

**ARTICLE XVIII
GENERAL PROVISIONS**

Sec. 1800. Conflicting Regulations:

Wherever in Alpena Township there are provisions in two (2) or more laws or Ordinances concerning identical subjects and there are conflicts between said provisions, the law or Ordinance with the more stringent requirements, regulations, restrictions or limitations shall govern.

Sec. 1801. Scope:

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made to any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Sec. 1802. Nonconformities:

- A. Intent:** It is recognized that there exists within the districts established by this Ordinance or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be compatible with permitted uses in the districts involved. It is further the intent of this Ordinance, that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be

diligently carried on until completion of the building involved.

- B. Nonconforming Lots:** In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a one family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which said lot is located. Variance to yard requirements shall be obtained through the Board of Appeals.
- C. Nonconforming Use of Land:** Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible, under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
 3. If such nonconforming use of land ceases for any reason other than because of the seasonal nature of the business or operation, for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district on which such land is located.
- D. Nonconforming Structures:** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in a way which increases its nonconformity;
 2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- E. Nonconforming Uses of Structures and Land:** If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Appeals either by general rule or by making findings of the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempted from this provision;
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance: On any buildings devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Exceptions for Nonconforming Use Category: General exceptions allowed under Article XIX, or special condition uses approved under other provisions of this ordinance shall not be considered nonconforming uses.

H. Change of Tenancy or Ownership: There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

Sec. 1803. Accessory Buildings:

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all yard regulations of this Ordinance, applicable to main buildings.
- B. Accessory residential buildings shall not be erected in any required front yard.
- C. A residential accessory building may occupy not more than thirty-five (35) percent of a required rear yard.
- D. In the WR and R-1 Districts, and on lots in all other districts which do not meet the size requirements of Subsection E, residential accessory buildings exceeding the ground floor area of the main building, but not exceeding two hundred percent (200%) of the ground floor area of the main building may be allowed only as a special approval use, subject to site plan approval.
- E. In all other districts, where parcel size is equal to or greater than forty thousand (40,000) square feet and parcel width is equal to or greater than one hundred fifty (150) feet, residential accessory buildings not exceeding two hundred percent (200%) of the main building ground floor area shall be considered a permitted use. Residential accessory buildings exceeding two hundred percent (200%) of the main building ground floor area may be allowed only as a special approval use, subject to site plan approval.
- F. No detached residential accessory building shall be located closer than ten (10) feet to any main building except when fire resistance rating standards of the current building code are met or closer than five (5) feet to any side or rear lot line, except in those instances where the rear lot line is contiguous with any alley right-of-way, in which case, the accessory building shall be located no closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- G. Detached accessory building(s) in the WR and R-1 Districts shall not exceed one (1) story or seventeen (17) feet in height, whichever is the greater. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said Districts.
- H. When an accessory residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said accessory building shall not project beyond the front yard line required on the lot in the rear of such corner lot.
- I. Construction of a residential accessory building in WR or R-1 Districts may occur prior to the associated main residential building only when a building permit for the main residential building has been approved by Alpena Township. An exception to this requirement may be made for parcels greater than five (5) acres, where an accessory building may be constructed without the need for a building permit for a residence. However, such accessory building shall be secluded, sited in wooded areas, and not visible from outside the property lines or from the water if on a waterfront lot. Further, these accessory buildings shall be used for cold storage only.

