

ARTICLE III ~ SUPPLEMENTARY PROVISIONS

BUILDING STANDARDS

SECTION 3.1 - BUILDING STANDARDS AND FACILITIES

Every residential building hereafter erected or moved upon the premises must conform to the following conditions.

- (A) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
- (B) It has a minimum width across any front, side or rear elevation of 24 feet over 70% of its length in "A" Residential District, and 14 feet in "B" Residential District, and 14 feet in Agricultural District, which widths shall prevail for the full length of the buildings excluding attached garages, porches and lean-tos. All buildings must comply in all respects with ("the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230") including minimum heights for habitable rooms.
- (C) It is firmly attached to a permanent foundation constructed on the site in accordance with ("the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230") and shall have a wall of the same perimeter dimensions of the dwelling and construction of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have perimeter wall as required above.
- (D) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (E) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (F) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be more.
- (G) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved applicant to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The

foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

- (H) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (I) The dwelling complies with all pertinent building and fire codes. In case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (J) The foregoing standards shall not apply to the mobile home located in a licensed mobile park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.
- (K) All construction required herein shall be commenced only after a building permit has been obtained in accordance with ("the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230"), provisions and requirements.

NON-CONFORMING USE

SECTION 3.2 - NON-CONFORMING USE

The lawful use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance.

SECTION 3.3 - ALTERATIONS OF A NON-CONFORMING USE BUILDING

A non-conforming building may not be reconstructed or structurally altered during its life to an extent in aggregate cost fifty percent (50%) of the value as determined by a qualified appraiser unless said building is changed to a conforming use.

SECTION 3.4 - BUILDING DAMAGE OF A NON-CONFORMING USE BUILDING

Any non-conforming building damaged by fire or other causes to the extent of more than fifty percent (50%) of the value shall be repaired or rebuilt within six months of the date such damages occurs. Any expansion or significant structural alteration made in repairing or rebuilding such non-conforming building must be approved by the Board of Appeals as not adversely affecting the adjoining conforming land use. No non-conforming building damaged by fire or other causes shall be repaired or rebuilt except as provided in this Section 3.4 unless in conformity with the provisions of this Ordinance.

SECTION 3.5 - DISCONTINUANCE OF NON-CONFORMING USE

Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereby be re-established and any future use shall be in conformity with the provisions of the Ordinance.

SECTION 3.6 - COMPLETION OF NON-CONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall require any change in the construction or intended use of any existing building, nor shall it require a change in plat, the layout of the platting of which shall have been diligently prosecuted within thirty (30) days after the passage of this Ordinance and the acceptance of which shall have been complete within twelve (12) months after said date.

SECTION 3.7 - SUBSTITUTION OR EXPANSION OF NON-CONFORMING USES

No non-conforming use may be substituted, changed or altered, except when such substitution, change or alteration makes the non-conforming use more compatible to the uses permitted in the district in which it is located according to the criteria set forth in Section 3.13 (1-7), as determined by the Big Rapids Township Zoning Board of Appeals. Any extension or expansion of a non-conforming use in regard to size of operation, copy of activity, area involved in use, hours of operation, etc., must be approved by the Big Rapids Township Zoning Board of Appeals subject to standards set forth in Section 3.13 (1-7).

WATER AND SEWAGE

SECTION 3.8 - WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

Every building, structure or trailer coach hereafter erected or moved upon the premises must conform to the existing County Health Department rules and regulations for water and sewage disposal.

SHORELAND REGULATIONS

SECTION 3.9 - SHORELAND REGULATIONS

All lots abutting any body of water as defined shall maintain a minimum setback of 50 feet as measured from the edge of the ordinary high water mark (meaning the line between the uplands and bottom lands which is apparent by the configuration of the slopes, surface, soil and vegetation; or a level established by law). This minimum setback requirement may be reduced one foot for every foot of vertical elevation of a stream or river bank, until a minimum setback of 30 feet is reached, as measured from the edge of the stream or river bank.

