

Township Zoning Ordinance

Curtis Township Alcona County, Michigan



Prepared by: Curtis Township Planning Commission
With the Assistance of: Northeast Michigan Council of Governments



Adopted: May 13, 2010
Effective Date: June 14, 2010

CURTIS TOWNSHIP ZONING ORDINANCE

Curtis Township
Alcona County
Michigan

Final Public Hearing Date: March 17, 2010

Recommended for Adoption Date: April 21, 2010
Planning Commission

Adopted: May 13, 2010
Curtis Township Board

Effective Date: June 14, 2010

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PREAMBLE

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

The Township of Curtis ordains:

ARTICLE 1: SHORT TITLE AND PURPOSE

Section 1.01 - Title

This Ordinance shall be known and may be cited as the "*Curtis Township Zoning Ordinance*", and within the following text, it may be referred to as the "Ordinance" or the "Zoning Ordinance."

Section 1.02 - Purpose

The purposes of this ordinance are designed to:

1. Meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
2. Insure that use of land shall be situated in appropriate locations and relationships;
3. Encourage the use of lands in accordance with their character and adaptability, and to limit improper use of land;
4. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
5. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
6. Promote public health, safety, and general welfare;
7. Conserve natural resources and energy;
8. Reduce hazards to life and property;
9. Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties;
10. Implement the recommendations of the Curtis Township Master Plan adopted on April 12, 2007 or any amendments and updates adopted there after.

Section 1.03 - Authority

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

Section 1.04 - Validity

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 1.05 "Special Zone Descriptions"

A. "Zone descriptions for specific parcels of land"

Parcel #1 "tax ID 031-021-200-010-01"

MR (Mixed Residential)

T.25N. - R.6E., Section 21, the W ½ of the NW ¼ of the NW ¼ and a part of the E ½ of the NW ¼ of the NW ¼ more particularly described as commencing at the NW corner of Section 21; thence East 660 feet to the Point of Beginning; thence South 300 feet along the 1/8 line; thence East to the West right-of-way line of M-65; thence Northeasterly along said right-of-way line to the intersection of the North Section line; thence West along the North Section line to the Point of Beginning.

CBCC (Central Business Corridor Commercial)

T.25N. - R. 6E., Section 21, all that part of E ½ of the NW ¼ of NW ¼ lying West of the West right-of- way line of M-65; except commencing at the NW corner of Section 21; thence East 660 feet to the Point of Beginning; thence South 300 feet along the 1/8 line; thence East to the West right-of-way line of M-65; thence Northeasterly along said right-of-way line to the intersection of the North Section line; thence West along the North Section line to the Point of Beginning.

Parcel #2 "tax ID 031-016-300-055-00"

CBCC (Central Business Corridor Commercial)

T.25N.-R.6E., Section 16, all that part of the N ½ of the SW ¼ lying West of the West right-of-way line of M-65.

MR (Mixed Residential)

T.25N.-R.6E., Section 16, all that part of the S ½ of the SW ¼ lying West of the West right-of-way line of M-65.

Parcel #3 "Tax ID 031-034-100-025-00"

AG (Agricultural)

T.25N.-R.6E., S ½ of SW ¼ of NE ¼ of Section 34; except the NW ¼ of S ½ of SW ¼ of NE ¼ of Section 34

CBCC (Central Business Corridor Commercial)

T.25N. - R.6E., NW ¼ of S ½ of SW ¼ of NE ¼ of Section 34

B. Individual parcels listed in Section 1.05 have two zones. Before a zoning permit can be issued they must be split or rezoned in their entirety.

ARTICLE 2: DEFINITIONS AND RULES APPLYING TO TEXT

Section 2.01 Definitions and Rules Applying to Text

For the purpose of this Ordinance, certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely discretionary. Whenever the word "owner" appears it is to be interpreted as including the owner, or his agent, as the case may be. Terms not defined shall be assumed to have the meaning customarily assigned them.

Accessory Dwelling: An Accessory Dwelling is a dwelling unit or living unit that is accessory to a single-family residence. When located in an accessory structure it is not permitted under Article 3.03.5 of this ordinance.

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure.

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

Adjacent Property: Property, nearby but not necessarily touching (separated by a road or aquatic feature), which adjoins any side or corner of a specific parcel of land.

AG – Agricultural: A zoning district designated in the Curtis Township Zoning Ordinance.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

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

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

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

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.

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

Appearance Ticket: see Municipal Civil Infraction Citation.

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

Automobile Repair Shop: A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment, which carry a valid title and show a work order, all others shall be classified as salvage and/or junk.

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

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

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the lodgers for compensation. For the purpose of this Ordinance, the bed and breakfast facility also includes tourist home.

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

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

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

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

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Height: The vertical distance measured from the average finished natural grade to the highest part of the roof.

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Buildable Width: The width of a lot left for building after required side yard setbacks are provided.

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

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

Car Wash/Auto Detailing Shop: A building, or portions thereof, the primary use of which is washing and cleaning of motor vehicles.

CBCC - Central Business/Commercial Corridor District: A zoning district designated in the Curtis Township Zoning Ordinance.

Church: See Place of Worship.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- 1.** Family Day Care Home: A private home operated by a Michigan licensed day care operator in which at least one (1) but less than seven (7) children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- 2.** Group Day Care Home: A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than 12 children are given care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- 3.** Child Care Center or Day Care Center: A facility, other than a private home, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two 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 pre-school, play group or drop-in center. Child Care Center or Day Care Center does not include a Sunday school conducted by a religious institution or a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for such children are attending religious services.

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4. Private Home: A private residence in which the registered facility operator permanently resides as a member of the household.

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

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

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

Cottage Industry: A home-based business conducted primarily within a portion of the dwelling or an accessory structure, with outdoor storage allowed only with Planning Commission approval.

Decibel Scale: The decibel is commonly used in acoustics to quantify sound levels relative to some zero dB reference. The reference level is typically set at the threshold of perception of an average human and there are common comparisons used to illustrate different levels of sound pressure. Since the range of intensities which the human ear can detect is large, the scale which is frequently used by physicists to measure intensity is a scale based on multiples of 10. This type of scale is sometimes referred to as a logarithmic scale. The scale for measuring intensity is the **Decibel Scale**. The threshold of hearing is assigned a sound level of 0 decibels (abbreviated 0 dB). A sound which is 10 times more intense is assigned a sound level of 10 dB. A sound which is 10 x 10 or 100 times more intense is assigned a sound level of 20 db. A sound which is 10 x 10 x 10 or 1000 times more intense is assigned a sound level of 30 db. The table below lists some common sounds with an estimate of their intensity and decibel level.

Examples of sound pressure and sound pressure levels

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Driveway, Private: A private lane, which is used for vehicular ingress or egress.

Drive-Thru Business: Any business with an auto service window.

Source of sound	Sound pressure level
Sound in air	dB
Krakatoa explosion at 100 miles (160 km) in air	180 dB
.30-06 rifle being fired 1 m to shooter's side	171 dB (peak)
Instant Perforation of Eardrum	160 dB
Jet engine at 30 m	150 dB
Threshold of pain	130 dB
Hearing damage (possible)	approx. 120 dB
Front Rows of Rock Concert	110 dB
Jack hammer at 1 m	approx. 100 dB
Large Orchestra	98 dB
Traffic on a busy roadway at 10 m	80 – 90 dB
Hearing damage (over long-term exposure, need not be continuous)	78 dB
Passenger car at 10 m	60 – 80 dB
Vacuum Cleaner	80 dB
TV (set at home level) at 1 m	approx. 60 dB
Normal conversation at 1 m	40 – 60 dB
Very calm room	20 – 30 dB
Whisper	20 dB
Light leaf rustling, calm breathing	10 dB
Threshold of Hearing (TOH)	0 dB

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, permanently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.

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

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

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1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

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

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

Dwelling, Two Family: A building containing not more than two separate dwelling units occupied for residential use.

Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavating: Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt, except for common household gardening or agriculture practices.

Family: An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities.

Farm: All of the contiguous, neighboring, or associated land operated as a single unit, on which bonafide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of agricultural use.

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Farm, Hobby: An activity carried out in rural areas which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is a minimum of ten (10) acres.

Farm Use Building: For a building to be considered a "Farm Use Building" the property must be actively farmed and considered a farm by definition.

Fence: A physical barrier of any type of construction used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy or confinement.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Floor Area, Usable: The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls).

FR - Forest Recreation District: A zoning district designated in the Curtis Township Zoning Ordinance.

Foster Care Home: A State licensed child or adult care facility, which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year.

Frontage: That portion of a lot, parcel, tract or block abutting upon a street, roadway or aquatic body. See "yard front".

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

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before construction and improvements.

Greenbelt: A strip of land and vegetation providing natural screening of a use.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Home Occupation: A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential

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purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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.

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms which may contain provisions for cooking.

I - Industrial District: A zoning district designated in the Curtis Township Zoning Ordinance.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

Industry: The commercial and wholesale production of goods and services.

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

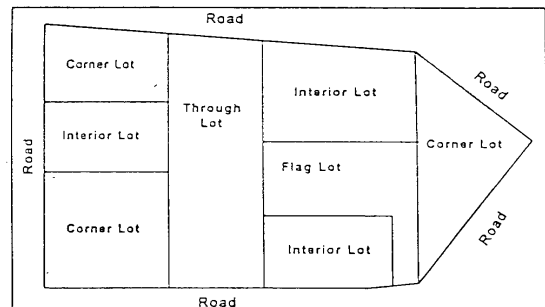
Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any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

Kennel: Any lot or premises on which five (5) or more dogs, cats, or other household pets of the same species are boarded temporarily or permanently, used for breeding purposes or kept for purchase or sale.

Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

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

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together



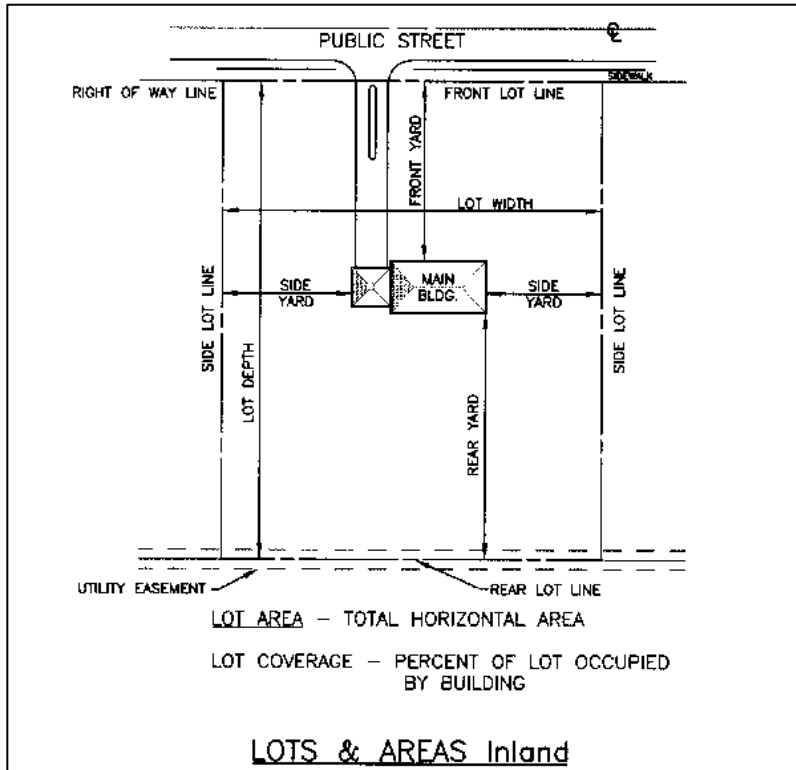
with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot, Corner: A lot situated at the junction of two or more streets.

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

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

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.



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

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The lot line of the property that borders on a road or waterfront. Where a lot is a corner lot, or for a waterfront lot there shall be two front lot lines, and the setback from the front yard shall be maintained on each front yard.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

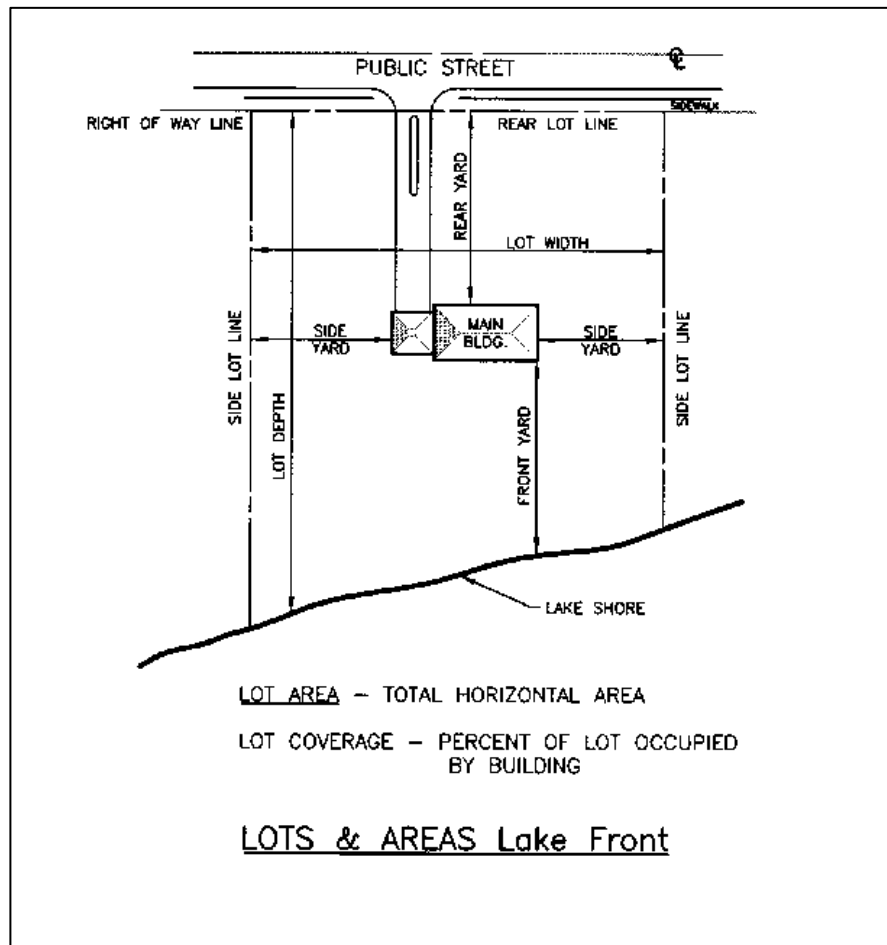
Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Alcona County Register of Deeds, or site condominium unit established and recorded by Master Deed in the Alcona County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion considered the "ordinary high water mark" is considered the waterfront lot line. In this case, the waterfront lot line is considered the front lot line.

