy Systems.

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be permitted by Special Use Permit. The following site development standards shall apply:

- 1. **Design & Installation.** All wind turbines (ground and roof-mounted) shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be

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accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer’s specifications.

2. **Plot Plan Submittal.** An application for the installation of a On-Site Wind Energy System shall include a plot plan including the following information:
 - a. Location of the proposed wind turbine.
 - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Height.** The maximum height shall be determined on a case-by-case basis dependent upon the site and manufacturer’s specifications and recommendations. Wind energy system must be able to be contained on the property owner’s lot in the event that it should fall.
4. **Number of Turbines (Horizontal or Vertical).** The number of turbines shall be determined by the spacing requirement of the manufacturer.
5. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
6. **Guy Wires.** The use of guy wires shall be prohibited.
7. **Noise.** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
8. **Vibration.** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. **Spacing.** Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications.
10. **Reception Interference.** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
11. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

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- 12. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
- 13. **Visual Impact.** All visible components of a small on-site wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
- 14. **Safety.** A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.
- 15. **Other Regulations.** On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission requirements, 1959 PA 259, as amended, \(Michigan Tall Structures Act, being MCL 259.481 et. seq.\)](#) and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.
- 16. **Roof-Mounted Wind Energy Systems.**
 - a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half (1/2) of the structure unless incorporated as an architectural design feature of the building.
 - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.

D. **Commercial Wind Energy Facilities and Anemometer Towers.**

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use in RR and FR and shall adhere to the following requirements in addition to the requirements contained in [Articles 5](#) and [6](#).

- 1. **Principal or Accessory Use.** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 2. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent,

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recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

- 3. **Design & Installation.** All wind turbine generators shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

Guy wires may be utilized to support a temporary (eighteen (18) months or less) anemometer tower, if demonstrated by the applicant to be necessary to maintain the safety of the structure.

- 4. **Minimum Site Area.** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this section.
- 5. **Setbacks.** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Property Line.** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed sixty-five (65) decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. **Setback from Road.** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
 - c. **Setback from Structures.** Each wind turbine generator shall be setback from the nearest inhabited structure located on property not owned or leased by the applicant a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
 - d. **Setback from Communication and Power Lines.** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total wind turbine

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height, whichever is greater, determined from the existing power or communications lines.

- e. **Building Setbacks.** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

6. **Maximum Height.**

- a. The maximum wind turbine generator or anemometer tower height shall be determined on a case-by-case basis dependent upon the site and manufacturer’s specifications and recommendations.
- b. The applicant shall demonstrate compliance with the [Michigan Tall Structures Act \(1959 PA 259, as amended\)](#), [FAA](#) guidelines, and [Michigan Aeronautics Commission](#) guidelines as part of the approval process.

7. **Tower Separation.** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.

8. **Minimum Ground Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifty (50) feet.

9. **Maximum Noise Levels.** The sound pressure level generated by the wind energy system shall not exceed sixty-five (65) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds sixty-five (65) dB(A), the standard shall be ambient plus five (5) dB(A).

10. **Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

11. **Potential Ice Throw.** Any potential ice throw or ice shedding from a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

12. **Signal Interference.** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link’s operation.

13. **Visual Impact, Lighting, Power Lines.**

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- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer’s construction and installation standards.
- b. The design of the wind energy facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under State or Federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or Federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or Federal regulations.
 - (3) All tower lighting required by State or Federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any message except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County streets upon approval of the Planning Commission, near substations or points of interconnection to the electric grid or in other areas as necessary.

14. Safety.

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind energy facilities shall be enclosed by a fence or wall.
- c. All access doors to wind turbine towers and electrical equipment shall be locked.

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- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
 - e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
 - f. Wind turbine generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
15. **Additional State, Federal, or Local Requirements.** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the [Federal Aviation Administration \(FAA\)](#), [Michigan Aeronautics Commission \(MAC\)](#), [the Michigan Public Service Commission](#), [National Electric Safety Code](#), [Federal Energy Regulatory Commission](#), and any other agency of the State, Federal, or local government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use application is approved.
16. **Hazard Planning.** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain the following, if applicable:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on site shall be provided in an electronic format, including Material Data Safety Sheets (MDSS).
 - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
17. **Approvals.** All required approvals from other local, regional, State or Federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, State, or Federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.
18. **Removal of Wind Turbine Generators.**

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- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) The anticipated life of the project.
 - (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.