- (a) That part of a setback which lies within 30 feet of the water's edge shall be maintained in its natural condition. Natural conditions may be modified if the Zoning Administrator finds that such modification will not increase run-off, and will provide the shoreline with adequate protection without altering the inherent characteristics of the water body. Trees and shrubs in a space not more than 30% but not to exceed 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 100 square feet of area thereof in wooded areas or sufficient natural cover in open areas.
- (b) All permitted uses shall be subject to setback requirements except pump houses and recreational docks within the cleared area, erosion control devices, and associated facilities when located and designed so as not to unreasonably interfere with, degrade, or decrease the enjoyment of the existing uses and water resources.
- (c) Regulations imposed in areas identified as erosion control districts or flood hazard districts this Ordinance shall govern if such restrictions or regulations impose higher standards or requirements.
- (d) Where these provisions apply to a non-conforming lot-of-record the minimum setback may be reduced by the Zoning Administrator to 25 feet provided the said lot cannot normally accommodate any structure within the imposed original setback requirements.

RESTRICTIONS OF RECORD & AUTOMOBILES/TRAVEL TRAILERS

SECTION 3.10 - RESTRICTIONS OF RECORD

Every use of property shall conform to existing Restrictions of Record.

SECTION 3.11 - AUTOMOBILE OR TRAVEL TRAILERS

No person shall use or permit the use of any automobile trailer or travel trailer as a residence on any site, lot field, or tract of land not specifically licensed as a trailer park for more than twenty-one (21) days except as hereinafter provided:

- (a) On permit issued by the Zoning Administrator.
- (b) The location of the travel trailer shall conform to all lot and yard regulations governing dwellings in the district in which it is to be located.
- (c) Subject to the provisions of Section 3.8 of this Ordinance. (Also see Section 3.15 (f)).

PARKING

SECTION 3.12 - VEHICULAR PARKING SPACE, ACCESS THERETO AND LIGHTING THEREOF

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishment hereafter erected or altered and located on a public highway, road or street in the unincorporated portions of the township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is, in general, adequate for the parking or loading of vehicles in proportions shown in Table 1 below, and such space shall be provided with safe exit to and safe entrance from the public

highway or thoroughfare, but not to exceed one (1) such exit and one (1) such entrance. Said exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the State Highway Department for all trunk-line highways and from the County Road Commission for all other roads and highways in the township, which approval shall also include the design and construction thereof in the interest of safety, adequate drainage and other public requirements. Parking space and maneuvering aisle dimensions shall be as stated below in Table 2. All parking spaces required in this section, except that required for a dwelling, shall be provided with adequate artificial lighting between the times extending from one-hour after sunset to one-half hour before sunrise when the use of such space for each vehicle is open to the public.

Table 1 Parking Space Required

- (a) Dwellings: One (1) parking space for each vehicle used by the occupants of the premises.
- (b) Motels and similar establishments offering lodging: One (1) parking space for every one (1) guest room.
- (c) Hospitals and Institutions of similar nature: One (1) parking space for every four (4) beds and one (1) space for each doctor.
- (d) Theaters, churches, auditoriums, public and private halls, amusement and recreation establishments and all places of public assembly: One (1) parking space for each four (4) seats of legal capacity.
- (e) Offices and professional buildings: One (1) parking space for every two-hundred (200) square feet of floor area; provided that doctor's offices and clinics shall be provided with three (3) spaces for each doctor.
- (f) Restaurants and other public food serving establishments: One (1) space for every three (3) seats.
- (g) Retail stores and shops: One (1) parking space for every two-hundred (200) square feet of floor area.
- (h) Personal Service Shops (such as barber and beauty shops): One (1) parking space for every two-hundred (200) square feet of floor area.
- (i) Taverns: One (1) parking space for every sixty-six (66) square feet of floor area. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed shall be provided.

Where no specific requirement is designated in the case of any business, parking space as herein specified shall be provided for employees, including a reasonable number of parking spaces for the accommodation of patrons.

Table 2 Parking Space and Maneuvering Aisle Dimensions

Parking angle (degrees)	one way maneuvering aisle width	two way maneuvering aisle width	parking stall width	parking stall length
0 parallel	12 feet	22 feet	8.5 feet	22 feet
up to 53	13 feet	22 feet	9.0 feet	18 feet
54 to 74	16 feet	22 feet	9.0 feet	18 feet
75 to 90	24 feet	24 feet	9.0 feet	18 feet

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SPECIAL USE PERMITS

SECTION 3.13 - USES BY SPECIAL PERMIT

Uses requiring special permits are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Proposed uses will be evaluated according to their compatibility with the nature, extent and density of the surrounding area.