Lot Width: The distance between the side lot lines measured at the required front building set back line or in the case of an irregular shaped lot the front building line.

Manufactured Home: see Dwelling, Manufactured.



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

Mezzanine: A partial story or a low story (not on the same level with the main part of the building) between two other stories of greater height in a building.

Mobile Home: see Dwelling, Mobile.

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

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

Motel: see Hotel.

MR – Mixed Residential District: A zoning district designated in the Curtis Township Zoning Ordinance.

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

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NB - Neighborhood Business: A zoning district designated in the Curtis Township Zoning Ordinance.

Nonconforming Lot of Record: A lot of record lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the dimensional regulations of the Zoning District in which it is located.

Nonconforming Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

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

Off Street Parking Lot: A location providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall be provided for.

Open Air Business: A use operated, or intended to be operated, for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, amusement park or similar recreation uses.

Open Space: Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use.

Ordinary High Water Line: "Ordinary high-water mark" means the line between upland and bottomland that 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 surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the

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high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

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

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

Person: The term "person" shall mean an individual, firm, corporation, association, partnership, Limited Liability Company or other legal entity, or their agents.

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

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

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval by the Curtis Township Planning Commission, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Plot Plan: The drawings and documents depicting and explaining all salient 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 ordinance standards and requirements.

Principal Structure: The main structure on the premises devoted to the principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and others, through training, which are qualified to perform services which are of a professional nature.

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public,

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electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Recreational Unit: A vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either is self-powered or is mounted on or drawn by another vehicle which is self-powered. **Recreation Unit** shall include: "Camping trailer", "Chassis-mount camper", "Motor home", "Slide-in-camper", "Trail Coach", "Travel trailers" and "Truck camper" as defined in Act 171 of the Public Acts 1970, as amended.

Recreational Vehicle: See Recreational Unit.

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

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

Riding Arena: An area enclosed within a building or fence which is intended to be used as a place to ride horses.

Road, Private: A right-of-way or easement for purposes of access which is in private ownership and which has not been dedicated to or accepted for maintenance by a public agency.

Road, Public: A road right-of-way which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or **Federal Government**.

Road Right-of-Way: A street, alley, other thoroughfare or easement permanently established for passage of persons or vehicles

Roadside Stand: An accessory and/or temporary structure operated for the purpose of selling products grown or produced on premises.

RR - Rural Residential District: A zoning district designated in the Curtis Township Zoning Ordinance.

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

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

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, water feature or property line of a lot within which no buildings or structures may 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 Motion Picture Theater; (6) Adult Theater; (7) Escort; (8) Escort Agency; and/or (9) Nude Model Studio.

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

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

3. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - A. Persons who appear in a state of nudity;
 - B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

- D. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. **Adult Motel:** A hotel, motel or similar commercial establishment that:
- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 - B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
5. **Adult Motion Picture Theater:** A commercial establishment which for any form, 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.
6. **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.
7. **Escort:** A person who, for consideration, agrees or offers to act as a companion, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. **Escort Agency:** A person or business association, who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. **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.

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SFR - Single Family Residential District: A zoning district designated in the Curtis Township Zoning Ordinance.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Sign: Any advertising device. For further information refer to the Curtis Township Sign Ordinance # 29-00.

Site Condominium Unit: That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

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

Special Use Permit: A permit granted with approval by the Curtis Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

Stable, Private: A building or structure, and/or land use where horses are housed, bred, reared, and/or trained for the private use of the owner of the property on which located.

Stable, Commercial: A building, structure and/or land use where horses are boarded, bred, reared, trained, and/or rented for the benefit of individuals other than the owner of the property on which located and either for remuneration or free of charge.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

Structural Change or Alteration: See Alterations.

Structure: Anything constructed or erected having a permanent location or attachment to a permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are included in this definition.

Towers: All structures and accessory facilities, including 1. Telecommunication Towers, 2. Wind Turbine Generators, 3. Alternative Tower Structures, 4. Anemometer Towers.

- 1. Telecommunication Towers:** relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges,

microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers.

2. **Wind Turbine Generator:** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - A. 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.
 - B. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - C. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
 - D. Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.
 - E. Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
 - F. Wind Turbine Generator Tower Height: 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.
3. **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.
4. **Anemometer Tower:** A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

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

Township: For the purpose of this Ordinance the term Township is deemed to mean the Curtis Township.

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Township Board of Trustees: For the purpose of this Ordinance the phrase 'Township Board of Trustees' is deemed to mean the Curtis Township Board of Trustees.

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

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

Yard: An existing or required space not occupied or not to be occupied by a principal use of building on the same lot, parcel or tract with a principal use or building.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

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

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

Zoning Issues: Any zoning concern brought to the attention of the Curtis Township Planning Commission.

Zoning Permit: Written authority issued by the Zoning Administrator on behalf of the Curtis Township permitting the use of land or the construction, moving, exterior alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

ARTICLE 3: GENERAL PROVISIONS

Section 3.01 The Effect of Zoning

In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained. Only lawful nonconforming uses, and those uses or structures expressly permitted without a zoning permit by this Ordinance are exempt from this provision.

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

Section 3.02 Nonconformities

1. Nonconforming Lots of Record

In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations, provided such facilities are ordinary or necessary for the intended use. Owner may apply to the Zoning Board of Appeals (ZBA) for relief of yard requirements and restrictions.

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

2. Nonconforming Use of Land and/or Structures

- A. The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or use of any land or premises, which was lawful and existing on the adoption date of this Ordinance or any amendment thereto.
- B. Nonconforming use of land shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
- C. Nonconforming use of land or building shall not be moved in whole or in part to any other portion of the lot or parcel occupied.
- D. A nonconforming structure may be enlarged or altered, provided that such

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enlargement or alteration does not increase the extent or degree of its nonconformity, and subject to the provisions of Section 3.02.6.

- E. Should such structure be destroyed by any means to an extent of more than seventy-five (75%) percent of the total square footage of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- F. Any nonconforming use may be carried on throughout any parts of a building that were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- G. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the legally existing nonconforming use. The Zoning Board of Appeals (ZBA) shall have the power upon written request from the property owner or Zoning Administrator, to determine if a proposed use is equally or more appropriate than the legally existing non-conforming use for the given district. In making its determination, the ZBA shall consider characteristics and impacts of the proposed use in relation to the impacts of the existing nonconforming use, including impacts to public services, traffic, noise, smoke, fumes, odors, and the accumulation of scrap materials visible from roads and/or adjacent properties.
- H. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.

3. Abandonment of Nonconforming Use or Structure

If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, 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 operations of the nonconforming use have been removed.

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

4. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make such area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public rights-of-way for a street, road, or highway. 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.

5. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official so long as the restoration complies with building authority regulations. Illegal structures that have been identified as such, by reason of ordinance language, cannot be reinhabited after their abandonment and/or their becoming unsafe.

6. Expansion or Enlargement

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, expansion or enlargement may be allowed by the Zoning Board of Appeals, provided that it is shown that such expansion or enlargement:

- A. Will not reduce the value or otherwise limit the lawful use of adjacent premises.
- B. Will essentially retain the character and environment of abutting premises.
- C. Will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion or land overcrowding).

Section 3.03 Accessory Buildings

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

- 1. A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot.
- 2. When an accessory building is located on a corner lot, the Zoning Administrator may approve the street side yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.

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3. In subdivisions, truck bodies, semi-trailers, shipping containers or other items built and intended for other uses shall not be used as an accessory building.
4. Mobile homes and school bus bodies shall not be used as accessory buildings in any zoning district.
5. No accessory building or structure shall be used for dwelling purposes.
6. Accessory Building as a Main Use:

Customary accessory buildings shall only be allowed to be constructed as a main use if approved by the Planning Commission as per the procedure detailed in Article 7: Uses Subject to Special Use Permit and such accessory structures meet the following conditions:

- A. Accessory residential buildings as a main use shall meet all residential setback requirements.
- B. Other accessory Buildings as a Main Use

Accessory buildings shall only be allowed to be constructed as a main use if approved by the Planning Commission as per the procedure detailed in Article 7: Uses Subject to Special Use Permit, when the following conditions are met:

- 1) The structure is sited in such a manner as to permit the construction of a legal main use at a future time. For these regulations, rear yard shall refer to a location one hundred fifty (150) feet or deeper from the front property line, which is also the road right-of-way line.
- 2) The structure is constructed of materials and is of a design that is not at variance with existing dwellings in the immediate vicinity as to have a devaluing influence, in the opinion of the Planning Commission. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.
- 3) The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
- 4) All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.

7. Exemptions:

The following uses of accessory buildings are exempt from size regulations under this Section.

- A. Accessory buildings when legally constructed in connection with an approved main use that is other than residential.

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- B. Farm Use Buildings, as defined in Article 2: Definitions. In the case of farm use buildings, a plot plan submitted to the Zoning Administrator illustrating compliance with zoning setback requirements will suffice for the zoning permit.
- C. Accessory garages and carports in multiple family housing developments.

Section 3.04 Essential Services

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the Township of Curtis in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of *Section 3.9* of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.05 Mobile Homes on Individual Lots or Parcels

Prior to placing a mobile home on an individual lot, a Zoning Permit is required to ensure the standards are met for yard set-backs and minimum floor area for the district in which it is located and shall meet the following additional standards:

1. Mobile homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards", and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.
2. Mobile homes shall bear and be visible to sight the manufacturers "Certification Label".
3. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.

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4. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
5. Mobile homes shall not be attached to each other.
6. Additions, new roofs and accessory buildings may be attached to a mobile home. Prior to placing additions, new roofs and accessory buildings to a mobile home, a Zoning Permit review is required to ensure the standards are met for yard set-backs and areas for the district in which it is located. A Zoning Permit and Building Permit may also be required.
7. No person shall occupy a mobile home as a dwelling within Curtis Township until a certificate of compliance has been issued by the Alcona County Building Official, which shall indicate satisfactory compliance with all requirements of the HUD Code and the current Alcona County Construction Code.
8. No mobile home shall be located or placed in Curtis Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current Alcona County Construction Code.
9. Mobile homes shall not be used as an accessory building.
10. No mobile home shall be stored on any lot or parcel in Curtis Township.

Section 3.06 Recreational Vehicles

1. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:
 - A. A travel trailer or recreational vehicle may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the yard setback requirements are met.
 - B. The travel trailer or recreational vehicle is not connected to water and sewer services.
 - C. The unit is not used for permanent/continuous dwelling purposes, except as provided in subsection (2).
 - D. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property.
2. Overnight camping on private property without a dwelling unit shall be an allowable use in all districts provided the recreational vehicle shall occupy such a parcel for not longer than fifteen (15) consecutive days and not more than a total of ninety (90) days in a calendar year, subject to the following conditions:

- A. Yard setback requirements for the district where the unit is located shall be met.
- B. For camping beyond a 15 day period a renewable temporary camping permit must be obtained from the Zoning Administrator, and displayed on a post with a reflective property address at the road at the property access drive.

Section 3.07 Temporary Dwelling Occupancy during Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according to the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- 1. The location shall conform to the provisions governing setback requirements of standard dwellings in the district where located.
- 2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
- 3. Application for septic system and water well shall be obtained in accordance with the standards of materials and installation recommended by the District Health Department, and shall precede occupancy of the temporary dwelling.
- 4. Application for the emplacement and/or erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he or she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- 5. No annexes shall be added to temporary dwellings.

Section 3.08 Home Business

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

the residential character of the neighborhood.

1. Home Occupations

- A. Home Occupations are a use subject to special conditions and permitted in all residential Zoning Districts.
- B. Home Occupations shall be operated in their entirety within the dwelling and shall occupy no more than twenty-five (25%) percent of the dwelling's ground floor area. Attached and detached residential garages may be used for incidental storage.
- C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident person shall be employed to assist with the business.
- D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- G. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
- H. No process, chemicals, or materials shall be used which are contrary to applicable state or federal laws.

2. Cottage Industries

Cottage Industries may be permitted as a special use in all residential Zoning Districts, subject to review and approval by the Planning Commission.

- A. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- B. Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises

or neighborhood.

- C. A Cottage Industry shall occupy not more than one building. The floor area of such building shall not exceed twenty-four hundred (2400) square feet.
- D. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
- E. Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding Zoning Districts. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
- F. Cottage Industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two (2) additional non-resident employees or assistants.
- G. To ensure that the Cottage Industry is compatible with surrounding residential use, the Planning Commission during the review and approval process, shall establish a "not-to-exceed" number of vehicles that may be parked at any given time during business operations, and hours of operation for the business.

3. Termination, Extensions, Revisions, and Inspections

- A. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
- B. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
- C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a special use permit (see *Section 7.02.3*).
- D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
- E. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

Section 3.9 Fences and Walls

1. Unless specifically provided for by other provisions in this Ordinance, fences, walls, berms or hedges may be allowed on any property in any District, provided that no fence or wall exceed a height of four (4) feet if located in the front yard or eight (8) feet if located in the side or rear yard, and further provided such fence, wall, berm or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.
2. Fences may be located on the lot line in the side or rear yards, with a joint agreement signed by both property owners. If a joint agreement is not filed, the fence must be either set back at least two (2) feet from the property line, to provide adequate space for fence maintenance, or constructed of a maintenance-free material and set back at least six (6) inches from the property line. The finished side of the fence shall face the adjacent property.
3. Boundary fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
4. Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the applicable required waterfront setback. Fences shall not exceed four (4) feet in height.
5. Swimming Pools: Yard areas with private pools shall be fenced to discourage unsupervised access and use by small children. Such fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of three (3) feet eight (8) inches. Such fencing may be omitted where building walls without doorways surround the pool area. All pool fencing shall be in compliance with the applicable building codes.
7. No fence shall be allowed which constitutes a fire hazard either itself or in connection with the existing structures in the vicinity, which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

Section 3.10 Landscaping and Buffering for MR, NB, CBCC and I Zones

It is the intent of this section to require landscape screening to minimize visual impacts of development along major roadway corridors, and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along major roadway corridors. (M65, Bamfield and west F30)

1. Application

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These requirements shall apply to all uses, for which site plan review is required under Article 6 of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this Ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

2. Landscape Plan Required

A. A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan may include, but not necessarily be limited to, the following items:

- 1) Location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
- 2) Minimum scale: 1" = 100' (*same scale as required for site plan*).
- 3) Existing and proposed contours on-site at intervals not to exceed two (2) feet.
- 4) Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- 5) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- 6) Identification of existing trees and vegetative cover to be preserved.

3. Parking Lot Landscaping

Parking lot landscaping shall be so designed to provide directional guidance to drives, including ingress, egress, and interior circulation.

4. Highway Landscape Buffers

Access ways from public rights-of-way through required landscape strips shall be permitted.

5. Site Landscaping

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Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be excluded as a portion of the required landscaped area.