 - b. Any wind turbine generator or anemometer tower that is non-operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice of abandonment from the Township. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

 - c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

 - d. The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
19. **Equipment Replacement.** The wind turbine generator in its entirety or major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

Section 7.22 Sexually-Oriented Businesses

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, State or Federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, State-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B and C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

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- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises,” and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the [Americans With Disabilities Act](#);
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

Section 7.23 Seasonal/Transient Sales and Pop-Up Businesses

- A. Seasonal/Transient Sales and Pop-Up Businesses are reviewed and approved by the Zoning Administrator.
- B. Seasonal/Transient Sales and Pop-Up Businesses shall not be allowed to operate in any public park or on any public beach.

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Article 8

Zoning Board of Appeals

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Section 8.0 Authority

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, duties of which are prescribed in the [Michigan Zoning Enabling Act, 2006 PA 110, as amended](#). The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth.

Section 8.1 Membership

A. Membership – General.

The Zoning Board of Appeals shall consist of five (5) regular members to be appointed by the Township Board. The first regular member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The second regular member of the Zoning Board of Appeals may be a Township Board member appointed by the Township Board. The third, fourth and fifth regular members and the alternate members shall be electors residing in the Township.

B. Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate members may be called to serve as a member of the Zoning Board of Appeals by the chairperson of the Zoning Board of Appeals on an alternating basis in the absence of a regular member if the regular member will be unable to attend one or more meetings or if a regular member has abstained in a particular case for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

C. Employees.

An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

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D. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. 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 in the same manner as the original appointment.

E. Officers and Compensation.

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the Township Board. The alternate members shall be paid for meetings where they are called upon to sit on the Zoning Board of Appeals.

F. Member of the ZBA who is also a Planning Commissioner or Township Board Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission or Township Board 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 Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

G. Removal of a Member and Conflict of Interest.

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

Section 8.2 Meetings

A. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the [Open Meetings Act, 1976 PA 267, as amended](#).

B. Bylaws and Records.

1. The business of the Board of Appeals shall be conducted in accordance with its adopted bylaws.
2. The Zoning Board of Appeals shall keep a record of its proceedings showing:

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- a. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
 - b. The grounds for every determination made by the ZBA; and
 - c. The final ruling of each case.
3. The ZBA shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record.

C. **Quorum**

A majority of the full membership of the Board shall constitute a quorum for purposes of transacting the business of the Board and the [Open Meetings Act, 1976 PA 267, as amended](#). Each member of the Board shall have one (1) vote. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

D. **Meeting Scheduling and Notice.**

Meetings shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as the Zoning Board of Appeals may determine. Public notice of the date, time, and place of the public hearing shall be given in the manner prescribed in [Section 9.4](#).

E. **Oaths and Witnesses.**

The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Section 8.3 Jurisdiction

A. **Powers.**

The duties and powers of the Board of Appeals shall, in general, include the following:

- 1. **General.** An appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State.
- 2. **Administrative Review.** Hear and decide upon appeals from determination of the Township Zoning Administrator or other administrative agent acting under the terms of the Ordinance.
- 3. **Interpretation.** Hear and decide upon requests for interpretation of the provisions of the Ordinance.
- 4. **Variance.** Investigate and grant non-use variances from the strict requirements of this Ordinance, so that the spirit of the Ordinance is observed, public safety secured, and

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substantial justice done only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

- a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic difficulty.
- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54](#).

- 5. **Special Land Uses and Planned Unit Developments.** The ZBA may not hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

B. Powers Not Granted.

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Albert Township Board in the manner provided by law.

C. Exercise of Powers.

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

Section 8.4 Procedures & Decisions

A. Notice of Appeal.

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1. An appeal to the Zoning Board of Appeals may be made by a person aggrieved or by an officer, department, board, or bureau of the Township, County or State by filing a written Application for Appeal with the Zoning Administrator. In addition, when acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54](#) leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.
2. All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal.
3. **Documents Required.** The applicant shall submit seven (7) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary. In the event an application is made involving more than one (1) building, the total development may be incorporated in (1) one appeal provided that the subject property is continuous and is not divided by another zoning district.
4. **Stay.** An appeal stays all proceedings in furtherance of the action appealed for unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeals has been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application on cause shown, after notice to the officer from whom the appeal is taken.

B. **Fee.**

A fee as established by the Township Board shall be paid to the Zoning Administrator at the time the petitioner files an Application for Appeal. The purpose of such fee is to cover the necessary advertisements, mailings, investigations, hearing records and other expense incurred by the Township in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Township to re-notice the hearing.