Sec. 1804. Parking Requirements:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

- A. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- B. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- C. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- D. In the instance of dual function of off-street parking space where operating hours of building do not overlap, the Planning and Zoning Commission may grant an exception by reducing the total number of spaces required.
- E. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- F. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning and Zoning Commission considers as being similar in type.
- G. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- H. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Uses	Number of Minimum Parking Spaces per Unit of Measure
1. Residential One-Family Two-Family Multiple-Family Rooming Houses	- One (1) for each dwelling unit. - One (1) for each dwelling unit. - Two (2) for each dwelling unit. - One (1) for the owner or resident manager and one (1) for each guest room
2. Banks	- One (1) for each three hundred (300) square feet of usable floor area
3. Business offices or professional offices except as indicated in the following item four (4)	- One (1) for each four hundred (400) square feet of usable floor area
4. Professional offices of doctors, dentists, or similar professions	- One (1) for each one hundred and fifty (150) square feet of usable floor area in waiting room

5. Retail stores except as otherwise specified herein	- One (1) for each one hundred and fifty (150) square feet of usable floor area
6. Furniture and appliance, hardware stores, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	- One (1) for each eight hundred (800) square feet of usable floor area
7. Supermarkets (Self-Service food stores)	- One (1) for each one hundred and fifty (150) square feet of usable floor area
8. Beauty parlor or barber shops	- One (1) for each beauty or barber shop chair
9. Mortuary (funeral) establishments, parlors and slumber rooms	- One (1) for each one hundred (100) square feet of assembly room usable floor space
10. Motor vehicle sales and service establishments	- One (1) for each four hundred (400) square feet of usable floor area of sales room and one (1) for each auto service stall in the service room
11. Pool hall or club	- One (1) for each one (1) game table or one (1) for each one hundred and fifty (150) square feet of usable floor space in game rooms, or whichever is greater
12. Bowling alleys	- Four (4) for each bowling lane
13. Establishments for sale and consumption, on the premises, of beverages, food or refreshments	- One (1) for each one hundred and fifty (150) square feet of usable floor area
14. Churches or temples	- One (1) for each four seats in the main unit of worship
15. Theaters and auditoriums (except schools)	- One (1) for each four (4) seats
16. Elementary and junior high schools	- One (1) for each of two (2) teachers, employees or administrators
17. High school and college or university	- One (1) for each two (2) teachers, employees, or administrators, and one (1) for each ten (10) students
18. Laundromats and coin operated dry cleaning	- One (1) for each three (3) machines
19. Dance halls, roller rinks, exhibition halls, and assembly halls without fixed seats	- One (1) for each one hundred (100) square feet of usable floor area. Where legal capacity is established, one (1) for each four (4) persons of the established legal capacity
20. Private clubs, or lodges	- One (1) for each four (4) members, or one (1) for each one hundred (100) square feet of usable floor area, whichever is the greater
21. Hospitals	- One (1) for each four (4) beds and one (1) for each two (2) employees and/or members of the staff
22. Homes for the aged and convalescent homes	- One (1) for each six (6) beds and one(1) for each two (2) employees and/or members of the staff
23. Housing for the elderly	- One (1) for each three (3) dwelling units

24. Hotels, motels, cabins and homes	- One (1) for each rental unit
25. Stadium and sports arena or similar outdoor places of assembly	- One (1) for each six (6) seats or one (1) for each twelve (12) feet of benches
26. Auto Service stations	- One (1) for each service stall rack or pit; and one (1) for each one (1) single or dual gasoline pump
27. Auto wash	- Adequate waiting space shall be provided off the street right-of-way
28. Industrial or research establishments	- One (1) for each two (2) employees in the largest working shift. Space on the site shall also be provided for all construction workers during periods of plant construction
29. Wholesale establishments	- One (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater
30. Trailer parks	- One (1) for each trailer site and one (1) for each employee of the trailer park

- I. Reduction of Spaces/Land Banking:
 1. For development in any zoning district, the Planning and Zoning Commission may approve a total reduction of not more than thirty percent (30%) of the required number of off-street parking spaces, where the applicant has demonstrated by study that adequate parking would be provided for the proposed use and the customary operation of the use.
 2. When such reduction is approved, an area of sufficient size to accommodate the number of minimum required parking spaces stated in Subsection (H) shall be designated on the site plan, and no structure or impervious surface shall be permitted within the designated area. The area shall not be included in any required buffer area. The area shall be reserved to accommodate additional parking if needed in the future.
- J. The number of parking spaces provided for any particular use shall not exceed a maximum of one hundred fifty percent (150%) of the required number of spaces as noted in Subjection (H). Where the applicant has demonstrated by study that additional parking is necessary for the operation of the use, the Planning and Zoning Commission may approve not more than an additional fifty percent (50%) of the minimum parking requirement.