6. General Landscape Development Standards

A. Minimum Plant Material Standards

- 1) All plant material shall be hardy to Alcona County.
- 2) All plant 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.
- 3) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- 4) The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.

B. Minimum Standard for Berms

- 1) Berms not containing planting beds shall be covered with grass or groundcover.
- 2) 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.
- 3) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

7. Landscape Buffers

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than four hundred (400) feet from an adjacent Residential District boundary.

8. Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.

Specific Non Residential Uses Requiring Fences When Abutting a	Fence or Wall Height at	Primary Function(s)
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Curtis Township Zoning Ordinance

Residential District	Property line	Protective	Screening or Obscuring
Drive-in restaurants, gasoline station & vehicle repair	4 to 6 feet	✓	✓
Institutional and school playground	4 to 6 feet	✓	
Parking lot accessory to nonresidential uses	4 to 6 feet	✓	✓
Hospital and Funeral home service entrances	4 to 6 feet		✓
Utility buildings and substations	4 to 6 feet	✓	✓
Junk yards	8 feet	✓	✓
Open storage areas larger than 200 square feet	4 to 8 feet		✓

Section 3.11 Parking and Loading Space Requirements for all Zoning Districts.

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

1. Parking Requirements

- A. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant. If the required parking is provided on a separate lot, such parking arrangements shall bind future owners of parcels while the use continues or unless the required parking is provided elsewhere. Such provisions shall be recorded with the Register of Deeds office.
- B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve. Structures are subject to the provisions of *Section 3.03 - Accessory Buildings*. Driveways to a residential structure in any district shall be subject to the side setback requirements of the district.
- C. Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved elsewhere, or the parking requirements of the site are changed and such changes are approved pursuant to the provisions of this Ordinance.

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- D. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
 - E. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) percent if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
 - F. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking at the direction of the Planning Commission. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
 - G. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten (10%) percent shall not be allowed for commercial or industrial uses, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
 - H. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with the use which the Planning Commission considers to be similar in type.
 - I. Vehicle Stacking Space: Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. A minimum of three (3) stacking spaces shall be provided on site per service window, pump, pedestal or service facility the business operates. The Planning Commission may modify a minimum number of stacking spaces based on documented usage from similar uses in communities with similar population and seasonal use characteristics.
2. Vehicular Parking Space and Access
- A. For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the Township, including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:

Curtis Township Zoning Ordinance

- B. Residential Uses: Two (2) parking spaces per dwelling unit.
 - C. Commercial, Service and Office Uses: Two (2) parking spaces per 1,000 square foot of gross floor area. Maximum five (5) parking spaces per 1,000 square feet of gross floor area.
 - D. Industrial Uses: One (1) parking space for every 1,000 square foot of gross floor area.
3. In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.
4. Exits and entrances may be combined or provided separately. Approval of location of such exit and entrance shall be obtained in writing from the Alcona County Road Commission and/or Michigan Department of Transportation which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
5. Loading Space Requirements
- For every building, or addition to an existing building, which requires delivery or pick-up of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off street loading spaces, based on the building size, as follows:
- A. Up to twenty thousand (20,000) to square feet — one (1) space.
 - B. Twenty thousand (20,000) to Fifty thousand (50,000) square feet — two (2) spaces.
 - C. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
 - D. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
6. Each loading space shall be a minimum of ten (10) feet in width, the length of a cab and trailer in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.
7. Approvals and denials
- A. The Zoning Administrator shall be responsible for reviewing, approving, denying and issuing zoning permits for plot plans containing single family residential parking.
 - B. The Planning Commission, through the site plan process, shall review, approve and/or deny the parking plan for all other zoning uses.

Section 3.12 Water Supply and Sewage Disposal Facilities

1. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by the District Health Department shall be filed with application for a Zoning Permit.
2. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from permitted industrial uses shall be disposed of in a manner and method, which conforms to the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

Section 3.13 Stormwater Retention

In all Zones 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 meet the standards of the Alcona County Road Commission.

Section 3.14 Groundwater Protection

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

3. 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.
4. 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 and copies filed with the Zoning Administrator. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.15 Hazardous Substances

All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 3.16 Junkyards, Salvage Yards, and Sanitary Landfills

Junk yards may be established and maintained in accordance with all applicable statutes of the State of Michigan, and are only permitted in the Industrial District, and shall be located only in sites which are completely screened from adjacent properties and public view in accordance with *Section 3.10*.

Sanitary landfills shall: (1) only be located in the Industrial District; (2) only if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act or under the jurisdiction of the Michigan Department of Environmental Quality in conformance with Part 111 of the Natural Resources and Environmental Protection Act; and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.

Location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained solid fencing, or by well maintained evergreens that are densely planted in a staggered row.

Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 3.17 Outdoor Lighting for NB, CBCC and Industrial Zoning Districts

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.18 Telecommunication Towers and Alternative Tower Structures

Antenna Co-location on an Existing Tower or Structure

1. An antenna or similar sending/receiving device may be attached to a telecommunication tower or alternative tower structure whose construction has been approved pursuant to the requirements of this Ordinance, provided that when attached the additional antenna or similar sending/receiving device does not exceed the engineered design capacity of the telecommunication tower or alternative tower structure thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 3.19 Driveways

Driveways that provide access to not more than four (4) parcels shall meet the following standards: Access to the principal structure(s) shall require a driveway which has fifteen feet (15') horizontal and fourteen feet (14') vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this section does not cover or require snow removal). A vehicle turn around area shall be provided within one hundred feet (100') of the principal structure(s) capable of handling forty (40') foot vehicles (Minimum T-type turn around 20' x 45') for police, fire, and ambulance, and be connected to a public road. The County or the Township cannot be held responsible for non-maintenance of access.

Section 3.20 Non-commercial Wind Turbine Generators

1. Non-commercial wind turbine generators (WTG) and anemometer towers, (erected prior to a noncommercial wind turbine generator), may be located in any district, provided the WTG or anemometer tower is set back from the property line a distance at least equal to the total height of the WTG.
2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be two (2) acres.
3. The maximum height including blades shall not exceed seventy five (75) feet.

Section 3.21 Zoning Permits in Relation to Building Permits

Prior to the issuance of any building permit in the County, it shall be necessary for any applicant to first apply for and obtain a zoning permit from the Zoning Administrator in accordance with the provisions of this Zoning Ordinance. All buildings; new, renovation for commercial, residential, agriculture, and accessory buildings must obtain a building permit prior to starting construction. All new buildings must comply with this Zoning Ordinance.

ARTICLE 4: ZONING DISTRICTS AND MAP

Section 4.01 Classification of Zoning Districts

For the purpose of this Ordinance, the Township of Curtis is hereby divided into the following Zoning Districts:

- SFR Single Family Residential District
- MR Mixed Residential District
- RR Rural Residential District
- FR Forest Recreation District
- AG Agricultural
- NB Neighborhood Business
- CBCC Central Business/Commercial Corridor District
- I Industrial District

Section 4.02 Zoning Map

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

Section 4.03 Boundaries of Districts

The boundaries of these districts are hereby established as shown on the "Curtis Township Zoning Map, Alcona County, Michigan", unless otherwise specified the boundary lines of the Zoning Districts shall be interpreted as follows:

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

3. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
4. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

Section 4.04 Zoning of Vacated Areas

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

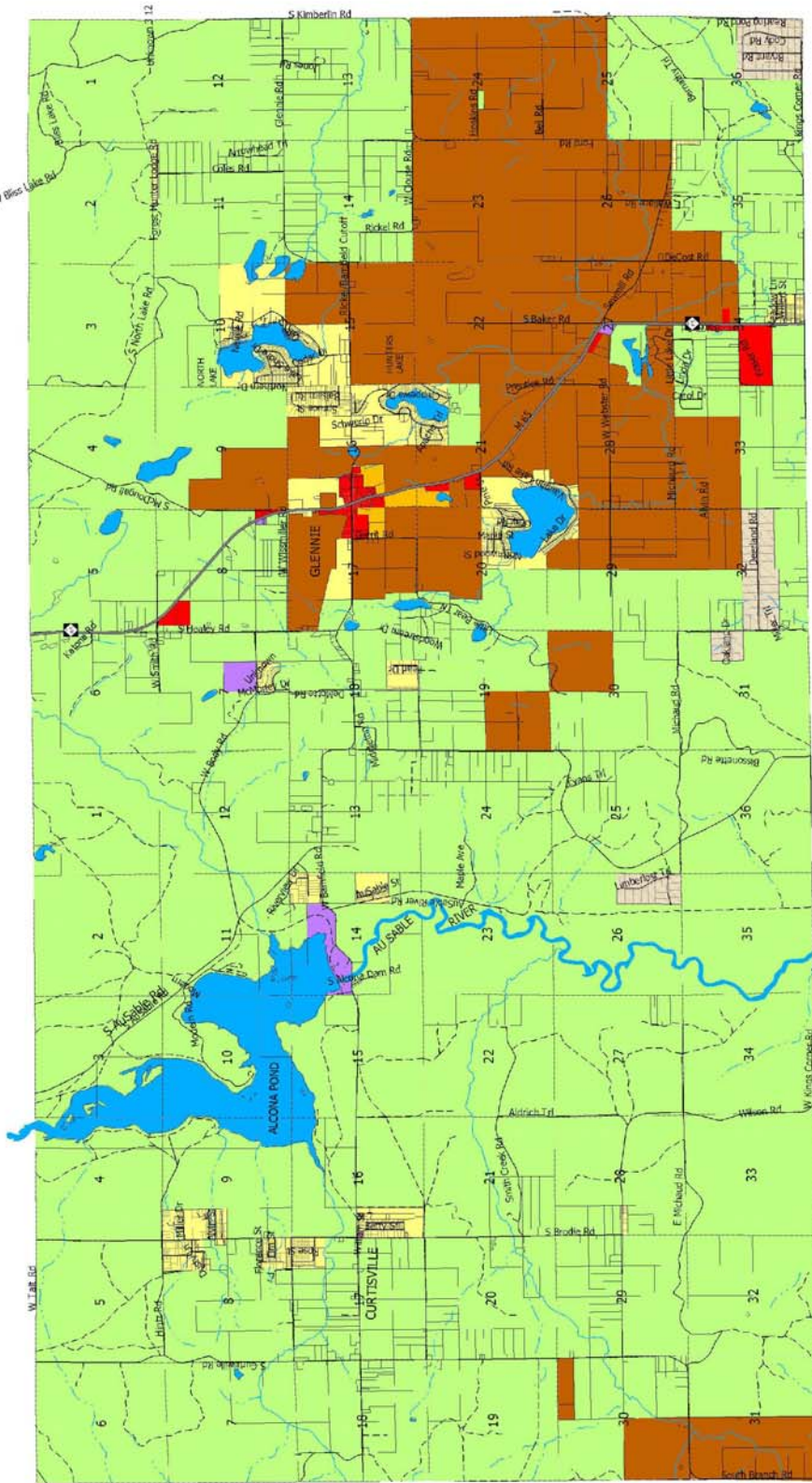
Section 4.05 Zoning of Filled Areas

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

Section 4.06 Zoning District Changes

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

CURTIS TOWNSHIP



- ZONING DISTRICTS**
- SFR - SINGLE FAMILY RESIDENTIAL
 - AG - AGRICULTURAL
 - M/R - MIXED RESIDENTIAL
 - NB - NEIGHBORHOOD BUSINESS
 - RR - RURAL RESIDENTIAL
 - CBCC - CENTRAL BUSINESS/CORRIDOR COMMERCIAL
 - FR - FOREST RECREATION
 - I - INDUSTRIAL



Adopted: May 13, 2010 Effective: June 14, 2010

ARTICLE 5: DISTRICT REGULATIONS

Section 5.01 Single Family Residential District (SFR)

The following provisions shall apply to the Single Family Residential District (SFR)

Section 5.01.1 Intent

The Single Family Residential (SFR) District is designed to accommodate and encourage single family residential living environment that will preserve the integrity of the existing area including its natural resources of land, air, and water quality with the flavor and culture of the area. It is intended that these resources will be preserved by following limitations with regard to the density and that additionally, the uses permitted in this district are considered compatible with residential activities while conflicting land uses are prohibited. Waterfront development on several small lakes is located in this District. Older platted subdivisions have small lots and were originally platted with substantial restrictions and covenants on use in the original platting documents and are located in this District.

Section 5.01.2 Permitted Uses

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

- A. Single-family dwellings
- B. Parks and open space
- C. Family child care home
- D. State licensed residential foster care facilities housing six (6) or less
- E. Hunting, fishing and trapping except on subdivisions or platted lots where firing of weapons is prohibited
- F. The killing of "nuisance pest" is permissible if done with non-center fire weapons such as pellet and "BB" guns. In all cases, this must be done without endangering life or property

Section 5.01.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Non-commercial recreational facilities, indoor and outdoor
- B. Home occupations
- C. Group State licensed residential foster care facilities housing
- D. Group Day Care Child Home

- E. Cottage Industry
- F. Schools
- G. Bed and breakfast establishments
- H. Marinas
- I. Places of Worship

Section 5.01.4 Dimensional Regulations

Structures and Uses in the Single Family Residential District are subject to the area, height, bulk, and placement requirements in ***Section 5.09 Schedule of Regulations***.

Section 5.02 Mixed Residential District (MR)

The following provisions shall apply to the Mixed Residential District (MR)

Section 5.02.1 Intent

The Mixed Residential District is designed to accommodate and encourage higher density residential development through a mix of residential structures and associated uses, including both one-family and multiple family dwelling structures, in keeping with the residential goals and objectives specified in the Curtis Township Master Plan. The uses permitted are intended to promote land uses for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

Section 5.02.2 Permitted Uses

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

- A. Single family detached dwellings
- B. Family child care home
- C. State licensed residential foster care facilities housing six (6) or less
- D. Hunting, fishing and trapping except on subdivisions or platted lots where firing of weapons is prohibited

Section 5.02.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Two family dwellings
- B. Multi family residential, apartments, townhouses, condominiums
- C. Manufactured Housing Developments
- D. Municipal buildings and uses
- E. Places of Worship
- F. Public and private recreational facilities
- G. Educational and social institutions
- H. Public and private golf courses
- I. Private clubs
- J. Group State licensed residential foster care facilities housing
- K. Group Day Care Child Home
- L. Bed & breakfast establishments
- M. Open Space Residential Developments

- N. Public utility facilities without storage yards
- O. Planned Unit Development (PUD)
- P. Home occupations
- Q. Cottage Industries

Section 5.02.4 Dimensional Regulations

Structures and Uses in the Mixed Residential District are subject to the area, height, bulk, and placement requirements in ***Section 5.09 Schedule of Regulations***.