C. **Hearing and Public Notice.**

1. Following receipt of an Application for Appeal the Zoning Board of Appeals shall fix a reasonable time for a public hearing. Such public hearing shall be held within thirty (30) days of the Application for Appeal. Notice of said public hearing shall be given in accordance with [Section 9.4](#).
2. **Appearance.** Upon the hearing, any party may appear in person or by agent or attorney.
3. **Recess.** The Board may recess a duly called public hearing from time to time, and, if the date, time and place of the continued hearing are announced by passing a motion at the time of adjournment, no further notice shall be required.

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D. Decisions.

1. The Board of Appeals shall render its decision within thirty (30) days of filing of the Application for Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the ZBA present.
2. Upon hearing of such appeals, the Board may affirm, change or modify the ruling, decision, or determination, or make such other or additional determinations as it shall deem proper under the circumstances.
3. The concurring vote of a majority of the members of the Zoning Board of Appeals is 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 dimensional variance in the Zoning Ordinance.
4. **Findings of Fact.** In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance. Copies of the written Findings of Fact shall be supplied to the Township Board and Planning Commission.
5. **Decision Final.** The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Montmorency County.
6. **Conditions.** In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with [Section 9.6](#). Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
7. **Resubmittal.** No application for variance or special exceptions which has been denied shall be resubmitted within one (1) year from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

Article 9

Administration & Enforcement

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Section 9.0 Zoning Administrator

A. Establishment of the Zoning Administrator.

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Albert Township Board for such term and subject to such conditions as said Board deems desirable to carry out the provisions of the Ordinance. He/she shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Board may also appoint a Deputy Administrator under such conditions, and for such term, and for such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of his/her office.

B. Duties and Powers of the Zoning Administrator.

The Zoning Administrator shall administer and enforce this Ordinance in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110 as amended, MCL 125.3101 et. seq.](#), and:

1. Shall approve all zoning permits.
2. May conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this Ordinance to determine compliance as needed.
3. Shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits and certificates issued, all maps, amendments, special use permits, variations and appeals.
4. Shall provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
5. Shall investigate all applications for variances addressed to the Township Zoning Board of Appeals and report his/her findings to said Board.

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6. Shall initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this Ordinance.

Section 9.1 Zoning Permits

A. Zoning Permit Required.

1. **General.** No building or structure more than two hundred (200) square feet shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a zoning permit application has been filed with Albert Township and a zoning permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
 - a. **Administratively-Approved Zoning Permits (per Section 5.1).** If the Zoning Administrator finds the application conforms with the requirements of the Ordinance, the copies submitted shall be so marked over his/her signature, including the date. One (1) copy shall be filed with the Township Planning Commission and one returned to the applicant. No permit shall be transferable.
 - b. **Planning Commission-Approved Zoning Permits (per Section 5.5).** The Zoning Administrator shall issue a zoning permit for applications that have been approved by the Planning Commission through the Site Plan Review process. One (1) signed copy of the site plan shall be filed with the Township Planning Commission and one returned to the applicant. No permit shall be transferable.
2. **Survey & Property Staking.** The Zoning Administrator shall require a current boundary survey and staking of the premises by a Michigan-licensed surveyor unless such survey and/or staking is determined by the Zoning Administrator to be unnecessary for the zoning permit decision in question.

B. Other Required Permits.

A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.

C. Zoning Permit Expiration.

Any permit under which no work has been actively pursued within twelve (12) months of the issue shall expire by limitation. All new construction shall be completed externally within one (1) year of the issuance of a zoning permit unless an alternate timeline has been approved by the Planning Commission during the site plan review process. In either of the above instances, the zoning permit may be renewed upon reapplication and payment according to the fee established by the Albert Township Board.

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D. Zoning Permit Revocation.

The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

E. Building Permit.

Where a Building Permit is not required for the use of land or premises, the Zoning Administrator shall issue the property owner a zoning permit on application therefore, certifying that the use of such land complies with all provisions of this Ordinance.

F. Payment of Fees.

No zoning permit shall be valid until the required fees have been paid. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

G. Conformance with Approved Plans.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

H. Failure to Obtain a Zoning Permit.

Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary zoning permit shall be subject to [Section 9.7](#).

Section 9.2 Fees

A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees including but not limited to the following:

1. Zoning permits.
2. Requests for uses subject to special approval.
3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
4. Classification of unlisted property uses.
5. Requests for variances from the Zoning Board of Appeals.