Sec. 1805. Off-Street Parking Space Layout, Standards, Construction and Maintenance:

Wherever the off-street parking requirements in Section 1804, require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit therefore is issued.

Applications for a permit shall be submitted with two (2) copies of plans for the development, and this section will be fully complied with.

- B. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the Zoning Administrator, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required shall be established and maintained by the owner or lessee of the parking lot.
- C. All spaces shall be provided adequate access by means of maneuvering lanes.
- D. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Lane Length	Total Width of One Tier of Spaces plus Maneuvering	Total Width of Two Tiers of Spaces plus Maneuvering
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.

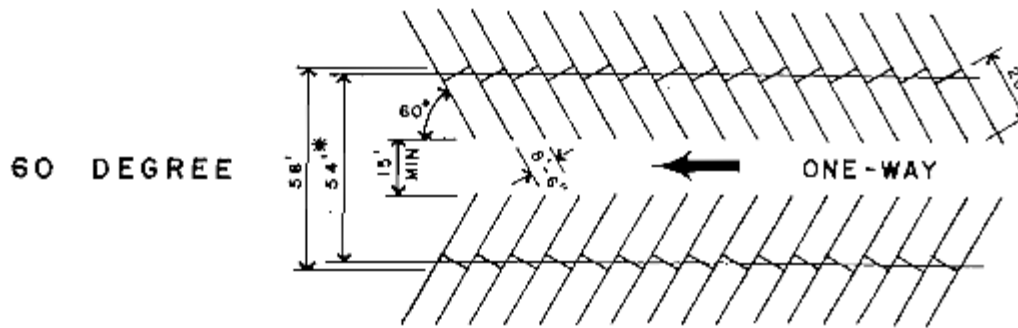
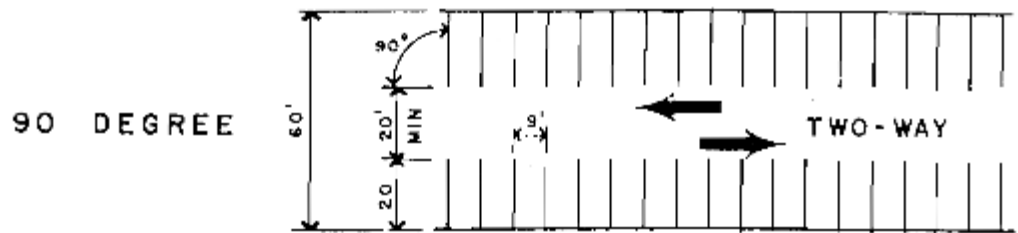
- E. All maneuvering lane widths shall required one-way traffic movement, with the exception of the 90 degree pattern where two-way movement may be permitted.

Sec. 1806. Off-Street Loading and Unloading:

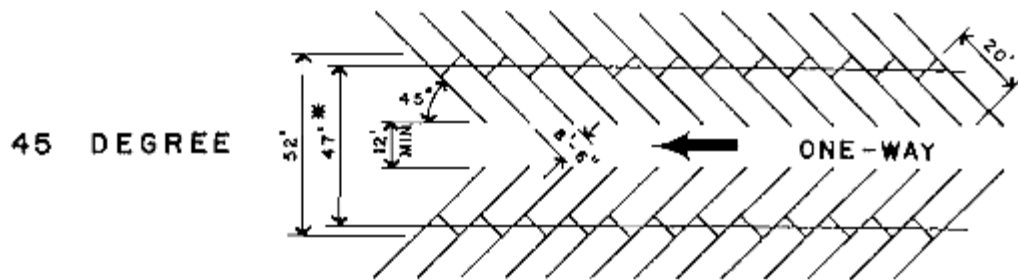
On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interferences with public use of dedicated streets or alleys. Such space shall be provided as follows:

- A. All spaces in B-1, B-2 and B-3 Districts shall be provided in the ratio required in the "SCHEDULE OF REGULATIONS" - Article XVII, as minimum rear yard.
- B. All spaces in Industrial Districts shall be laid out in the dimension of at least ten by fifty (10x50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. All spaces in Industrial Districts shall be provided in the following ratio of spaces to gross floor area:

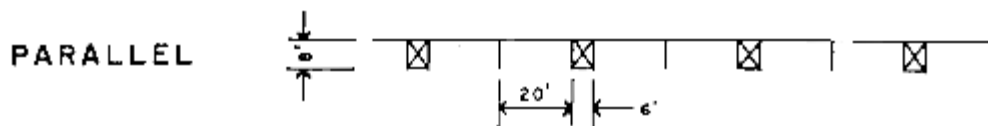
Gross Floor Area (In square feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0 – 1,400	None
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet
100,000 and over	Five (5) spaces



* OVERLAPPING DIMENSION



* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)



PARKING LAYOUTS

Sec. 1807. Special Land Uses Procedures and Supplemental Site Development Requirements:

Special land uses are those uses which are generally compatible with uses permitted in a zoning district, but which possess characteristics or qualities requiring individual review to insure compatibility with the character of the surrounding area, with available public services and facilities and with adjacent land uses. The intent of this Section is to establish equitable procedures and criteria to be applied in approving or disapproving requests for special land uses.

- A. Special Land Use Procedure:** The following steps shall be taken by the applicant, zoning officials and the Planning and Zoning Commission when considering a proposed special approval use:
1. All applications for special approval uses shall be filed with the Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a permit.
 2. The Zoning Administrator shall, after preliminary review, forward the complete application to the Township Planning and Zoning Commission for review.
 3. The Township Planning and Zoning Commission shall review the site plan according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in this Article and all other applicable requirements of this ordinance.
- B. Notice Requirement:** Upon receipt of an application for a special use permit and accompanying required site plan, one notice that a request for special use approval has been received shall be published in a newspaper which circulates in the township. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real properties assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
1. Describe the nature of the special land use request.
 2. Indicate the property which is the subject of the special use request.
 3. State when and where written comments will be received concerning the request.
 4. Indicate that a public hearing on the special use request may be

requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special use.

- C. Approval Procedure:** After review, and if requested, a hearing, the Planning and Zoning Commission shall:
1. Approve the special land use application and final site plan. The Zoning Administrator shall then be directed to allow the special approval use, or;
 2. Approve special use application and final site plan subject to conditions which are imposed in order to insure the special land use complies with standards stated in this Ordinance. The Zoning Administrator shall then be directed to allow the special approval use, or;
 3. Disapprove application and final site plan.
- D. Standards:** Uses by special permit shall be subject to the following special requirements of this section, in addition to the 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.
1. The use, location and size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with, or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
 2. The use shall not diminish the value of land, buildings, or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
 3. The use shall not increase traffic hazard or cause congestion on the public highways and streets of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed roads and highways.
 4. The water supply and sewage disposal system shall be adequate for the proposed use.
 5. Uses by special permit shall not be more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights or disposal of waste than the operation of any principal permitted use.
 6. The use shall not impair the purpose and intent of this Ordinance.
- E. Fees:** Accompanying the request for a special use permit, a fee, to be determined by the Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Township for expert consultation relative to the application.
- F. Revocation:** If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning and Zoning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning and Zoning Commission. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain

the reasons for revoking the site plan approval.

If the applicant notifies the Planning and Zoning Commission within fifteen (15) days of the receipt of the above letter of his or her intent to rectify the violation, the Planning and Zoning Commission, through official act, may defer the revocation.