Section 5.03 Rural Residential District (RR)

The following provisions shall apply to the Rural Residential District (RR)

Section 5.03.1 Intent

The Rural Residential District is designed to provide one and two family home sites in areas more rural in character. The permitted uses are intended to provide for residential and related compatible uses, with the intent to keep rural areas relatively quiet and free from detrimental influences. The provisions of this section also recognize with the gradual extension of other property uses into the district, such as those provided for under the "Uses Subject to Special Use Permit"; there is a need for careful consideration based on sound standards as provided for through the Special Use Permit process.

Section 5.03.2 Permitted Uses

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

- A. Single-family dwellings
- B. Two family dwellings
- C. Family child care home
- D. State licensed residential foster care facilities housing six (6) or less
- E. Crop production
- F. Raising and growing plants, trees, shrubs, and nursery stock
- G. Hunting, fishing and trapping except on subdivision or platted lots less than five (5) acres

Section 5.03.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Public buildings and uses
- B. Public utility facilities without storage yards
- C. Public and private recreational facilities
- D. School licensed or chartered by the State of Michigan
- E. Places of worship and public libraries
- F. Public and private golf courses
- G. Private clubs, lodges, and hunting camps.
- H. Bed & breakfast establishments
- I. Open Space Residential Developments

- J. Planned Unit Development (PUD)
- K. Home occupations
- L. Cottage Industries
- M. Cemeteries and funeral homes
- N. Group State licensed residential foster care facilities housing
- O. Group Day Care Child Home
- P. Public and private conservation areas such as forest reserves and game refuges, hunting and/or fishing camps and lodges except on subdivision or platted lots less than five (5) acres
- Q. Wind Energy Conversion Units/ Wind Turbines Generators
- R. Transmission towers

Section 5.03.4 Dimensional Regulations

Structures and Uses in the Rural Residential District are subject to the area, height, bulk, and placement requirements in ***Section 5.09 Schedule of Regulations***.

Section 5.04 Forest Recreation (FR)

The following provisions shall apply to the Forest Recreation District (FR)

Section 5.04.1 Intent

The Forest Recreation District is designed to promote and accommodate large lot residential development purposes, which can support on-site water supply and wastewater disposal.

In keeping with the unique resort character of Curtis Township and its very special location in the heart of the Huron National Forest, with the strong attraction of the AuSable River, numerous lakes and streams, vast woodland areas and scenic beauty, this District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The intent of the District is to retain the rural Township areas for forestry and outdoor recreation purposes.

Section 5.04.2 Permitted Uses

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

- A. Single family detached dwellings
- B. Public and private recreation areas
- C. Public areas for forest preserves, game refuges and similar uses
- D. Forest and wildlife management
- E. Hunting, fishing, trapping and camping except on subdivision or platted lots less than 5 acres where firing of weapons is prohibited
- F. Public and private conservation areas such as forest reserves and game refuges, hunting and/or fishing camps, lodges and/or clubs
- G. Parks and playgrounds
- H. Family child care home
- I. State licensed residential foster care facilities housing six (6) or less
- J. Farms and other agricultural activities related to farming to include but not exclusively: Crop production and pasture use, Raising and growing plants, trees, shrubs, and nursery stock.
- K. Public and private conservation areas such as forest reserves and game refuges, hunting and/or fishing camps and lodges
- L. Hunting, fishing and trapping except on subdivision or platted lots less than five (5) acres

Section 5.04.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and

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shall be subject to the provisions of **Section 7.02** *Uses Subject to Special Use Permit* and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Public and semi-public buildings for the housing of public facilities, utilities and services
- B. Planned Unit Development (PUD)
- C. Open Space Residential Developments
- D. Places of Worship
- E. Cemeteries
- F. Public and private recreational facilities
- G. Bed & breakfast establishments
- H. Campgrounds
- I. Shooting ranges
- J. Public or private golf courses
- K. Game preserves where hunting is permitted
- L. Home occupations
- M. Cottage Industry
- N. Kennels, commercial stables and riding arenas (all on a minimum of 10 acres)
- O. Forest products processing
- P. Sand and gravel extraction
- Q. Landing strip (subject to meeting all necessary FAA regulations)
- R. Radio or television towers
- S. Telecommunication antenna and facilities
- T. Wind Energy Conversion Units/ Wind Turbines Generators
- U. Group State licensed residential foster care facilities housing
- V. Group Child Day Care Home
- W. Livestock and domestic animal husbandry (all on a minimum of 10 acres)

Section 5.04.4 Dimensional Regulations

Structures and Uses in the Forest Recreation District are subject to the area, height, bulk, and placement requirements in **Section 5.09** *Schedule of Regulations*.

Section 5.05 Agricultural (AG)

The following provisions shall apply to the Agricultural District (AG)

Section 5.05.1 Intent

The Agricultural District is designed to conserve large tracts of productive agricultural land for active farming use. The district is intended to include agricultural accessory uses, one-family dwelling units and other open space or low-density recreational uses consistent with an agricultural setting. The minimum lot size to be used in the determination of dwelling unit placement is 10 acres (from the schedule of regulations section 5.09)

Section 5.05.2 Permitted Uses

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

- A. Single family detached dwellings
- B. Hobby farm
- C. Farm dwellings (one and/or two family)
- D. Non-commercial storage structure for household articles, recreational equipment or non-commercial vehicles.
- E. Commercial farms and other agricultural activities related to farming
- F. "U-pick" agricultural operations
- G. Livestock and domestic animal husbandry
- H. Crop production and pasture use
- I. Agricultural outbuildings and accessory structures, including but not limited to barns, machinery sheds, animal pens and stables
- J. Roadside stands and farm markets, providing adequate off-street parking is available and no hazardous traffic conditions result from such use
- K. Raising and growing plants, trees, shrubs, and nursery stock
- L. Public and private conservation areas such as forest reserves and game refuges, hunting and/or fishing camps and lodges
- M. Parks, outdoor recreation
- N. Hunting, fishing and trapping except on subdivision or platted lots less than five (5) acres
- O. Forestry, tree farming and tree harvesting
- P. Family child care home
- Q. State licensed residential foster care facilities housing six (6) or less

Section 5.05.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and

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shall be subject to the provisions of **Section 7.02** *Uses Subject to Special Use Permit* and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Municipal buildings and uses
- B. Place of Worship
- C. Schools - public or private
- D. Cemeteries and pet cemeteries
- E. Campgrounds
- F. Public or private golf courses
- G. Home occupations
- H. Cottage Industry
- I. Open Space Residential Developments
- J. Bed & breakfast establishments
- K. Planned Unit Development (PUD)
- L. Kennels, veterinary clinics, commercial boarding, riding stables and riding arenas (on a minimum of 10 acres)
- M. Agricultural products and processing operations
- N. Agricultural products storage facilities
- O. Retail sales of trees, shrubs, and nursery stock
- P. Bulk seed, feed, fertilizer and nursery stock outlets and distribution centers
- Q. Forest products processing
- R. Non-commercial garages and storage buildings not associated with agricultural use
- S. Radio or television towers
- T. Telecommunication antenna and facilities
- U. Wind Energy Conversion Units/ Wind Turbines Generators
- V. Airport, landing fields and facilities
- W. Public and semi-public buildings for the housing of public facilities, utilities and services
- X. Nursing and convalescent homes
- Y. Group State licensed residential foster care facilities housing
- Z. Group Day Care Child Home

Section 5.05.4 Dimensional Regulations

Structures and Uses in the Agricultural District are subject to the area, height, bulk, and placement requirements in **Section 5.09** *Schedule of Regulations*.

Section 5.06 Neighborhood Business (NB)

The following provisions shall apply to the Neighborhood Business District (NB)

Section 5.06.1 - Intent

The NB Neighborhood Business District is designed to give the Township a Business District that is somewhat more selective than a Central Business/Corridor Commercial District, to provide for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to township residential uses. Tourist services are also included as being in character with the District.

Section 5.06.2 - Permitted Uses

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

- A. Retail businesses without outside sales lots or storage (Specifically new or used car lots)
- B. Business and personal service facilities
- C. Office buildings and uses
- D. Financial institutions
- E. Restaurants and drinking establishments
- F. Public parks and recreational facilities
- G. Municipal buildings and uses

Section 5.06.3 - Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Approval** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Child daycare facilities
- B. Adult daycare facilities
- C. Bed & breakfast facilities
- D. Hotel/motel
- E. Churches
- F. Private parks or recreational facilities (including athletic club)
- G. Funeral home/Mortuary
- H. Laundry and dry cleaning facilities
- I. Planned Unit Development (PUD)
- J. A nonconforming "Single Family Residence" in part or in total converted into a business. The conversion must meet all necessary building codes as enforced by the County of Alcona.

Section 5.06.4 - Dimensional Regulations

Structures and uses in the Neighborhood Business District are subject to the area, height, bulk and placement requirements in ***Section 5.09 Schedule of Regulations***.

Section 5.07 Central Business – Corridor Commercial (CBCC)

The following provisions shall apply to the Central Business – Corridor Commercial (CBCC)

Section 5.07.1 Intent

The Central Business – Corridor Commercial District is designed to provide for a general commercial district containing uses which include services and retail sale or combination retail/wholesale of commodities catering to the entire community and the needs of highway and tourist traffic. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at major interchange and intersection areas and on the highways, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of the district.

Section 5.07.2 Permitted Uses

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

- A. Retail business and combination retail/wholesale business without outside sales or storage
- B. Business and personal service facilities
- C. Office buildings and uses
- D. Financial institutions
- E. Medical clinics, doctor offices and dentist offices
- F. Veterinary Clinics
- G. Hotel and motel
- H. Bed & breakfast facilities
- I. Restaurant and drinking establishments
- J. Churches
- K. Funeral home
- L. Public parks and recreational facilities
- M. Libraries, museums and similar institutions
- N. Public utility facilities without storage yards
- O. Civic, social, and fraternal organization facilities
- P. Municipal buildings and uses
- Q. Accessory uses and facilities incidental to the permitted uses

Section 5.07.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

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- A. Recreation and sports buildings
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits
- C. Private parks
- D. Trucking transfer station
- E. Gasoline station
- F. Car wash
- G. Vehicle repair garage
- H. Outdoor sales facility
- I. Retail business with outside sales or storage
- J. Vehicle boat or recreational vehicle sales facility
- K. Regional Shopping Centers
- L. Home improvement centers
- M. Storage uses
- N. Laundry and dry cleaning facilities
- O. Planned Unit Development (PUD)
- P. Schools licensed or chartered by the State of Michigan
- Q. Single-family residential above commercial/office uses
- R. Small scale assembly and light manufacturing related to the retail sales or wholesale marketing of products out of an onsite business
- S. Retail sales of propane products to the general public (camping etc.) shall be subject to fire and other safety concerns
- T. Sexually Oriented Businesses

Section 5.07.4 Dimensional Regulations

Structures and Uses in the Commercial & Business District are subject to the area, height, bulk, and placement requirements in **Section 5.08** *Schedule of Regulations*.

Section 5.08 Industrial (I)

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

Section 5.08.1 - Intent

The "I" Industrial District is designed to primarily accommodate heavy commercial and light industry, wholesale activities, warehouses and other industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development standards will consider groundwater protection.

Section 5.08.2 - Permitted Uses

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

- A. Contractor facilities
- B. Food processing and packaging
- C. Light manufacturing facilities
- D. Sawmills
- E. Trucking facilities and terminals
- F. Warehouse, warehouse sales and distribution, mini-warehousing
- G. Building material and supply establishments
- H. Truck and heavy equipment sales and service establishments
- I. Commercial garages
- J. Public service and utility facilities
- K. Storage or transfer warehouses
- L. Wholesale trade stores
- M. Wholesale/retail uses
- N. Commercial freestanding towers
- O. Dealerships for the selling and/or servicing of heavy trucks, tractors, construction equipment, farm equipment and other similar types of products
- P. Accessory uses and facilities incidental to the permitted uses

Section 5.08.3 - Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Approval** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Planned Industrial Parks
- B. Dry bulk blending plants
- C. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals (subject to: the development of a "safety and emergency response plan," and the approval of the "safety and emergency response plan" by related agencies and the Planning Commission).
- D. Vehicle repair garage
- E. Bulk storage
- F. Commercial freestanding towers
- G. Junkyards and salvage yards
- H. Waste collection service providers
- I. Recycling facilities and transfer stations
- J. Airports and landing fields
- K. Radio or television towers
- L. Telecommunication antenna and facilities
- M. Wind Energy Conversion Units/ Wind Turbines Generators
- N. Heating and electrical power generating plants

Section 5.08.4 - Dimensional Regulations

Structures and uses in the Industrial District are subject to the area, height, bulk and placement requirements in **Section 5.10 Schedule of Regulations**.

Section 5.09 Curtis Township Schedule of Regulations

Section 5.09 – Curtis Township Schedule of Regulations										
Zoning District	District Name		Minimum Lot Area		Max. Height of Structure at eaves Feet (a)	Minimum Yard Setbacks (in feet)			Minimum D.U. Floor Area	Maximum % of Lot Coverage
			Area	Width (ft.)		Front (g)	Side (m)	Rear (n)		
SFR	Single Family Residential		12,000 s.f.	100	24	25	7 (b)(h)	10	924 s.f. (d)	30%
MR	Mixed Residential	Single Family	20,000 s.f.	100	24	25	7 (b)(h)	10	924 s.f. (d)	30%
		Two Family	1 ac.	110	24	25	7 (b)(h)	10	924 s.f. (d)	30%
		Multi-family	2 ac. (c)	200	24	25	7 (b)(h)	10	800 s.f. (e)	35%
RR	Rural Residential		2 ac.	200	24	25	7 (b)(h)	10	924 s.f. (d)	20%
FR	Forest Recreation		1 ac.	110	35 (i), (j)	25	7 (b)(h)	10	924 s.f. (d)	30%
AG	Agricultural		10 ac.	330	35 (i), (j)	25	7 (b)(h)	25	924 s.f. (d)	20%
NB	Neighborhood Business		20,000 s.f.	100	35	25	10 (f)(h)	15	--	60%
CBCC	Central Business – Corridor Commercial		1 ac.	150	35	25	10 (f)	15	--	75%
LI	Industrial		2 ac.	200	40 (i), (j)	50	20 (f)	50	--	50%

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- (a) Maximum of twenty four (24) feet at the eaves for all dwellings and a maximum of twenty-five (25) feet for all accessory buildings; maximum of forty (40) feet for all buildings located in the Industrial District non-commercial wind turbine generators or windmills used for pumping livestock water which shall not exceed 100 feet in height.
- (b) Where a side yard abuts a road right-of-way line, the minimum shall be twenty-five (25) feet.
- (c) Two (2) acres for first four (4) Units, plus 2,500 square feet for each additional unit. Overall net density shall not exceed five (5) units per acre.
- (d) The minimum floor area of a one (1) story dwelling shall be 924 square feet, and a two (2) story dwelling shall have a minimum first floor area of 700 square feet with a minimum total of 924 square feet for both stories.
- (e) Eight hundred (800) square feet usable floor space (UFA) per unit, plus four hundred (400) square feet of UFA for each bedroom over two.
- (f) Side yards shall be increased to 25 feet in Commercial and Industrial districts, where adjacent to any residential district.
- (g) Measured from the road right-of-way, except for waterfront parcels where the front yard is defined as the waterfront side and the front yard setback is measured from the "Ordinary High-Water Mark". Properties located on lakes and streams, the front yard is defined as the waterfront. The waterfront setback on all parcels abutting a lake or stream shall be 25 feet.
- (h) The side yard setback for an accessory building shall be reduced to 10 feet.
- (i) The building height for agricultural accessory buildings shall be not more than 40 feet.
- (j) Height restrictions do not apply to radio and television towers, telecommunication antennae and related facilities.
- (k) Height restrictions do not apply to Commercial Wind Turbine Generators and anemometer towers.
- (l) For lots of record, less than 100 feet wide, the front yard setback is reduced to fifteen (15) feet.
- (m) For residential lots of record, less than 60 feet wide, one side yard setback may be reduced to five (5) feet for one accessory residential building.
- (n) Rear yards on water frontage properties shall be not less than twenty five (25) feet.