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6. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee.
7. Site plan reviews.
8. Requests for a planned unit development (PUD).
9. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
10. Requests for private road approval.
11. Renewal permit (if not completed within one year).
12. Failure to renew permit.
13. Failure to obtain a zoning permit.
14. Land Division/Lot Split.

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

B. Additional Fees.

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

Section 9.3 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated

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costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Treasurer at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Treasurer prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Section 9.4 Public Notification

All applications for development approval requiring a public hearing (including but not limited to Special Land Uses, rezonings, and ZBA requests) shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110 as amended, MCL 125.3101 et. seq.](#) and the other provisions of this section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice,

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having it published in a newspaper of general circulation in Albert Township and mailed or delivered as provided in this Section.

B. Content.

All mail, personal and newspaper notices for public hearings shall:

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
2. **Location.** Indicate the property that is subject to the request if applicable. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in [Section 9.4.C.2](#) and [Section 9.4.C.3](#) below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail 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

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three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

- (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in [Section 9.4.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
 3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals, notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in [Section 9.4.C.1](#) above.
 4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
 5. **Registration to Receive Notice by Mail.**
 - a. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the Township to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Township Clerk information to ensure notification can be made.

Section 9.5 Use of Consultants

From time to time, the Township Board and/or Planning Commission may employ planning, engineering, legal, traffic or other special consultants to assist in the review of Special Land Use permits, site plans, re-zonings or other matters related to the planning and development of the Township.

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Section 9.6 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

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

Section 9.7 Violations & Penalties

A. Violations.

Buildings and structures erected, altered, enlarged, moved, converted, or razed, or any use of land or premises in violation of any provision of this Ordinance, are declared to be a nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation.

B. Correction Period.

All violations shall be corrected within ten (10) days following date of issuance of written notice to correct. However, the Township Zoning Administrator shall have the authority to extend the correction period to not more than thirty (30) days under circumstances wherein he/she deems an extension is warranted. If not corrected within the stipulated correction period, the violator may be issued a municipal civil infraction citation by an Albert Township Enforcement Officer.

C. Penalties.

Any person, firm or corporation who violates, neglects, omits, or refuses to comply with the provisions of this Ordinance, or any permit or exception granted hereunder, or any lawful requirement of the Zoning Administrator, shall be responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine determined in accordance with the following schedule:

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1st violation within three (3) year period	\$ 50.00
2nd violation within three (3) year period	\$100.00
3rd violation within three (3) year period	\$300.00

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$50.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as authorized under Michigan Law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

D. Procedures.

The Albert Township Board, the Zoning Board of Appeals, the Township Attorney on direction from the Albert Township Board, or any interested party in addition may institute injunction, mandamus, abatement, or remove any unlawful erection, maintenance, alteration or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 9.8 Rehearing Process

No application for variances or special exceptions which has been denied shall be resubmitted within one (1) year from the last date of denial, except as provided below:

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the site plan review or public hearing.
3. The Township attorney, by written opinion, states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

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1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.9 Action Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

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Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial	
Plot plan approval, change of use permit, fence permit, sign permit	Applicant	ZA	No	----	----	ZBA	
Site plan approval	Applicant	PC	No	----	----	ZBA	
Special use permit	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Planned unit development	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Rezoning or Text Change (Amendment)	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision	
		Montmorency County reviews amendment & provides comment (30 days)					
		Step 2: TB	No	----	----	----	
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect on the 8 th day after publication.					
Zoning Ordinance Enforcement	ZA	----	----	----	----	ZBA	

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

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Article 10

Adoption & Amendments

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10.1	Amendment Procedures	10-1
10.2	Rezoning Standards	10-3
10.3	Conditional Rezoning	10-4
10.4	Severability	10-8
10.5	Vested Right	10-8
10.6	Repeal & Savings Clause	10-8
10.7	Enactment & Effective Date	10-8

Section 10.0 Amendment to this Ordinance

Rezoning amendments, amendments or supplements to this Ordinance may be adopted from time to time in the same manner as provided by the [Michigan Zoning Enabling Act 2006 PA 110, as amended, MCL 125.3101 et. seq.](#) Proposals or supplements may originate with the Township Board, the Township Planning Commission, the Zoning Board of Appeals or by written petition signed by any owner of property in the Township.

Section 10.1 Amendment Procedures

All rezoning amendments or supplements shall be referred to the Township Planning Commission for study, recommendation and public hearing.

