

## 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.

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- 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 enlargement or alteration does not increase the extent or degree of its nonconformity, and subject to the provisions of Section 3.02.6.
- E. It is the intent of this Zoning Ordinance to encourage the continued maintenance and upkeep of all non-conforming buildings. To that end, a non-conforming use that is destroyed by any means, in part or in whole, may be restored to a new and/or original condition subject to current zoning regulations
- 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:

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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.
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.
- 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:

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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.
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

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

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 Residential District	Fence or Wall Height at Property line	Primary Function(s)	
		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:
- 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.

## Curtis Township Zoning Ordinance

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.