ARTICLE 6: SITE PLAN REVIEW

Section 6.01 Purpose

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development-taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 6.02 Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, 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.
2. The location, shape and size of all buildings or other structures 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.
3. The location and configuration of the lot access and driveway, drawn to scale.
4. Location of existing or proposed septic system and water well.
5. 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.
6. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 6.03 Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

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1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
 - A. All new uses and/or structures with the following exceptions: single-family and two-family residential units and associated accessory structures to single-family and two-family residential units will not require site plan review.
 - B. Expansion or renovation of an existing use, other than single-family, two-family or multiple-family residential use, which increases the existing floor space more than twenty- five (25%) percent.
 - C. Changes of use for an existing structure or lot.
 - D. Any special use permit.
 - E. Any use requiring off-street parking, as stated in the off-street parking schedule of this Ordinance.
 - F. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than ten (10) acres created under the Land Division Act, on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either (a) more than two (2) residential units or (b) any other use requiring a site plan under this Ordinance.
 - G. Other uses as required by this Ordinance.
2. Pre-application Conference: The Zoning Administrator, 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.

This conference shall not be mandatory, but is recommended for small and large projects alike. It is recommended for large projects that a pre-application conference be held 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. No engineered drawings will be accepted at the pre-application conference.
3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
 - A. The name and address of the property owner.
 - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for

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parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.

- C. A certified survey of the property prepared and sealed by a licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
- D. The site plan shall be designed and prepared by a registered architect, landscape architect, engineer, land surveyor, or community planner (or, if acceptable to the Commission, owner or other qualified individual).
- E. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
- F. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
- G. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
- H. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- I. The existing Zoning District in which the site is located and the zoning of adjacent parcels.
- J. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- K. The location, size and slope of all surface and subsurface drainage facilities.
- L. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.

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- M. 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 height intervals of two (2) feet or less.
- N. Generalized soil analysis data, which may include data prepared by the Natural Resource Conservation Service regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- O. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

4. Application Submittal Procedures:

- A. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator 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, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

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- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - 1) The Alcona County Soil Erosion and Sedimentation Control Officer
 - 2) The Alcona County Drain Commissioner
 - 3) The Alcona County Road Commission and, if appropriate, the Michigan Department of Transportation
 - 4) District Health Department
 - 5) Local fire and ambulance service providers
 - C. Application fees as determined pursuant to **Section 9.07** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
 - D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
 - E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two (2) consecutive meetings due to lack of representation.
5. Standards for Granting Site Plan Approval:
- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and 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. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. 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.

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- 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- 4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
- 6) Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- 7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- 8) Exterior lighting shall be arranged as required by ***Section 3.17 Outdoor Lighting***.
- 9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the Alcona County Road Commission.
- 10) All streets shall be developed in accordance with the ***Section 3.19 Driveways*** or if a public road, the County Road Commission specifications.
- 11) All site plans shall comply with the terms of the Alcona County Soil Erosion and Sedimentation Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of these County Ordinances where applicable.
- 12) Site plans shall conform to all applicable requirements of state and federal statutes, applicable county regulations and the Curtis Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

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- B. The Planning Commission shall seek the recommendations of the Fire Chief, the Alcona County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.
6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated copy of site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
7. Conformity to Approved Site Plan Required: Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
8. Amendment of Approved Site Plan: Amendment of an approved site plan shall be permitted only under the following circumstances:
- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
- 1) Reduction of the size of any building and/or sign.
 - 2) Movement of buildings and/or signs by no more the ten (10) feet.
 - 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6) Changes related to item 1) through 5) above, required or requested by Curtis Township, Alcona County, or other state of 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.

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- 7) All amendments to a site plan approved by the Zoning Administrator shall be in writing. 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.
 - B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under Subsection (8.A) above shall be processed in the same manner as the original site plan application.
9. Expiration of Site Plan:
- A. The site plan approval shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one (1) year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.
 - B. Any subsequent re-submittal shall be processed as a new request with new fees.
10. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.03** of this Ordinance.
 11. Performance Guarantee Required: The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 9.08** of this Ordinance.
 12. As-Built Site Plan: Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as built" site plan, certified by the engineer or surveyor, at least two (2) weeks prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the "as built" plans among the appropriate persons for review to insure conformity with the approved final site plan and other Curtis Township requirements. Once those persons have approved the "as built" plans the Zoning Administrator may make the final inspection.

ARTICLE 7: USES SUBJECT TO SPECIAL USE PERMIT

Section 7.01 Purpose

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Section 7.02 Uses Subject to Special Use Permit

Uses requiring special use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the Zoning District where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

1. Application

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 include the following:

- A. Site plan prepared under the requirements of **Section 6.03 – Site Plan Review (All Districts) - Site Plan Data Required.**
- B. Name and address of applicant and owner of the premises.
- C. Anticipated description of proposed use, including parking facilities, if required, and any exceptional traffic situations.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.
- F. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the applicable general provisions, supplemental site development standards, and the standards for special use permit of this Ordinance.

2. Zoning Administrator's Review

- A. The Zoning Administrator shall review the application and information submitted under **Section 7.02.1** above to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies.

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The application for the special use permit cannot proceed until all required information has been supplied.

- B. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

3. Notice Requirements for Planning Commission Public Hearings

The notices for all public hearings before the Planning Commission concerning requests for special use permits and planned unit developments shall comply with all of the following, pursuant to **Section 9.04**:

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

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occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

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

4. Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

B. Compatibility with Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
- 3) The proposed special land use shall specify hours of operations, to ensure compatibility with the surrounding land uses.

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community

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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.

E. Compatibility with Natural Environment

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.

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

5. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.

6. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.08** of this Ordinance.

7. Amendment of Approved Special Use Permits

Amendment of an approved special use permit shall be permitted only under the following circumstances:

A. The owner of property for which a special use permit has been approved shall notify the Zoning Administrator of any desired change to the approved special use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of building and/or signs by no more the ten (10) feet.
- 3) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
- 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.

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- 5) Internal re-arrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
 - 6) Changes related to item 1) through 5) above, required or requested by Curtis Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
 - 7) All amendments to a special land use approved by the Zoning Administrator shall be in writing. 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.
- B. An amendment to an approved special use permit that cannot be processed by the Zoning Administrator under subsection 7.A above shall be processed in the same manner as the original special land use application.
8. Expiration of Special Use Permit
- A. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the special use permit approval have not changed since the approval.
 - B. If the special use permit expires pursuant to subsection 8.A above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.
9. Reapplication
- No application for a special use permit which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, unless a rehearing is granted pursuant to **Section 9.06** of this Ordinance.
10. Jurisdiction of the Zoning Board of Appeals
- The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the granting of special use permits.

11. Inspection

The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

ARTICLE 8: SUPPLEMENTAL REGULATIONS

Supplemental Regulations - Introduction

The uses listed 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 8.01 Access Management Standards

1. The Alcona County Road Commission (ACRC) and Michigan Department of Transportation (MDOT) have jurisdiction within highway rights-of-way, while Curtis Township has authority for land use and site plan decisions on individual parcels along highways. The following standards create a collaborative process between MDOT, Alcona County Road Commission, and Curtis Township on access decisions along M-65 and designated Zoning Districts (I, CBCC and NB) along county roads to implement access management standards.

The purposes of these standards are to:

- A. Preserve the capacity of M-65 and county roads by limiting and controlling the number, location and design of access points and by requiring alternate means of access through shared driveways, service drives, and access off cross streets in certain locations.
- B. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- C. Improve safety and reduce the potential for crashes.
- D. Avoid the proliferation of unnecessary driveways and to eliminate or reconfigure existing access points that do not conform to the standards herein when the opportunities arise.
- E. Require coordinated access among adjacent lands where possible.
- F. Address situations where existing development within the corridor area does not conform to the standards of this overlay district.
- G. Provide for information submittal and review procedures required for parcels that front along M-65 and designated segments of county roads.
- H. Avoid the need for unnecessary and costly reconstruction which disrupts business operations and traffic flow.
- I. Ensure efficient access by emergency vehicles.

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- J. Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points at access crossings.
 - K. Establish uniform standards to ensure fair and equal application.
 - L. Provide landowners with reasonable highway access though such access may be restricted to a shared driveway or service drive or via a side street and the number and location of access points may not be the arrangement preferred by the landowner or applicant.
 - M. Promote a coordinated development review process for the township with the Michigan Department of Transportation and the Alcona County Road Commission.
2. The standards of this Section shall apply to all lands with frontage along M-65. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance and requirements set forth by MDOT and Alcona Road Commission. A site plan evaluation of compliance with Access Management Standards shall be conducted by the Planning Commission, and the plan shall comply or be brought into compliance prior to issuance of any permits or approvals, if any of the following circumstances exist:
- A. Proposed erection of a new building or structure, or the reconstruction, demolition, rehabilitation or expansion of an existing site;
 - B. Proposed land division, subdivision or site condominium project;
 - C. Proposed construction of a parking lot;
 - D. Any other circumstances where a building permit, other construction permit, or zoning or occupancy certificate is sought for use, site upgrade, or change of use for any land, buildings or structures.
 - E. Any other change of use or business where there will be an increase in accepted average daily trip generation figures significant enough to move the site to a higher Trip Generation Intensity Category (Low to Medium, Medium to High, or Low to High), in accordance with the thresholds established in Table 8.01.

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Table 8.01 Trip Generation Intensity Categories and Examples

Intensity Categories		
Low (Less than 1,500 Daily Trips)	Medium (1,500 – 4,000 Daily Trips)	High (Greater than 4,000 Daily Trips)
150 Unit Apartments (1,050 Daily Trips)	Gas Station w/ Convenience (1,950 Daily Trips)	200,000 s.f. Shopping Center (10,650 Daily Trips)
150 Room Hotel (1,350 Daily Trips)	Fast Food w/ Drive-Thru (1,500 Daily Trips)	50,000 s.f. Strip Commercial Center (4,300 Daily Trips)
Pharmacy w/ Drive-Thru (1,320 Daily Trips)	50,000 s.f. Medical/Dental Office (1,835 Daily Trips)	

3. Where the opportunity arises to improve access management on a site, the site plan shall be modified to meet the standards of this ordinance.
4. In addition to the submittal information required for site plan review in **Article 6**, the following shall be provided with any application for site plan review as deemed necessary by the Zoning Administrator or the Planning Commission. The information listed in items A-D below shall be required with any request for a land division.
 - A. Existing access points within 500 feet along M-65 frontage on either side and along both sides of any adjoining roads.
 - B. Evidence indicating that the sight distance recommendations of the road agency are met.
 - C. Dimensions between proposed and existing access.
 - D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted. (Once approved, this agreement shall be recorded with the Alcona County Register of Deeds.)
 - E. Dimensions for driveways-- width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs.
 - F. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - G. Traffic impact study. Submittal of a traffic impact study may be required for any land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a qualified firm. The township may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.

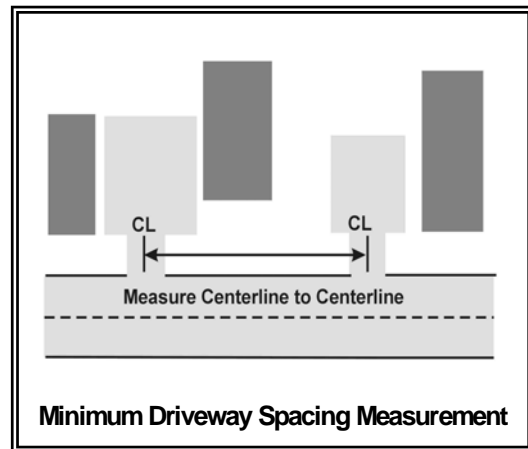
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H. Review coordination. The applicant shall submit the proposal to MDOT and/or the Alcona County Road Commission for review. The review of MDOT and/or ACRC shall be considered during the site plan review process. The Township may request attendance at coordination meetings with representatives of the applicable road agency. An access permit shall not be requested from the road agency until a land division or site plan is approved by the township.

5. Access points shall meet the following standards:

A. Each parcel or lot shall be permitted at least one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.

B. Additional driveways may be permitted by the Planning Commission upon finding (through a traffic study) that additional driveway or driveways will provide improved conditions for the motoring public and will not cause negative traffic impacts.



C. Access points along M-65 shall follow MDOT access guidelines and that their primary function is to accommodate through traffic while the function of other roads is more balanced with access to properties.

Posted Speed limit	Along M-65 *	Along other Roadways
35 mph or less	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.

*unless greater spacing is required by MDOT or required to meet other standards herein

Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.

D. Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission may reduce this to not less than 150 feet where sight distance limitations do not exist.