A. Filing of Application.

All applications for amendment to this Ordinance or Zoning Map shall be in writing, signed and filed with the Township Zoning Administrator, with the appropriate fee, for presentation to the Township Planning Commission at least forty-five (45) days prior to the Planning Commission meeting at which the request will be considered. All petitions for amendments to this Ordinance shall contain but not be limited to:

1. The petitioner’s name, address and interest.
2. The name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
3. The nature and effect of the proposed amendment.
4. If a map amendment is being requested, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.

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B. Action by Planning Commission.

1. Public Hearing.

- a. The Planning Commission shall hold the required public hearing as noticed per [Section 9.4](#). Affidavits of publication, affidavit of mailing and affidavit of posting must be kept on file at the Township Offices.
- b. After providing the notice required under this section and without further notice, except that as required under the [Open Meetings Act](#), the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

- 2. **Submission to Montmorency County.** Following the public hearing, the proposed Zoning Ordinance, including any zoning maps, shall be submitted for review and recommendation to the [Montmorency County](#) Board of Commissioners (coordinating zoning committee) unless the right to review township zoning amendments has been waived.

The County shall have thirty (30) days to review and respond to the proposed amendment. The County will have waived its right for review and recommendation of an ordinance if the County does not respond within thirty (30) days.

- 3. **Transmittal to Township Board.** Following the County review, the Planning Commission shall transmit a summary of comments received at the public hearing, the results of the County review (if any), the proposed Zoning Ordinance amendment, including any zoning maps, recommendations, and reports to the Albert Township Board.

C. Action by Township Board.

- 1. **Public Hearing.** Upon receipt of the transmittal, the Township Board shall commence final consideration of the Planning Commission’s recommendation. In this regard, the Township Board may decide to hold additional hearings on the proposed amendment, if in its judgment, it deems that further hearings may be necessary. The Township Board shall have a public hearing if it is requested by the property owner by Certified Mail to the Township Clerk, and also may hold additional hearings if considered necessary. Notice of such additional hearing shall be published in accordance with [Section 9.4](#).
- 2. **Modification of Amendment.** If the Township Board modifies the amendment, such shall be submitted to the Planning Commission for review and comment. Following review and comment by the Planning Commission, the Township Board shall reconsider the amendment.
- 3. **Decision.** Thereafter, at a regular or special meeting properly called, the Township Board may adopt the proposed amendment by a majority vote of its membership with or without amendments that have been previously considered by the Planning Commission or at a hearing.

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D. Notice of Adoption.

Following Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice of adoption shall include the following:

1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.
2. The amendment shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as specified by the Township Board.
3. The place and time where a copy of the amendment may be purchased or inspected.

E. Resubmittal Procedure.

No petition for rezoning, which has been disapproved by the Township Board shall be submitted for a period of one (1) year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

Section 10.2 Rezoning Standards

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Township Board may consider the following criteria in making its findings, recommendations, and decision:

- A. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values?
- B. Will there be an adverse physical impact on surrounding properties?
- C. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- D. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, is the proposed rezoning consistent with recent development trends in the area?
- E. Are the physical, geological, hydrological and other environmental features of the site compatible with the potential uses allowed in the proposed zoning district?
- F. Is the capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of Township residents?

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- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Section 10.3 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with [Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended](#), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice

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and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in [Section 9.4](#) of this Ordinance and consideration of the factors set forth in [Section 10.2 \(except 10.2 \(G\)\)](#) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Montmorency County as specified in [Section 10.1.B.2](#) for not more than thirty (30) day review period, according to the provisions of [Section 307 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended](#).

E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with [Section 401 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended](#), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Montmorency County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.

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- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land

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within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the time frame specified under **Subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **Subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **Subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act, 2006 PA 110, as amended](#).

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The

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lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.4 Severability

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

Section 10.5 Vested Right

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

Section 10.6 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Albert Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 10.7 Enactment & Effective Date

- A. The required public hearing was held before the Albert Township Planning Commission on the day of November 8, 2018, for this Zoning Ordinance of Albert Township. The Ordinance was adopted by the Albert Township Board of Trustees at a regular meeting held on the 7th day of January, 2019.
- B. Notice of adoption shall be published in a newspaper having general circulation in Albert Township within fifteen (15) days after adoption.
- C. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Albert Township Board after publication of a notice of adoption of said amendments.

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I hereby certify that the above Ordinance was adopted by the Albert Township Board at a regular meeting held on January 7, 2019.

Albert Township Clerk

Published: January 16, 2019

Effective Date: January 23, 2019

Affidavit of Publication Required.

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