G. Appeal: The decision of the Planning and Zoning Commission may be appealed by the property owner or his or her designated agent to the Board of Appeals. Request for appeal may be made by written letter from the applicant to the Chairman of the Board of Appeals within thirty (30) days of disapproval, approval by modification, or revocation of the site plan and special use permit by the Planning and Zoning Commission.

H. Supplemental Site Development Requirements: Those permitted uses and uses allowed by Special Approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements:

1. Airports, air craft landing fields:
 - a. Privately owned and maintained non-commercial air craft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
 - b. All privately owned and maintained air craft landing strips shall be at least two hundred fifty (250) feet from all other buildings not designed as accessory structures for said air craft landing field. The ends of any landing strip shall further be one thousand (1000) feet from any residential dwelling unit.
 - c. All other air craft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning and Zoning Commission.
2. Campgrounds: Minimum lot size shall be five (5) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.
3. Communications Towers:

Antenna towers and masts for personal or business communications services may be authorized with a special use permit by the Planning Commission in any Zoning District. 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 are exempt from these regulations. A site plan prepared and sealed by a professional engineer and other materials normally required for special approval permits must be submitted with the application. In considering authorization of such towers and masts, the Planning Commission shall apply the standards of Section 1811 (Site Plan Review),

Section 1807 (A) through (G) (Special Land Uses Procedures), and the following specific standards:

- a. 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.
- b. Where a tower is to be located on leased property, and the lease extends beyond one (1) year, and the lease arrangement is for only a portion of the parent parcel, the property owner shall obtain a land division (lot split) for the tower site in conformance with the State's Land Division Act.
- c. The application for special use permit for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area.
- d. A communications 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 or two hundred (200) feet, whichever is less.
- e. Whether or not it is feasible to provide equivalent service by co-locating the antenna on an existing tower or alternative tower structure in the Township, or on an existing tower or other existing alternative tower structure located in neighboring communities.
- f. The tower and any ancillary building or buildings 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. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- g. Guy cables and anchors shall comply with applicable zoning district setback requirements.
- h. The applicant shall provide documentation of any lighting to be installed on the site. 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.
- i. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
- j. Towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA)

- regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations. The antenna and/or array installed on a tower structure and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the tower structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- k. 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.
 - l. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
 - m. 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. The addition of other user's equipment to the tower shall be permitted so long as the engineered design capacity of the tower or mast is not exceeded.
 - n. The owner shall furnish the Township with an approved decommissioning plan indicating the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored.
 - o. If the height required for the tower to serve its intended function decreases from such height as installed 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.
 - p. The tower shall be set back not less than one (1) times the height of the tower measured from the base of tower to all points on each property line. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one half (1.5) times the height of the tower measured from its base at grade to its highest point. A fence not less than six (6) feet in height, plus anti-climb features in addition to the six (6) feet, shall be constructed around the base of the tower.
4. Drive-In Restaurants:
- a. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
 - b. There shall be provided, on those sides abutting or adjacent to a residential district or use, a six (6) feet completely obscuring wall, fence or landscape screen, measured from the surface of the ground on the abutting residential district or use.