E. Minimum spacing of access points from intersections shall be in accordance with MDOT and ACRC standards.

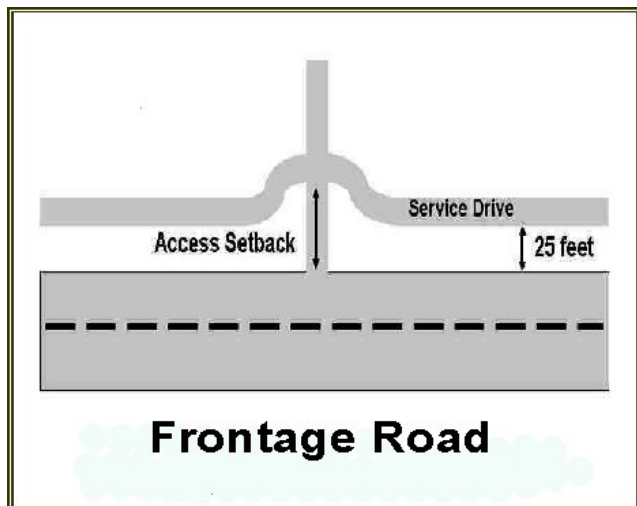
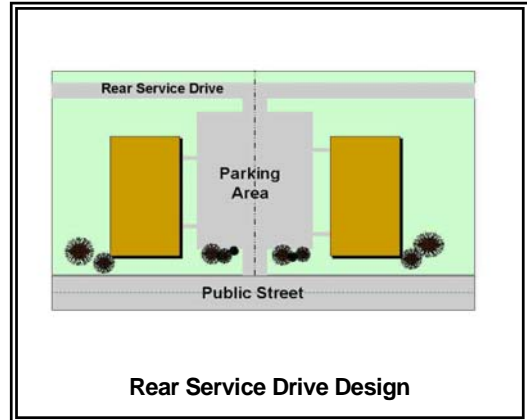
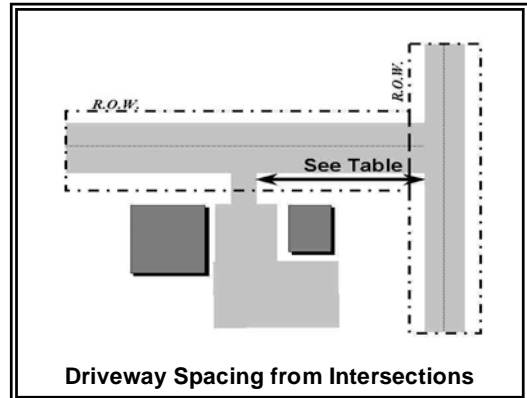
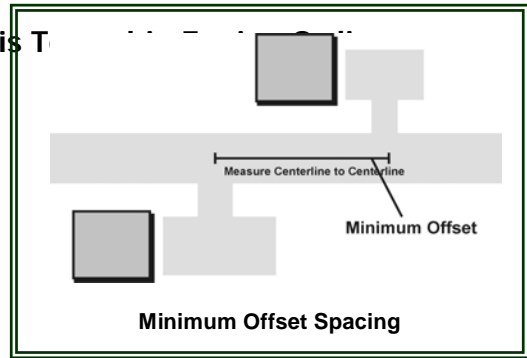
F. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

Frontage roads or service drives shall be constructed in accordance with State of Michigan Department of Transportation and Alcona County Road Commission requirements.

1) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).

2) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access system becomes available. This may require posting of a Financial Performance Guarantee.

G. Driveways shall be located to provide safe sight distance as determined by the applicable road agency.



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- H. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the property owner.

Section 8.02 Private Airport and Landing Strip

A private airport or landing field is a facility designed for take-off, landing and storage of small aircraft which is not available to the public, is not shown on aeronautical charts, is not licensed by the Michigan Aeronautic Commission, and does not offer charter flight service, the sale of gasoline, or oil, student instruction., flying lessons, aviation maintenance services or other commercial services to the public. The following regulations apply to such a facility:

- 1. Private airports and landing fields shall not be located within five (5) miles of a public use airport which is licensed by the Michigan Aeronautic Commission without prior approval from the Bureau of Aeronautics.
- 2. Runways shall be FAA approved.
- 3. The clear approach area shall be FAA approved.

Section 8.03 Bed and Breakfast Establishments

- 1. While this subsection is established to enable single-family dwelling units to be used as bed and breakfast facilities, tourist homes, or boarding houses, 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, or boarding house is a subordinate use to a single-family dwelling unit subject to the following conditions:
 - A. The bed and breakfast, tourist home, or boarding house shall not alter the residential character of the structure.
 - B. The operator shall live on the premises when the operation is active.
 - C. Bed and breakfasts, tourist homes, or boarding houses will operate in compliance with all local, state and federal requirements.
 - D. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.

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- E. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
- F. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employed.
- G. Snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted.
- H. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of the Curtis Township Sign Ordinance 29-00 to indicate that the dwelling is being utilized for any purpose other than as a residence.
- I. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

Section 8.04 Businesses with Drive-Through Services

These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.

Businesses which provide a drive-in or drive-through service (but not Gasoline Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

1. Access drives shall be located in accordance with and by permission of the Michigan DOT and the County Road Commission.
2. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and to drive-through lanes.
4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing may be required on the sides abutting or adjacent to a residential district.

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5. Vehicle stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in **Section 3.11 Parking and Loading Space Requirements**.

Section 8.05 Campgrounds and Travel Trailer Parks

1. A minimum parcel size shall be ten (10) acres, and not less than six hundred (600) feet wide.
2. The Park or Campground shall provide direct vehicular access to a public street or road.
3. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
4. Campground perimeter shall be completely screened by natural terrain or neatly finished and well-maintained tight board or vinyl fence or masonry wall or by well maintained live evergreens.
5. Campsites shall be located at least fifty (50) feet from property lines.
6. All campgrounds and travel trailer parks shall comply with State of Michigan and Health Department requirements.

Section 8.06 Car Wash Facilities

1. Layout: All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.
2. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Dryers shall be located and muffled to not create a noise nuisance for surrounding properties. All maneuvering areas, vehicle stacking lanes, and exit aprons shall be located on the car wash parcel itself and subject to the standards listed in **Section 3.11 Parking and Loading Space Requirements**. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
3. Groundwater Protection: The storage, use and disposal of chemicals and detergents shall meet the standards of **Section 3.14, Groundwater Protection and Section 3.15, Hazardous Materials**.

Section 8.07 Cemeteries

1. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for grave sites.

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2. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
3. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.
4. Operation of the cemetery shall meet all standards set forth by State of Michigan laws and regulations and the Curtis Township Cemetery Ordinance.

Section 8.08 Commercial and Industrial Uses with Outdoor Storage

Outside storage of equipment or materials in the Commercial and Industrial Districts shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 8.09 Commercial Outdoor Recreational Facilities

Where allowed by ordinance, Commercially used Outdoor Recreational Space, both permanent and temporary, such as but not limited to, that used for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, and driving ranges, shall be subject to the following requirements:

1. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot protective wall or fence.
2. All manufacturers' specifications for safety shall be complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
3. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.
4. To insure that the site will be restored to a reusable condition the following shall apply to both permanent and temporary uses:
 - A. A Refundable Security Deposit, guaranteeing the restoration of the premises, shall be deposited with the Curtis Township Treasurer.
 - B. The amount of the deposit shall be \$500.00 dollars.
 - C. The Curtis Township Board may increase or waive the Security Deposit depending upon the size of the Commercial Outdoor Recreational Facility and/or

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the number of anticipated attendees and/or the profit or nonprofit nature of the Facility.

- D. The Proprietor agrees that Curtis Township will make an inspection prior to and after the proprietor's function. The Proprietor may be present, but acknowledges that the opinion of the representative of Curtis Township in assessment of any damage, which may have occurred, shall be binding upon the Proprietor.
- E. Any substantial abuse or damage to the land over and above the Security Deposit by groups or persons using the land, their guests or employees, shall be sufficient cause for denial of any future request for use, and as to the cost of the repair of any such damage, the Proprietor agrees to immediately transmit the additional cost to the Curtis Township Treasurer's office.
- F. Curtis Township shall be held blameless from any injury whatsoever to persons property during the use, and the Proprietor hereby accepts full responsibility.
- G. The Proprietor shall certify that all activities that will occur on the property shall be legal and the Proprietor shall be absolutely responsible for ascertaining that no illegal activities of any type shall be permitted on the premises.
- H. The Security Deposit will **not** be returned until after a passing inspection of premises. The inspection shall be made on the Monday following the termination of the use.

Section 8.10 Funeral Home or Mortuary

Funeral home or mortuary property shall have direct vehicular access to a public road or street. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are within the accommodations on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

Section 8.11 Gasoline/Service Station

- 1. Minimum lot size shall be twelve thousand (12,000) square feet for an automobile repair station and ten thousand (10,000) square feet for a gasoline service station.
- 2. Minimum lot width shall be one hundred twenty (120) feet for an automobile repair station and one hundred (100) feet for a gasoline service station.
- 3. An automobile repair station building, repair garage or main building for a gasoline service station shall be located not less than forty (40) feet from the street right-of-way nor less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property

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nor less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.

4. No ingress or egress to an automobile repair station, public garage or automobile service station, shall be closer than twenty-five (25) feet from any intersection, driveway or residential property line abutting the property on which such facility is located, except if the facility is located on M-65 or any designated County Primary Road. If located on M-65 or a designated County Primary, locations of the ingress and egress shall comply with the provisions of ***Section 8.01 Access Management*** of this Ordinance.
5. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way. Storage and disposal of any hazardous materials shall comply with the provisions of ***Section 3.14 and 3.15*** of this Ordinance
6. When adjoining residential property, a security wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
7. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an obscuring fence or masonry wall at least five (5) feet in height. In all cases, the obscuring wall shall be high enough to block the public view of any items contained within. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed thirty (30) days.
8. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is allowed in designated areas, subject to site plan approval by the Planning Commission.
9. All exterior lighting shall comply with ***Section 3.17 Outdoor Lighting*** of this Ordinance.
10. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.
11. Parking and stacking spaces shall be provided subject to ***Section 3.11 Parking and Loading Space Requirements***.

Section 8.12 Group Day Care Homes/Child Care Center

1. Group Day Care Homes/Child Care Centers are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: SFR, MR, RR, FR, AG, & NB

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2. A Special Land Use Permit will be issued if the group day care home or child care center meets all of the following conditions. The permit may be issued by the Zoning Administrator if, in their judgment, it meets all of the following requirements:
 - A. Is not located closer than fifteen hundred 1,500 feet to any of the following:
 - 1) Another licensed group day care home.
 - 2) An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
 - 3) A facility offering substance abuse treatment and rehabilitation service for seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368.
 - 4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - B. Has at least four hundred (400) square feet of fenced outdoor space.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

Section 8.13 Home Improvement Centers and Lumber Yards

Facilities dealing primarily in pre-planned, dimensional, or finished lumber for wholesale or retail markets, and including building materials, accessory hardware, plumbing, and electrical supplies and/or equipment, provided:

1. Home Improvement Centers and Lumber Yards are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: AG, CBCC, & I.
2. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
3. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.
4. Storage uses, buildings, parking lots, and sidewalks, shall provide a minimum setback of ten (10) feet from one side yard and forty (40) feet from the side property line to afford transition space for storm water, snow storage, and/or landscaped buffers.
5. The outdoor displays of Home Improvement Centers and Lumber Yards shall be set back 25 feet from the road right-of-way. Such outdoor sales areas are also subject to the provisions of **Section 8.21 Outdoor Sales Facilities**.

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6. Building material centers associated with the lumberyard may include incidental operations involving fabrication and processing, but only within limits set forth on an approved Site Plan.

Section 8.14 Junk Storage

Junk storage and salvage materials shall be allowed in I zoning districts. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the Industrial District than one hundred (100) feet.

Section 8.15 Kennels or Veterinary Clinic/Animal Hospital

1. Are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: FR & AG.
2. All kennels, veterinary clinics or animal hospitals shall be operated in conformance with County and State regulations and shall be on sites of at least 10 acres.
3. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
4. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
5. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
6. All principal use activities shall occur within an enclosed main building.

Section 8.16 Manufactured Home Developments

Are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning district: MR. Manufactured home developments shall be subject to the following conditions:

1. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.

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2. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
3. The underside or chassis of all manufactured homes in manufactured home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

Section 8.17 Motels and Hotels

Are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: NB & CBCC.

1. Motels and Hotels shall have direct access to a County Primary or State Trunk line Highway, as opposed to a County local road as defined by the County Road Commission.
2. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet.
3. There shall be at least eight hundred (800) square feet of lot area per guest room.
4. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
5. Motels and Hotels shall provide customary services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

Section 8.18 Non-Public Recreational Areas and Facilities

Private, semi-private, and other non-public recreation lands and/or facilities are allowed, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established. Recreational uses permitted herein include parks, playgrounds, and common access sites. Such facilities shall have a residential appearance and be compatible with the zoning district in which it is placed.

Section 8.19 Nursing Homes, and Assisted Living Facilities

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

1. Are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: SFR, MR, RR, FR, AG & NB.

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2. The minimum lot size for such facilities shall be five (5) acres.
3. Such uses shall front on a State or year round County maintained County primary road and the main means of access for residents or patients, visitors, and employees shall be via the maintained road.
4. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bedroom used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
5. Nursing homes, convalescent homes, rest homes, and orphanage houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

Section 8.20 Offices and Showrooms

Offices and show rooms of plumbers, electricians, decorators or similar trades are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: NB & CBCC zoning districts. They shall be subject to the following standards:

1. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.
2. All storage of materials or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

Section 8.21 Outdoor Sales Facilities

Outdoor sales and rental lots for automobiles, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for sale or rental of new and/or used units, subject to the following:

1. Are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: AG, CBCC & I.
2. No display shall be permitted in the right-of-way of any abutting road or highway.
3. Existing roadside trees and shrubs shall be retained or replaced.
4. Display lot lighting shall comply with terms of **Section 3.17** which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.

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5. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
6. Adequate parking area shall be provided on site.

Section 8.22 Planned Unit Development (PUD)

1. Intent and Purpose

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

- A. To accomplish the objectives of the Zoning Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage usable open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township.

2. Use and Area Regulations

A. Permitted Uses

Planned unit developments shall be permitted in any Zoning District according to the following:

- 1) **Forest Recreation and Residential Districts** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20%) percent of the PUD site area.

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- 2) **Commercial & Business District** - Except as noted, PUD uses may include any of the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40%) percent of the PUD site area.
- 3) **Industrial District** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Other uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20%) percent of the PUD site area.

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

B. Area Regulations

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

- 1) **Perimeter Setbacks.** The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying Zoning District, provided:
 - (a) Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is developed residential or is located in a zoning district that permits residential development.
 - (b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 2) **Open Space.** A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated and set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.

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- 3) Height Regulations. The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying Zoning District.
- 4) Other Dimensional Regulations. To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying Zoning District, including but not limited to minimum lot size, density, and setbacks within the PUD project.

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

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

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

C. Planned Unit Development Eligibility Requirements

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

- 1) The parcel shall be consistent with the Curtis Township Schedule of Regulations 5.09. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-residential uses.
- 2) The parcel on which the proposed PUD will be located shall be served by State of Michigan and Alcona County Health Department approved public water and sanitary sewer facilities.

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- 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- 4) The proposed uses within the PUD shall be consistent with the Curtis Township Master Plan for the subject parcel.