Special permit uses may be permitted only in those zoning districts where they are designated by this Ordinance, and only when specifically approved by the Big Rapids Township Zoning Board in accordance with the provisions of this Ordinance.

Prior to approval of a Special Use Permit, the Zoning Board shall insure that the standards specified in this Section, as well as standards established elsewhere in this Ordinance shall be satisfied. All uses by special permit shall comply with each of the following standards and requirements:

- (a) The nature, location, and size of the special use shall not change the essential character of the surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the adjacent or neighboring lands or buildings.
- (b) The special use shall not diminish the value of the land, buildings or structures in the neighborhood.
- (c) The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.
- (d) The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not over-burden any existing services or facilities.
- (e) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property.
- (f) The Zoning Board may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light, etc., created by the special use.
- (g) The special use shall be consistent with the intent and purpose of this Ordinance and with the intent of the Land Use Plan for Big Rapids Township. The special use shall be compatible with the natural environment and shall not inimical to the public health, safety and general welfare.

Application for a special use permit shall be made to the Big Rapids Township Zoning Board. The Zoning Board shall hold a public hearing on each request for a special use permit following proper notice of said public hearing in the same manner as provided for Section 5.4 of the Ordinance.

Where the Zoning Board determines that a special use is consistent with the standards outlined in this section and all other ordinances and regulations of Big Rapids Township, it shall issue a special use permit modified as the Zoning Board may require and containing any conditions or restrictions which the Zoning Board may consider necessary to carry out the purpose of this Ordinance. Where the conditions set forth under the permit anticipate a future compliance, the failure of which would impart jeopardy, injury or aggravation to adjoining permitted land uses, the Zoning Board shall have the authority to require such guarantees (in form of performance bonds or escrow funds) as may be deemed necessary to remove, alleviate or remedy the conflicting use. A denial of the Special Use Permit shall be in writing, setting forth the reason for denial. The applicant may appeal a denial to the Zoning Board of Appeals.

PLANNED UNIT DEVELOPMENT (PUD)

SECTION 3.14 - PLANNED UNIT DEVELOPMENT (PUD)

SECTION 3.14 A - INTENT

To permit through the special use permit procedure, Planned Unit Development, which includes flexibility in the use and design of structures and land in situations where modifications of specific provisions of the Big Rapids Township Zoning Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based, and which will not be harmful to the neighborhood in which they occur.

SECTION 3.14 B - MODIFICATION POWERS

In acting upon the PUD application, the Zoning Board may alter setback requirements, height, lot and building size limits, off street parking regulations, landscaping rules, and the intensity of the permitted density limits of the district where the lot is located, providing such uses are desirable or convenient for the users of the PUD as developed, or for the immediate neighborhood, and provided that such uses are planned so as to assure that they will not material alter the existing character of the neighborhood, as provided in Section 3.13 of this ordinance. Further, no PUD shall create demands on other existing public services in excess of current capacity, not provide for uses that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes or glare. However, uses not otherwise permitted in the district where the lot is located shall not be permitted to occupy more than 15 percent of the lot area nor more than 15 percent of the total floor area of all structures erected thereon.

SECTION 3.14 C - APPLICATION PROCEDURE

The provisions of this section shall be applied to the existing Zoning District, as defined on the zoning map where the PUD is to be located. Applications may be made for any lot exceeding two acres in size, the application procedure is as follows:

1. PRELIMINARY CONFERENCE

Prior to preparing formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development.

6. PRELIMINARY APPLICATIONS

The applicant shall prepare and submit 7 copies of preliminary development plan which shall include a description of the PUD and its intended uses; a detailed site plan, drawn to a scale not smaller than 40 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer; location of and restriction on open space within the PUD including all maintenance agreements; a development schedule; a list of covenants or deed restrictions for the development; and the type of financial guarantees to be utilized to assure development of the site in accordance with plan. In addition, the applicant shall furnish such other information as the Zoning Board may reasonably require. The Zoning Board, after a hearing, shall approve or deny said application.