5. Drive-In Theaters: Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in B-2 Districts, I-1 Districts and I-2 Districts upon approval by the Planning and Zoning Commission after a hearing. Outdoor theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall require approval from the Zoning Administrator as to adequacy of drainage, lighting and other technical aspects.
 - b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed on to the premises of the outdoor theater site.
6. Commercial Kennels: All commercial kennels shall be operated in conformance with county and state regulations. The minimum lot requirement for a commercial kennel shall be five (5) acres. Where the kennel is operated as an accessory use to a residence, the home occupation requirements of this Ordinance shall apply. Where the kennel is operated as the principal use of a property, it shall occur only in those districts where specifically listed.
7. Mobile Home Parks and Trailer Parks: Mobile home parks may be permitted in the R-3 and B-2 Districts, after a hearing, by the Planning and Zoning Commission, provided the following conditions are satisfied:
 - a. Trailer parks for the parking of two (2) or more trailers shall be developed pursuant to the requirements of Act 624 of the Public Acts of the State of Michigan, 1978.
 - b. No land shall hereafter be utilized for the erection, construction, operation and/or maintenance of a residential mobile home or trailer coach park as defined by the laws of the State of Michigan, except upon application for a permit from the Township signed by the person, firm or corporation seeking the permit and by the owner and legal title holder of the property sought to be used for such purposes.
 - c. The occupancy load of any trailer shall be limited to provide no less than three hundred (300) cubic feet of air space per occupant exclusive of the cubic air space of toilet rooms and closets.
 - d. The land parcel being proposed for the trailer park shall be of such land areas as to provide for a minimum of at least twenty (20) trailer coach sites and shall not exceed a maximum of one hundred (100)

- trailer coach sites.
 - e. Trailer coach sites shall contain a minimum area of at least four thousand (4,000) square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.
 - f. All trailer parks shall have access to major or secondary thoroughfares within the Township by directly abutting thereon. Frontage on said thoroughfare shall be equal to at least two hundred (200) feet in width.
 - g. An obscuring wall, fence or landscape screen six (6) feet in height shall be provided on all sides of the trailer park, with the exception of that portion providing ingress and egress to the site.
 - h. Fences when provided around trailer lots shall be uniform in height and shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each trailer.
 - i. Recreation space and landscaping as follows:
 - i. There shall be provided an area of not less than one hundred (100) square feet for recreation, for each trailer space in the trailer park, with a minimum area of not less than five thousand (5,000) square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children housed in the mobile home park.
 - ii. The front yard and the side yard adjacent to a street shall be landscaped and the entire trailer park shall be maintained in clean, presentable condition at all times.
8. Open-Air Business:
- a. Lighting should be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties.
 - b. Parking area shall be provided on-site so as to prevent on-street parking.
9. Race Tracks (Including Midget Auto and Carting Tracks): Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the I-1, I-2 and FR Districts when located abutting a major thoroughfare and shall be subject further to the following conditions and such other controls as the Planning and Zoning Commission deems necessary to promote health, safety, and general welfare in the Township.
- a. All parking shall be provided as off-street parking within the boundaries of the development.
 - b. All access to the parking areas shall be provided from major or secondary thoroughfares. Review and comment of ingress and egress points by the Zoning Administrator and proper police

- authority of the Township shall be required.
 - c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting or obscuring fence or wall so as to obscure from view all activities within the development.
- 10. Soil, Clay, Gravel or Similar Materials; Removal; Filling:
 - a. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the area of the Township without first submitting a site plan and procuring approval thereof, from the Planning and Zoning Commission.
 - b. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found to another site, site plan approval is required for the receiving site.
 - c. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in Section 1811, a site plan prepared under this section shall also include:
 - i. Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
 - ii. Full legal description of the premises wherein operations are proposed.
 - iii. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - iv. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
 - v. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
 - vi. Such other information as may be reasonably required by the Planning and Zoning Commission to base an opinion as to whether the site plan should be approved or not.
 - d. Where, in the opinion of the Planning and Zoning Commission, there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the health, safety and general welfare of Township residents.
 - e. Garbage and Waste. In any landfill operation, all materials deposited shall be adequately covered so as not to cause a nuisance. No site plan shall be approved for fill operations which involve the burning of materials or depositing of garbage, offal and similar wastes capable of producing odors, vermin, and other nuisances.
 - f. Fill materials. Inert raw materials such as sand, gravel, and crushed

stone are acceptable fill materials. Construction or demolition wastes (including concrete rubble) or organic materials (including yard wastes, stumps, or wood) shall not be used as fill material, unless such use is determined to be acceptable and appropriate fill for the site and use in question by a Michigan-licensed civil engineer, in a signed and sealed letter submitted with the required site plan.