D. Pre-application Conference

- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
- 2) A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

E. PUD Application Requirements

An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

- 1) A completed application form, supplied by the Zoning Administrator.
- 2) Payment of a fee as established by resolution of the Township Board.
- 3) A narrative statement describing:

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- (a) The objectives of the proposed PUD and how they relate to the intent of the Zoning Ordinance as described in subsection 1) above.
 - (b) The relationship of the proposed PUD to the Curtis Township Master Plan.
 - (c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - (d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - (e) Anticipated dates for the start and completion of the PUD construction.
 - (f) The location, type, and size of areas to be dedicated for common open space.
- F. The PUD application shall include all information required by **Sections 6.03** and **Section 7.02**, and the following:
- 1) Required setbacks of the Zoning Districts.
 - 2) Area of subject property to be covered by buildings.
 - 3) Percentage of the total site devoted to open space and the proposed uses of that open space.
 - 4) A list of parcels whose existing zones are proposed to be changed along with their proposed new zoning designations.
 - 5) Such other information regarding the development area that may be required to determine conformance with this Ordinance.
- G. *Public Hearing on PUD Request; Notice.*
See **Section 7.02.3**.
- H. **Planning Commission Review of PUD**

Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection I. below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.

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I. Standards for PUD Approval; Conditions; Waiver of PUD Standards

- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Section 6.03.5** and **Section 7.02.4** and all of the following:
 - (a) The planned unit development shall be consistent with the Curtis Township Master Plan.
 - (b) The planned unit development shall be designed, constructed, and operated in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - (c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.
 - (d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - (e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
 - (f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
 - (g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.

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- (h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
- (i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.

- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 6.03.5 and 10.01.3.A** of this Ordinance.

J. **Planned Unit Development Permit**

Following final approval of a PUD application, a permit shall be obtained from the Zoning Administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void. The applicant shall have obtained all required county, state, or federal permits prior to commencing construction, including earth changes.

K. **Continuing Adherence to Approved PUD Application**

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

L. **Recording of Action**

The applicant shall record an affidavit acceptable to the Township Attorney with the Alcona County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township approval, specifies the description or identification number which the Township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an

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amendment to the PUD, the applicant shall record an amended affidavit acceptable to the Township Attorney that contains all of the information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Alcona County Register of Deeds and copies of recorded documents filed with the Zoning Administrator.

M. **Amendment of an Approved Planned Unit Development**

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

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

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

- 3) An amendment to an approved PUD that cannot be processed by the Zoning Administrator under subsection 1) above shall be processed in the same manner as the original PUD application.

N. Expiration of Approved PUD; Extension

- 1) An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant extensions of an approved PUD for an additional one (1) year period if it finds:
 - (a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - (b) The PUD requirements and standards that are reasonably related to the development have not changed.
- 2) If the PUD approval expires pursuant to subsection 1) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Planning Commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

O. Performance Guarantee

The Planning Commission may require the applicant to obtain and maintain a performance guarantee in connection with the PUD project, pursuant to **Section 9.08** of this Ordinance.

Section 8.23 Public Buildings and Institutions

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Public buildings, public schools, private schools and their local supporting service uses, are allowed with the following exceptions (except public works garages and storage yards), provided:

1. The arrangement of property uses shall consider the impact on scenic views, and if feasible, the site design shall endeavor to mitigate negative impacts related to building size, noise, lighting and traffic.
2. Any uses of structures or properties for such other secondary purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

Section 8.24 Race Tracks

Race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property. Race tracks shall be permitted only in the CBCC Districts subject to the following conditions and such other controls as the Planning Commission, after holding a Public Hearing, deems necessary to promote health, safety and general welfare in the Township:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking areas shall be provided from year round county maintained roads. Review and recommendations concerning the ingress and egress points, shall be requested from the sheriff authority having jurisdiction.
3. Minimum size parcel shall be twenty (20) acres. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.
4. The hours of operation shall be between 10 a.m. and 10 p.m.
5. The noise level shall be no more than fifty (50) decibels as measured on the decibel scale at the property lines of the site.

Section 8.25 Recreation Camps

Recreation camps, recreation lodges and resorts for either profit or non-profit are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: SFR, MR, RR, FR, AG, NB & CBCC. They shall be subject to the following conditions:

1. The use is established on a minimum site of twenty (20) acres.
2. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from all property lines. The resulting one hundred (100)

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foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as deemed necessary.

3. The use does not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

Section 8.26 Salvage Yards, Junk Yards and Landfills

1. Junk and Salvage Yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "Industrial" District, and shall be located only in sites which are completely screened from adjacent properties and public view. Inoperative vehicles stored or contained in junk yards are permitted only in enclosed structures or in outside areas which are completely screened by an 8 foot screening barrier from adjacent properties and public view.
2. Sanitary landfills shall:
 - A. Only be located in the "Industrial" District;
 - B. Only be permitted if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act, as amended or under the jurisdiction of the Michigan Department of Environmental Quality in conformance with Part 111 of the Natural Resources and Environmental Protection Act; as amended.
 - C. Have direct access only permitted from an impervious hard surface paved all-weather year-round road as defined and maintained by the County Road Commission or State Department of Transportation.
3. The location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well maintained evergreens.
4. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 8.27 Sawmills and other Mills

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: FR, AG, & I provided the following standards are met:

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1. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
2. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathes, etc.), shall not be located closer than five hundred (500) feet to an off-premises residence, unless the owner of the residence signs a statement agreeing to a lesser setback.
3. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
4. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable, and any Township or Community Land Use Plans for the area. The mill location shall be determined to be good land use.
5. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

Section 8.28 Sexually Oriented Businesses

The purpose and intent of the sections 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 ordinance, 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. Sexually Oriented Businesses are allowed as "Uses subject to Special use Permit" in the following zoning district: CBCC provided the following standards are met:

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1. No sexually oriented business shall be established on a parcel within one thousand (1000) feet of any residence, school, place of worship, public park or civic building.
2. The proposed use shall conform to all specific density and set back regulations, etc. of the Zoning District in which it is located.
3. The proposed use must meet all applicable written and duly promulgated standards of Curtis 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.
4. 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.
5. Any sign or signs proposed for the sexually oriented business must comply with the provisions of the Curtis Township Sign Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
6. 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."
7. 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 roadway or a neighboring property.
8. Hours of operation shall be limited to 1:00 pm to 12:00 AM.
9. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - A. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - B. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - C. Have 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;
 - D. Is illuminated by a light bulb of wattage of no less than sixty (60) watts;
 - E. Have no holes or openings in any side or rear walls.

Section 8.29 Stables, Commercial

1. Commercial stables shall be on sites of at least ten (10) acres in size.
2. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, which shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

Section 8.30 Storage Facilities

1. Storage uses are allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: I, NB & CBCC. Storage uses including mini-storage, shall meet the following regulations:
 - A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
 - B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
 - C. Effective year-round landscaping is required to screen and shield storage buildings from bordering public roads upon installation of proposed plant materials.
 - D. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
 - E. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies shall be enclosed within a building or behind an obscuring wall or fence.
2. Storage uses as allowed in the Forest Recreation (FR), shall meet the following regulations:
 - A. There shall be no outside storage of items.
 - B. Maintenance activities shall be limited to those which are incidental to the storage of items.
 - C. Storage buildings up to two thousand (2,000) square feet in area are allowed up to two (2) doors under twenty-four (24) square feet in area, and two (2) doors over twenty-four (24) square feet in area. For each additional one thousand

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(1,000) square feet of building area, one (1) additional door of each size shall be allowed.

Section 8.31 Site Plan and Permit Process for: Telecommunication Towers and Antennae Facilities/Alternative Tower Structures including Windmills

Antenna towers, masts, and alternative tower structures for cellular phone and other business communications services may be authorized as a Special Land Use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering authorization of a Special Land Use for a telecommunications tower, antennae facility, or alternative tower structure, the Planning Commission shall apply the standards of **Article 7** and the following standards:

1. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
2. **Need & Co-Location:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
3. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
4. **Size:**
 - A. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
 - B. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

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5. Lighting: The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
 - A. The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - B. Lighting 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.
 - C. Lighting may consist of a red top light that does not pulsate or blink.
6. Color: Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
7. Height Decrease: If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
8. Signs: No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.
9. Cable and Anchor Setbacks: Guy cables and anchors shall comply with applicable zoning district setback regulations.
10. Setback from Dwellings: The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
11. Setback from Property Line: The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
12. FCC/FAA/Other Regulations: The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).

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13. Use: The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
14. Performance Guarantee: As a condition of approval, the Planning Commission may require an owner to deposit funds as a performance guarantee to assure the removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
15. Cease of Operations/Abandonment: If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.

Section 8.32 Antenna Co-Location on an Existing Tower or Structure

1. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the antenna/facility owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 8.33 Small On-Site Wind Energy Systems

Small 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 considered an accessory structure.

1. Small On-Site Wind Energy Systems up to one hundred (100) feet in height shall be permitted by right in all zoning districts except SFR and as a special use permit in **SFR**.

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2. Small On-Site Wind Energy Systems over one hundred (100) feet in height shall be considered a Special Land Use in **RR, FR, AG, and I** districts.
3. The following Regulations shall apply to all small on-site wind energy systems in the Township:
 - A. Blade Clearance: There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
 - B. Guy Wires: If the small wind energy system is supported by guy wires, such wires shall be covered with a high visibility material so as to make it visible to a height of at least six (6) feet above the ground.
 - C. Setbacks: Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line or waterfront than the required setback for the district in which the unit is located.
 - D. Noise: Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) decibels or in excess of five (5) decibels 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.
 - E. 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.
 - F. Reception Interference: Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
 - G. Shadow Flicker: Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
 - H. Color: Wind turbines and towers shall be painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and accessory buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping).
 - I. Potential Ice Throw: The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
 - J. Safety: A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.

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- K. Other Regulations: On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

Section 8.34 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 and shall adhere to the following requirements in addition to the requirements contained in **Article 7** of this Ordinance.

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 Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. State or Federal 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 or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.

3. 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. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

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 Article.

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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 to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is 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 fifty (55) decibels on the decibel 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 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 tower 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. Height

Regarding wind turbine height, the applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

7. Tower Separation

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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. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications 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 twenty (20) feet.

9. **Maximum Noise Levels**

The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) decibels measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) decibels, the standard shall be ambient plus five (5) decibels.

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**

The potential ice throw or ice shedding for the 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:**

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

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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) May be a red top light that does not pulsate or blink.
 - 4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - 5) Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
 - 6) The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

14. Shadow Flicker

The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.

The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis

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shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

15. **Safety**

- A. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- B. Wind turbine towers shall not be climbable on the exterior.
- C. All access doors to wind turbine towers and electrical equipment shall be lockable.
- 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.

16. **Hazard Planning**

An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

- 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, 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.

18. Removal of Commercial Wind Turbine Generators

- 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 not 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 abandonment. 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 a Commercial 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. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

19. Equipment Replacement

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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.

ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

Section 9.01 – Zoning Administrator

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

The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 9.02 – Zoning Permit

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved until a Zoning Permit application has been filed with the Township Zoning Administrator 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 land building or structure in existence as of the adoption date of this Ordinance.
2. The application shall be signed by the owner of the premises or his agent and shall certify the proposed use of the property and that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - A. A site plan, if required, or a sketch triplicate, in a scale sufficient to clearly detail– as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and

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the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.

- B. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator.
 - D. Such other information as may be required to determine compliance with this Ordinance.
3. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Alcona County Building Department. The Zoning Administrator shall have the authority to request a land division for any parcel under one Property Tax Identification that has two or more zoning Districts in order to require a separate tax identification number before any Zoning Permit is issued for a permitted use.
 4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit.
 5. The zoning permit will expire after one year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
 6. 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.
 7. No Zoning Permit shall be valid until the required fees have been paid. Except for an accessory building or structure less than 100 square feet in size (consistent with setback requirements), which does not require a zoning permit pursuant to Section 9.2 (A) of this Ordinance, no separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.
 8. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 9.03 – 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

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

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

Section 9.04 – Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

1. Published Notice: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Planning Commission Secretary, Planning Commission Recording Secretary and the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Curtis Township and mailed or delivered as provided in this Section.
2. Content: All mail, personal and newspaper notices for public hearings shall:
 - A. 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.
 - B. Location: Indicate the property that is subject to the request. 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.
 - C. When and where the request will be considered: indicate the date, time and place of the public hearing(s).

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- D. 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.
 - E. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. Personal and Mailed Notice
- A. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - 1) The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - 2) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Curtis Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. 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.
 - 3) All neighborhood organizations, public utility companies, railroads and other persons, which have requested to receive notice pursuant to **Section 9.05**, Registration to Receive Notice by Mail.
 - 4) Other governmental units or infrastructure agencies within one (1) mile of the property involved.
 - B. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission Secretary, Planning Commission Recording Secretary and 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.
4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

- A. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 9.05 – Registration to Receive Notice by Mail

- 1. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **Section 9.04.3**. Personal and Mailed Notice, 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 legislative body.
- 2. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 9.06 – Rehearing Process

- 1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - A. 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.
 - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 - C. 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.
- 2. 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.
 - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - B. 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.

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- C. 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 applicants' 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.
- D. 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 9.07 – Fees and Forms

- 1. 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, such as those fees related to the following:
 - 2. Zoning permits
 - A. Special land use permits
 - B. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - C. Requests for variances from the Zoning Board of Appeals.
 - D. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - E. Site plan reviews.
 - F. Requests for a planned unit development (PUD).
 - G. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the

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

3. 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 or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be 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.

4. Official Forms, Applications and Permits

See Table 9.1

Section 9.08 – 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 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 clerk 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 clerk 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:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. 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 9.09 – Violations and Penalties

1. Nuisance per se

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

2. Inspection

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued or where a property or use appears to be in violation or there is reasonable belief that a property or use is in violation of township ordinances and to ensure compliance with the plans and conditions of a zoning permit or approved site plan.

3. Penalties

- A. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and may be subject to a fine. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this ordinance.
- B. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this ordinance.
- C. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

4. Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

Section 9.10 - Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other township ordinances, in which case the more stringent regulations will control.