3. FINAL APPLICATION

The applicant shall prepare and submit 8 copies of the final development plan which shall include a detailed site plan, drawn to a scale not smaller

than 40 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer. Final development plan shall also include detailed plans for all buildings and structure certified by an architect; detailed evaluations or perspective drawings of all buildings and improvements, sufficient to show the developers intent; a development schedule; deed restrictions and covenant; any other plans, documentation or specification, which the Zoning Board may require, that may be necessary for final engineering review and approval of drainage, street design and other facilities, by township and county officials; and a sufficient financial guarantee or letter of credit to insure completion of any required public facilities or improvements in conformance with the stated development schedule. Upon receipt of the final development plan, the Zoning Board shall have a second hearing and shall determine whether or not the final plans substantially conform to the approved preliminary plan and to the other provisions of this section.

SECTION 3.14 D - REVIEW PROCEDURE

In making its review of any portion of the PUD Application, the Zoning Board shall first determine that the PUD is consistent with the standards outlined in Section 3.13 and 3.14 of this Ordinance, and all other ordinances and regulations of Big Rapids Township. Where the Zoning Boards determines that this application is consistent with this section and with the other requirements hereof, it shall issue a Special Planned Unit Permit authorizing development and use in accordance with the final development plan contained in this application, modified as the Zoning Board may require to carry out the intent and purpose of this section and containing any conditions or restrictions which the Zoning Board may consider necessary to carry out the purposes of this Ordinance and to protect the public health, safety and welfare. A denial of the PUD, at any stage, shall be in writing, setting forth in detail the reasons for denial. The Applicant may appeal any denial to the Zoning Board of Appeals.

SECTION 3.14E - OPEN SPACE PRESERVATION.

Residential uses in land zoned for residential development may be developed, at the option of the applicant, with the same number of dwelling units on a portion of the land specified in this ordinance, but not more than 50%, that, was determined by the board could otherwise be developed, under this ordinance if all of the following apply:

- A. The land is zoned at a density equivalent to 2 or fewer single or two family dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer single or two family dwelling units per acre.
- B. A percentage of the land specified in this ordinance, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means, as approved by the board, that runs with the land.
- C. The development does not depend on the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.
- D. The option provided pursuant to this subsection has not previously been exercised with respect to that land.

This section shall not apply for permitted uses other than single family dwellings and/ or two (2) family dwellings as set forth together with such permitted accessory uses as permitted in this ordinance.

TEMPORARY DWELLING STRUCTURES

SECTION 3.15 - TEMPORARY DWELLING STRUCTURES

A garage home, basement home or trailer coach may be utilized as a dwelling by the owner of a premises during the period when a dwelling conforming to the provisions of this Ordinance, is in the process of erection and completion on the same lot, subject to the following provisions.

- (a) Compliance with Section 3.8 of this Ordinance shall precede occupancy of any such temporary dwelling.
- (b) The location of the temporary dwelling shall conform to all yard and setback limitations of the zoning district.
- (c) The use of the dwelling and premises shall not be inimical to health, safety, or the public welfare.
- (d) The use of such temporary dwelling structure shall be limited to twelve (12) months, beginning with the date of issuance of the permit therefore. Permit may be renewed yearly for one more year.
- (e) Application for the erection, use, or movement of such temporary dwelling structure shall be made in writing to the Zoning Administrator.
- (f) Trailers, tents, and converted buses will be permitted for camping purposes on a twenty-one(21) day basis. Permits may be renewed by the Zoning Administrator.

SECTION 3.16 - REGULATIONS GOVERNING THE LOCATION OF JUNK YARDS

Use of premises for the operation of a junk yard shall be permitted in Industrial District only and shall be subject to the following special requirements and standards of the zoning district wherein located, in order to prevent conflict with, or impairment of, the principal permitted uses of the zoning district.

