

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.

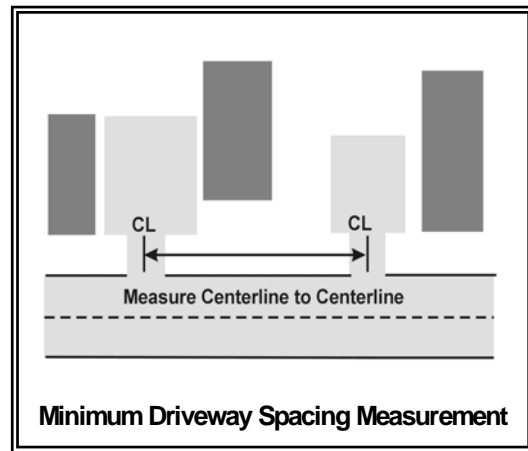
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H. Review coordination. The applicant shall submit the proposal to MDOT and/or the Alcona County Road Commission for review. The review of MDOT and/or ACRC shall be considered during the site plan review process. The Township may request attendance 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.

<u>Posted Speed limit</u>	<u>Along M-65 *</u>	<u>Along other Roadways</u>
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.

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

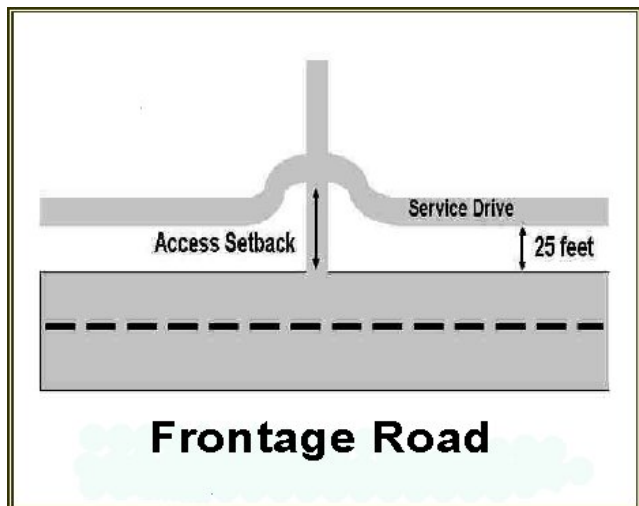
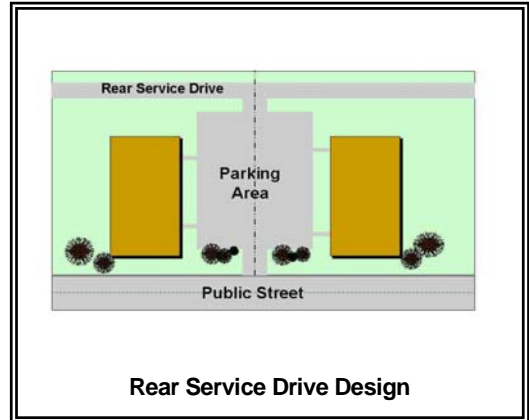
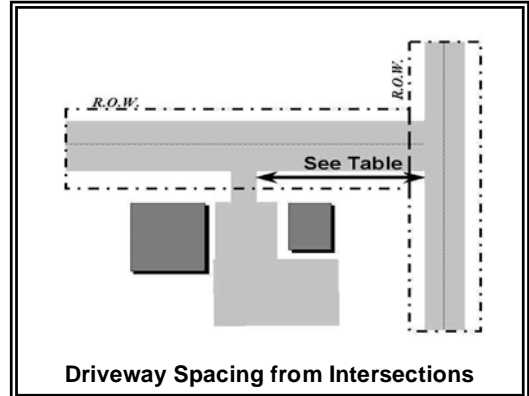
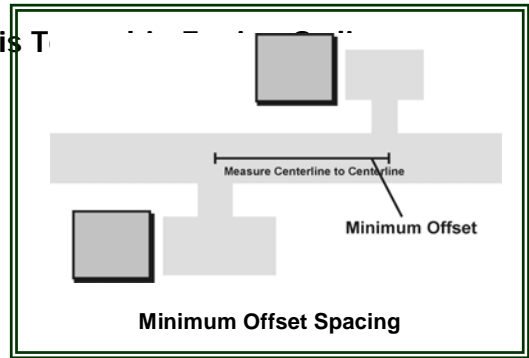
F. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized 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-planed, 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

(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.