**Table 9.1
Official Forms, Applications and Permits**

<u>Name</u>	<u>Purpose</u>	<u>Location</u>	<u>Page #</u>
Letter of Non-conforming use & Home Business request	provides the public a process to establish a non-conforming use	3.02.2.G	3-2
Camping Permit	Provides a process to allow camping beyond 15 days	3.06.2.B	3-7
Application for temporary dwelling use (during construction)	Provides a process to allow temporary occupancy during construction	3.07.4	3-7
Application for extension of time limit (to meet the standards of a Cottage Industry)	Provides a process to allow additional time to achieve standards for a Cottage Industry	3.08.3.A	3-9
Application to the Zoning Board of Appeals	Provides the public a process for appeals to the rules, regulations, standards and decisions of the Zoning Ordinance	4.03.4 & 10.01.1.6	4-2 10-4
Application for Site Plan Review	Request the Twp. provide a Site Plan Review as required by Twp. Ordinance	6.03.4	6-4
Application for: Use Subject to Special Use Permit	Request the Twp. provide a review of a proposed Use Subject to Special Use Permit	7.02.1	7-1
Application for: Planned Urban Development	Request the Twp. provide a review of a proposed Planned Urban Development	8.22.2.E	8-19
Permit for a Planned Urban Development	Specific notice given to the Developer that they can begin the project subject to other approvals	8.22.2.J	8-22
Zoning permit.	#1 Establish conformance #2. Grants permission to begin	9.01	9-1
Application for: Zoning Permit	Request the Twp. provide an analysis of the Zoning of a proposed Land use project	9.02.1	9-1
Permit revocation form	Notifies development of the revocation of permit	9.02.6	9-2
Notice of public hearing	Provides rules for personal and mailed notice	9.04.3	9-4
Request to receive notice of development	Notifies the Twp. of persons wishing to receive notice of any development application	9.05	9-5
Stop work order/zoning violation	Notifies the public and the property owner/developer of a violation and requires an immediate end to work	9.09.4	9-9

**Table 9.1
Official Forms, Applications and Permits**

<u>Name</u>	<u>Purpose</u>	<u>Location</u>	<u>Page #</u>
Zoning Amendment Petition	Provide petition relief to the public for amendments to the Zoning Ordinance	11.01.1.B 9.07.2.D	11-1 9-6
Fence Agreement	To establish a common agreement between abutting property owners	3.9.2	3-10
Site Plan Review Evaluation Form	Provide commissioners and the public with a standard evaluation form	6.03.5	6-5, 6-6, 6-7
Special Use Permit Evaluation Form	Provide commissioners and the public with a standard evaluation form	7.02.4	7-3
Demolition of Structure Permit	Provides public compliance for land use requirements (removing structures)	9.02.1	9-1
Land Division Application	Provide the public with a process for splitting their property	9.02.3	9-2
Zoning Board of Appeals Evaluation Form	To provide Board members and the public with a standard evaluation form	10.07	10-4

ARTICLE 10: ZONING BOARD OF APPEALS

Section 10.01 – Zoning Board of Appeals

1. Creation and Membership:

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board.

- A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- B. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
- D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- E. 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 the Township Board, whose terms shall be limited to the time they are members of those bodies. 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.
- F. 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 public hearing. A member shall disqualify himself or herself from a vote in which the member has

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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.

2. Meetings:

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

The Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

3. Jurisdiction:

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant dimensional variances as provided for in **Section 10.01.5**. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.

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- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning site plan review, special approvals or planned unit developments.
- I. When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or zoning administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the township master plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

4. Stay:

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

5. Variances:

- 1. Dimensional Variance Standards: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 - b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
 - c) The plight of the owner is due to unique circumstances of the property;

d) The problem was not self-created.

6. Zoning Board of Appeals Submittal:

The applicant is required to submit six (6) copies of surveys, plans and data as required under **Article 6**, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

7. Conditions of Approval:

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 9.03**.

8. Exercising Powers:

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

9. Miscellaneous:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

ARTICLE 11: ADOPTION AND AMENDMENTS

Section 11.01 – Amendments to this Ordinance

1. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Curtis Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 - B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - 2) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - 4) The public notice procedure shall be the same as that contained in **Section 9.04**.
 - 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - (a) Is the proposed rezoning consistent with the Curtis Township Master Plan?
 - (b) Is the proposed rezoning all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - (c) Will there be an adverse physical impact on surrounding properties?

Curtis Township Zoning Ordinance

- (d) Will there be an adverse effect on property values in the adjacent area?
 - (e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - (f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - (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)?
 - (h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - (i) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - (j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - (k) Are there sites nearby already properly zoned that can be used for the intended purposes?
- 6) Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
- 7) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- 8) The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **Section 9.04**.
- 9) The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- 10) After any such public hearing as allowed under **Section 11.01**, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.

Curtis Township Zoning Ordinance

- 11) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- 12) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 11.02 – Repeal and Savings Clause

1. This Ordinance repeals and replaces any previous Curtis Township Zoning Ordinance in its entirety.
2. The repeal of the Curtis Township Zoning Ordinance dated July 11, 2001, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. 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 11.03 – Enactment and Effective Date

1. This Ordinance was adopted on May 13, 2010 by the Curtis Township Board of Trustees and will be effective June 14, 2010. The foregoing Zoning Ordinance and Zoning Map were presented at final public hearing before the Planning Commission on March 17, 2010. Interim public hearing were held on sections of the ordinance, see attached resolution of adoption.
2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.

CURTIS TOWNSHIP ZONING ORDINANCE ADOPTION

RESOLUTION OF ADOPTION CURTIS TOWNSHIP BOARD OF TRUSTEES

Resolution to adopt a Zoning Ordinance revision pursuant to the authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

WHEREAS, *Curtis Township has zoning powers pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and*

WHEREAS, *Curtis Township has administered township wide zoning since the adoption of its first zoning ordinance in April 24, 1974, and*

WHEREAS, *the fundamental purpose of the Zoning Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Curtis Township, and*

WHEREAS, *a public notice for Articles 1, 9, 10, & 11 appeared in the Alcona Review on March 5, 2008 noting a Public Hearing on March 19, 2008 at 6:30 pm at the Curtis Township Hall, and*

WHEREAS, *a public hearing for Articles 1, 9, 10, & 11 was held on March 19, 2008 at 6:30 pm at the Curtis Township Hall and no public comments were received, and*

WHEREAS, *a public notice for Articles 6 & 7 appeared in the Alcona Review on March 26, 2008 noting a Public Hearing on April 16, 2008 at 6:30 pm at the Curtis Township Hall, and*

WHEREAS, *a public hearing for Articles 6 & 7 was held on April 16, 2008 at 6:30 pm at the Curtis Township Hall and no public comments were received, and*

WHEREAS, *a public notice for Article 3 appeared in the Alcona Review on July 29, 2008 noting a Public Hearing on August 19, 2008 at 6:30 pm at the Curtis Township Hall, and*

WHEREAS, *a public hearing for Article 3 was held on August 19, 2008 at 6:30 pm at the Curtis Township Hall where no public comments were received, and*

WHEREAS, *a public notice for Articles 4 & 5 appeared in the Alcona Review on September 24, 2008 noting a Public Hearing on October 15, 2008 at 6:30 pm at the Curtis Township Hall, and*

WHEREAS, *a public hearing for Article 4 & 5 was held on October 15, 2008 at 6:30 pm at the Curtis Township Hall where no public comments were received, and*

WHEREAS, *a public notice for Article 8 appeared in the Alcona Review on November 4, 2009 noting a Public Hearing on November 18, 2009 at 6:30 pm at the Curtis Township Hall, and*

WHEREAS, *a public hearing for Article 8 was held on November 18, 2009 at 6:30 pm at the Curtis Township Hall where no public comments were received, and*

WHEREAS, *a public notice for Article 2 appeared in the Alcona Review on December 16, 2009 noting a Public Hearing on December 23, 2009 at 6:30 pm at the Curtis Township Hall, and*

WHEREAS, a public hearing for Article 2 was held on December 23, 2009 at 6:30 pm at the Curtis Township Hall where no public comments were received, and

WHEREAS, a public notice for Zoning Map changes appeared in the Alcona Review on January 13, 2010 noting a Public Hearing on January 20, 2010 at 6:30 pm at the Curtis Township Hall, and

WHEREAS, a public hearing for a revised Zoning Map was held on January 20, 2010 at 6:30 pm at the Curtis Township Hall where seven rezoning requests were received, and

WHEREAS, a public notice for the entire revised Zoning Ordinance and revised Zoning Map appeared in the Alcona Review on February 24, 2010 noting a Public Hearing on March 17, 2010 at 6:30 pm at the Curtis Township Hall, and

WHEREAS, a public hearing for the entire revised Zoning Ordinance and revised Zoning Map was held on March 17, 2010 at 6:30 pm at the Curtis Township Hall where changes to the Ordinance and the Zoning Map were publicly approved and incorporated into the revised Zoning Ordinance and Zoning Map, and

WHEREAS, the ordinance and map were transmitted to the Alcona County Board of Commissioner for a 30-day review period and no comments were received, and

WHEREAS, the Curtis Township Planning Commission and Curtis Township Board of Trustees finds that it is in the best interest of the residents of Curtis Township to adopt the proposed Zoning Ordinance revision, and

WHEREAS, the Curtis Township Planning Commission has recommended that the proposed Curtis Township Zoning Ordinance be adopted.

Yeas: 5 Nays: 0 Absent: 0

NOW, THEREFORE BE IT RESOLVED, that the proposed Curtis Township Zoning Ordinance is adopted by the Curtis Township Board of Trustees on May 13th, 2010 and the effective date of the ordinance will be June 14th, 2010

5-13-2010
Date


Curtis Township Clerk

**RESOLUTION OF ADOPTION
CURTIS TOWNSHIP PLANNING COMMISSION**

Resolution to recommend adoption of the Zoning Ordinance revision pursuant to the authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

WHEREAS, Curtis Township has zoning powers pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and

WHEREAS, Curtis Township has administered township wide zoning since the adoption of its first zoning ordinance in April 24, 1974, and

WHEREAS, the fundamental purpose of the Zoning Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Curtis Township, and

WHEREAS, a public notice for Articles 1, 9, 10, & 11 appeared in the Alcona Review on March 5, 2008 noting a Public Hearing on March 19, 2008 at 6:30 pm at the Curtis Township Hall, and

WHEREAS, a public hearing for Articles 1, 9, 10, & 11 was held on March 19, 2008 at 6:30 pm at the Curtis Township Hall and no public comments were received, and

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WHEREAS, a public notice for Zoning Map changes appeared in the Alcona Review on January 13, 2010 noting a Public Hearing on January 20, 2010 at 6:30 pm at the Curtis Township Hall, and

WHEREAS, a public hearing for a revised Zoning Map was held on January 20, 2010 at 6:30 pm at the Curtis Township Hall where seven rezoning requests were received, and

WHEREAS, a public notice for the entire revised Zoning Ordinance and revised Zoning Map appeared in the Alcona Review on February 24, 2010 noting a Public Hearing on March 17, 2010 at 6:30 pm at the Curtis Township Hall, and

WHEREAS, a public hearing for the entire revised Zoning Ordinance and revised Zoning Map was held on March 17, 2010 at 6:30 pm at the Curtis Township Hall where changes to the Ordinance and the Zoning Map were publicly approved and incorporated into the revised Zoning Ordinance and Zoning Map, and

WHEREAS, upon it's approval by the Curtis Township Planning Commission the ordinance and map will be transmitted to the Alcona County Board of Commissioner for a 30-day review and comment period, and

WHEREAS, the Curtis Township Planning Commission finds that it is in the best interest of the residents of Curtis Township to adopt the revision to its Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED,

that the Curtis Township Planning Commission hereby recommends adoption of the proposed Curtis Township Zoning Ordinance by the Curtis Township Board.

Yeas: 5

Nays: 0

Absent: 0

I HEREBY CERTIFY, that the forgoing Resolution was adopted at a regular meeting of the Curtis Township Planning Commission, held on March 17, 2010.

4-21-10

Date

Edith M. Rogers

Curtis Township

Planning Commission Secretary

4-21-10

Date

Darrell Keyser

Curtis Township

Planning Commission Chairperson

4-21-10

Date

Shirley R. Hoop

Curtis Township

Planning Commission Vice-Chairperson

04/21/2010

Date

James J. Jones

Curtis Township

Planning Commissioner

4/21/10

Dorella Whitcomb

Section 3.03 Accessory Buildings

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

1. A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot.
2. When an accessory building is located on a corner lot, the Zoning Administrator may approve the street side yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.
3. In **residential** subdivisions, truck bodies, semi-trailers, shipping containers or other items built and intended for other uses shall not be used as an accessory building.

Section 5.05.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02** Uses Subject to Special Use Permit and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Municipal buildings and uses
- B. Place of Worship
- C. Schools - public or private
- D. Cemeteries and pet cemeteries
- E. Campgrounds
- F. Public or private golf courses
- G. Home occupations
- H. Cottage Industry
- I. Open Space Residential Developments
- J. Bed & breakfast establishments
- K. Planned Unit Development (PUD)
- L. Kennels, veterinary clinics, commercial boarding, riding stables and riding arenas (on a minimum of 10 acres)
- M. Agricultural products and processing operations
- N. Agricultural products storage facilities
- O. Retail sales of trees, shrubs, and nursery stock
- P. Bulk seed, feed, fertilizer and nursery stock outlets and distribution centers
- Q. Forest products processing
- R. Non-commercial garages and storage buildings not associated with agricultural use
- S. Radio or television towers
- T. Telecommunication antenna and facilities
- U. Wind Energy Conversion Units/ Wind Turbines Generators
- V. Airport, landing fields and facilities
- W. Public and semi-public buildings for the housing of public facilities, utilities and services
- X. Nursing and convalescent homes
- Y. Group State licensed residential foster care facilities housing
- Z. Group Day Care Child Home
- AA. Landscaping/excavating

Section 5.07.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02** Uses Subject to Special Use Permit and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Recreation and sports buildings
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits
- C. Private parks
- D. Trucking transfer station
- E. Gasoline station
- F. Car wash
- G. Vehicle repair garage
- H. Outdoor sales facility
- I. Retail business with outside sales or storage
- J. Vehicle boat or recreational vehicle sales facility
- K. Regional Shopping Centers
- L. Home improvement centers
- M. Storage uses
- N. Laundry and dry cleaning facilities
- O. Planned Unit Development (PUD)
- P. Schools licensed or chartered by the State of Michigan
- Q. Single-family residential above commercial/office uses
- R. Small scale assembly and light manufacturing related to the retail sales or wholesale marketing of products out of an onsite business
- S. Retail sales of propane products to the general public (camping etc.) shall be subject to fire and other safety concerns
- T. Sexually Oriented Businesses
- U. Landscaping/Excavating

Section 5.07.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02** Uses Subject to Special Use Permit and the applicable portions of **Article 8: Supplemental Site Development Standards**.

- A. Recreation and sports buildings
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits
- C. Private parks
- D. Trucking transfer station
- E. Gasoline station
- F. Car wash
- G. Vehicle repair garage
- H. Outdoor sales facility
- I. Retail business with outside sales or storage
- J. Vehicle boat or recreational vehicle sales facility
- K. Regional Shopping Centers
- L. Home improvement centers
- M. Storage uses
- N. Laundry and dry cleaning facilities
- O. Planned Unit Development (PUD)
- P. Schools licensed or chartered by the State of Michigan
- Q. Single-family residential above commercial/office uses
- R. Small scale assembly and light manufacturing related to the retail sales or wholesale marketing of products out of an onsite business
- S. Retail sales of propane products to the general public (camping etc.) shall be subject to fire and other safety concerns
- T. Sexually Oriented Businesses
- U. Landscaping/Excavating