- (a) Written application for a Special Permit therefore, shall be presented to the Zoning Administrator who shall refer the application to the Board of Appeals.
- (b) The Zoning Administrator shall make an investigation as to the suitability of the proposed site.
- (c) A suitable site shall provide a front yard of not less than one-hundred (100) feet in depth; and such front yard shall not be used for parking, storage, burning, wrecking, or dismantling of any junk or refuse material.
- (d) The Board of Appeals shall require that a yard be completely screened by a solid, uniformly finished wall or fence or an adequately maintained evergreen hedge or other screening material, the height of which screening shall be no less than eight (8) feet and in no case less than that of the enclosed material.
- (e) Application shall be accompanied by the written consent of all owners of property, any part of which comes within fifteen hundred (1,500) feet of the proposed site; however, such consent shall not be the final determining factor in granting the permit. The Board of Appeals shall hold a public hearing. Approval or rejection of the application shall rest with the Board of Appeals.
- (f) Issuance of a permit shall in no way exempt the applicant from additional laws, ordinance or regulations of the State.

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ADVERTISING SIGNS

SECTION 3.17 - ADVERTISING SIGNS

Advertising signs, billboards, advertising displays, outdoor displays or other advertising media, except as exempted by Section 3.17 B, may be permitted by Special Use Permit; provided that they comply with the following conditions, and with standards set forth in Section 3.13 of this ordinance.

SECTION 3.17 A - USES AND CONDITIONS

1. Advertising signs, billboards or advertising displays, outdoor displays or other advertising media shall not be permitted within fifty (50) feet of the right-of-way line of any road or MDOT approved access drive, nor within 250 feet of the center of any road intersection.
2. Such advertising sign or display must comply with the statutes of the State of Michigan. All such signs shall be properly maintained or removed.
3. Such advertising sign or display may not be erected within 500 feet of any commercial building, public building, or dwelling (except dwelling owned by sign owner) existing at the time said sign or display is erected or moved to such location. It is further provided should a commercial building, public building or dwelling be erected at any time within the 500 feet limitation, the permit shall be revoked and the owner of the sign (or his authorized agent) shall be notified of the revocation, and such sign or display shall be removed within ninety (90) days of notification.
4. Such advertising sign or display may not be erected within 500 feet of any existing sign or display, excepting for small directional signs at permitted distance from intersections.

SECTION 3.17 B - EXEMPTIONS

1. Temporary sales, lease or rent signs, providing:
 - (a) Not more than two (2) signs are displayed.
 - (b) Such signs are located on the lot or structure for sale, lease or rent.
 - (c) Such sign does not contain an area of more than ten (10) square feet.
 - (d) Such sign is removed following the sale, renting or leasing the property within seven (7) days.
2. Bulletin boards of churches, schools, libraries and public buildings provided:
 - (a) Such bulletin board is located on the premises thereof.
 - (b) Such board is not located as to obstruct the view of traffic from sidewalks, driveways, roadways, and adjoining property.
3. Agricultural displays and sales stands providing:
 - (a) Such display is located on a farm and limited to the products thereof.
 - (b) Such display or stand is temporary and will not be located for more than thirty (30) consecutive days nor more than sixty (60) days in one year.
 - (c) Such display or stand is located at least ten (10) feet from the highway right-of-way line.
 - (d) Parking area is available for prospective customers off the highway right-of-way.
4. Advertising signs and displays of a commercial enterprise, business, industry or professional person providing:
 - (a) Such sign is located on the premises of a commercial enterprise.
 - (b) Such sign or display is limited to the products or services of the enterprise.
 - (c) Such sign does not obstruct the view of traffic from the sidewalks, roadways, driveways or exits and adjoining property.
 - (d) Their operation does not constitute a nuisance to an adjacent residential district or residential neighborhood, by reason of glare, intermittent action or other action.

SECTION 3.17 C - SIGN PERMITS

Permits shall be required for any advertising sign, including those sign or displays exempted under Section 3.17 B. Such permits, or any renewal thereof, shall be issued by the Zoning Administrator upon a determination that such sign or display complies with the provisions of this ordinance.

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SITE USE DESIGN STANDARDS

SECTION 3.18 SITE USE STANDARDS

1. Airports (licensed)
 - a) Licensed airports shall follow all rules as established by the Federal Aviation Administration and Michigan Department of Aeronautics.

- b) Airport locations should avoid existing residential areas and adjacent land at which large numbers of people are assembled or are expected to assemble; uses which may create electrical interference, expose glaring lights, emit dust, smoke, fumes or vapors which will limit visibility; attract birds; or be adjacent to noise sensitive areas.

2. Hazardous or Toxic Material or Explosive Storage

- a) A letter from the County Health Department or the Department of Public Health, State Fire Marshall, Department of Natural Resources or similar governing body indicating evidence of compliance with appropriate State law.

3. Junk Yards

- a) Minimum lot size shall be two acres.

- b) Setbacks for all structures, fencing and junk materials shall be as follows:

- (1) All structures used for offices or enclosed retail sales areas shall be at least 50 feet from all property lines.

- (2) All junk material shall be stored in an enclosed/fenced area at least 100 feet from all road right-of-ways and 50 feet from all other property lines.

- c) Junk materials shall be screened from all roadways, and adjoining residential or commercial uses by an eight foot high obscuring fence or masonry wall which is landscaped in accordance with setback and screening requirements as determined by the Zoning Commission. All plant screens shall be within five feet of the fence or wall.

- d) Dust and dirt from all roads, driveways, parking lots and loading and unloading areas within any junkyard shall be controlled to limit public nuisance.

4. Mineral Extraction

- a) All mining operations shall comply with the setback requirements for all structural and mining activities as follows, unless specifically reduced by the Planning Commission.

- (1) All structures, excluding office space and vehicle garages, shall be at least 75 feet from all road right-of-ways and 50 feet from all other property lines.

- (2) Open pit extraction shall be at least 150 feet from all property lines.

- (3) Other extractive processes shall be at least 75 feet from all property lines.

- b) All commercial aggregate operations shall prepare annually on Operation/Reclamation Plan which includes the following:

- (1) Project Description. A description of the mining operation including type of mining, period of operation, schedule for reclamation.

- (2) Site Description. A Class "A" Site Plan showing location of excavation areas; buildings, processing equipment, and other structures related to the operation; driveways, roads and anticipated traffic patterns; adjacent land uses, tailing or sediment storage areas; and other Class "A" Site Plan information.

- (3) Operation Description. A description of measures taken to store top soil; control erosion and sedimentation; minimize noise, vibration and/or pollution from the

operation; identify the operations effect on ground water flow and supply, and a description of measures to be taken to screen or buffer the operation from the adjacent property.

- 1) Mineral extraction activities operating under Soil Erosion and Sedimentation Act and/or Mine Reclamation Act may provide proof of the required state and/or federal permits or affidavits of application for said permits, and a copy of their required reclamation or operation plan in place of an Operation/Reclamation Plan.
- 2) Any active extractive operation in pits, or quarries, or similar locations operating at the effective date of this Ordinance are not required to be a part of the reclamation program. However, new operations, including new pits, quarries or similar extraction sites on existing active parcels are required to comply with these regulations.
- 3) Where the Planning Commission has found noncompliance with these provisions or the Operation/Reclamation Plan the Commission may require financial security to insure compliance and implementation of an Operation/Reclamation Plan or Reclamation Program.

(1) A Class "A" Site Plan.

(2) A description of the mining operation, period of operation, reclamation measures including anticipated final slopes and grades, any bodies of water, etc.; soil erosion and sedimentation control measures; disposition of all surface structure and roads following the termination of the operation and future land use.

5. Transportation and Warehousing for Industrial Use

a) Minimum lot size - two acres; minimum road frontage - 200 feet (300 feet on main access roads).

b) Minimum setback and isolation requirements:

(1) front - 150 feet
rear - 100 feet
side - 100 feet

(2) HI District boundary - 200 feet, plus screening with a six feet earthen berm or plant materials. Plantings shall be located within five feet of the property lines, to limit noise and vibration which is in excess of what is normal in the districts of the site in question.

(3) Minimum landscaped open space buffer from any public road right-of-way shall be isolated from property lines, to limit noise and vibration which is in excess of what is normal in the districts of the site in question.

4) Maximum ground coverage: 75%

5) Gradient standards:

(1) Maximum grade change to the property three percent.

(2) Maximum grade changes between the terminal site and the highway entrance ramps; average - five percent; maximum - seven percent.

7. Truck Stop (Service Centers)

Minimum lot size: two acres; minimum lot width 200 feet on service roads (300 feet on main access roads).

Minimum setback and isolation requirements:

- (1) For all structures: front - 150 feet; rear - 100 feet.
- (2) Fuel pumping stations: right-of-way - 25 feet; all other property lines - 35 feet.
- (3) From any existing residential and/or motel uses located off the lot - 200 feet, plus screening with either a six foot earthen berm or plant materials. Planting shall be within 5 feet of the property lines - 35 feet.
- (4) Trucking service areas shall be separate from passenger service areas.

Three access points may be permitted; minimum distance between access points shall be 200 feet.

- 4) All vehicular areas shall be physically separated by a barrier or landscaped area from any non-vehicular areas; one way traffic patterns shall be encouraged.

OUTDOOR LIGHTING

SECTION 3.19 - OUTDOOR LIGHTING REGULATIONS

- A. In all districts, lighting fixtures used to illuminate off-street parking, yards, and for security purposes shall be directed downward, shielded, or so arranged as to (1) direct light only to the ground area of the property where the fixtures are located and (2) not illuminate any adjoining properties, streets, or highways.
- B. All lighting used to illuminate commercial, industrial, or multi family housing buildings, shall be arranged to direct light only to said building and away from any adjoining properties, streets, or highways.
- C. The external illumination of signs shall be directed downward, and internally illuminated signs shall be of a low enough intensity, so as to not interfere with the vision of persons on adjacent properties, streets, or highways.
- D. All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type except for time and temperature displays, and low intensity LED type, change of copy signs.
- E. All off road parking, except that required for a single or two family residential dwelling, shall be provided with adequate artificial lighting between the time extending one hour after sunset to one hour before sunrise when the use of such space for each vehicle is open to the public.

COMMUNICATIONS TOWERS

SECTION 3.20 COMMUNICATIONS TOWERS.

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Township board finds that these regulations are necessary in order to:

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

Qualifying Conditions

- A. The following site and developmental requirements shall apply:
 8. All tower sites shall have a minimum area sufficient to contain the tower and its accessory uses. The site shall have permanent deeded access to a public road.
 9. The use of guy wires is prohibited within Residential districts.
 10. The base of the tower and wire cable supports shall be fenced with a minimum five (5') foot high fence.
 11. All towers over thirty (30) feet in height shall require a Special Use Permit (Sec. 3.13).
- B. Special Performance Standards:
 1. The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand high winds and icing impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Township Engineering review.
 2. All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than thirty (30) feet to any property line or within the Zoning District setback. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
 3. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
 4. No new tower shall be approved unless the applicant can document that the co-utilization of an existing tower, or utilization of an existing structure is not available.
 5. All towers shall have all ladder or climbing rungs removed within 20 feet of the ground to prevent unauthorized access.

6. The tower construction plans shall be prepared by a professional engineer qualified in structural engineering practices.
7. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
8. All towers and antennas must meet the standards of the Federal Aviation Administration and Federal Communications Commission.
9. All steel towers must meet the requirements of the current revision of the Telecommunications Industries Association/ Electronic Industries Association (T.I.A./E.I.A.) 222 titled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
10. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
11. Towers shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
12. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
13. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area, except when permitted by Special Use Permit (Sec. 3.13) of the Zoning Ordinance.
14. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
15. There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
16. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
17. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
18. There shall be no employees located on the site on a permanent basis to service or maintain the antenna.
19. Where the property adjoins any residentially zoned property or land use, the tower owner shall provide and maintain appropriate screening harmonious to the area.

20. The tower shall be removed by the property owner or lessee within six (6) months of being abandoned by all users. A performance bond sufficient to cover the cost of removal of the tower, may be required as a condition of the Special Use Permit.

21. All steel towers and structures must be inspected at least every three (3) years in compliance with the T.I.A./E.I.A. standards and such inspection compliance certified to the Township.

22. All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structure and/or existing buildings or other alternative antenna support structures. A wireless communications service provider shall exercise good faith in co-locating with other service providers and sharing antenna sites, provided that such shared uses does not give rise to substantial technical level impairment of the ability to provide that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the Township may require a third party technical study at the expense of either or both of such providers.