11. Animal Agriculture and Intensive Animal Feeding Operations:
 - a. The facility shall comply with all applicable local, state, and federal standards including, for example, the Federal Clean Water Act (PL 92-500 of 1972, as amended), Water Resource Protection part of the Michigan Natural Resources and Environmental Protection Act (Part 31 of PA 451 of 1994, as amended), and the most recent Generally Accepted Agricultural Management Practices published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (PA 93 of 1981, as amended).
 - b. In an animal agriculture operation, animals shall be confined in a suitable fenced area or paddock to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
 - c. In an intensive animal feeding operation, all buildings, structures, enclosed areas, and storage areas shall be located at least two hundred (200) feet from any property line; at least five hundred (500) feet from any water body, flood plain, wetland, flowing stream, or designated county drain; at least one hundred (100) feet from any water well; at least one-quarter ($\frac{1}{4}$) mile from any adjacent residential dwelling; at least one hundred (100) feet from any road right-of-way; and at least one (1) mile from another intensive animal feeding operation property line.
12. Vehicle Wash Establishments:
 - a. Vacuuming activities may be carried out in a rear yard and at least fifty (50) feet distance from any adjoining residential use. In lieu of providing this requirement, a five (5) foot masonry wall may be erected in a manner that will shield residential uses from undue noise pollution due to said vacuuming activities.
 - b. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
13. Wind Turbine Generators, Utility Grid or Commercial:

The purpose of this subsection is to establish requirements for the location of Wind Turbine Generators (WTG), commonly known as wind turbines or windmills and anemometer towers over one-hundred (100) feet. Alpena Township recognizes that it is in the public interest to permit the location of wind energy systems within the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary

and unreasonable visual and audio interference. A WTG is allowed in all zoning districts subject to special land use permit approval (Section 1807, A through G) and site plan review (Section 1811) and subject to the following:

- a. A WTG shall be built at a distance from all property lines that is not less than one hundred percent (100%) of the height of the system tower including the top of the blade in its vertical position.
- b. The minimum vertical clearance from the blade tip to the ground shall not be less than twenty (20) feet.
- c. The sound created by the system shall not exceed fifty-five (55) DBA at the nearest property line of adjacent properties.
- d. The system shall comply with all applicable local, state and/or federal construction and electrical codes and aviation regulations.
- e. Before a WTG is installed, the owner shall notify the owner's servicing electric supplier that the owner intends to install an interconnected WTG.
- f. All interconnected customer owned WTG's shall comply with all applicable Michigan Public Service Commission and electric supplier interconnection requirements.
- g. The owner of a WTG system shall establish and follow a regular maintenance program.
- h. An owner of a WTG system shall not be found to be a public or private nuisance if the system complies with the regulations of this section, notwithstanding any of the following: a change of ownership, temporary cessation or interruption in producing electricity by the system, or new technology.
- i. The owner shall provide documentation of conformance with any Federal Aviation Administration regulations.
- j. The owner shall furnish the Township with an approved decommissioning plan indicating the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored.

14. Wind Turbine Generator, On-Site or Private:

An on-site or private WTG is an accessory use allowed as a permitted use in any district, meeting the following standards, which shall also apply to anemometer towers one-hundred (100) feet or less in height:

- a. Designed to primarily serve the needs of a home, farm, or small business.
- b. Shall have a tower height of one hundred (100) feet or less. The minimum vertical clearance from the blade tip to the ground shall not be less than twenty (20) feet.
- c. The distance between an on-site WTG and the property lines shall be equal to the height of the tower including the top of the blade in its vertical position. The distance between an anemometer tower and the property lines shall be equal to the height of the tower. No

part of the on-site WTG or anemometer tower, including guy wire anchors may extend closer to the property line than the required setback for the district in which the unit is located. An exception to the setback requirements may be made where the on-site WTG or anemometer tower is located on waterfront property, in which case, the waterfront setback for the on-site WTG or anemometer tower is the same as for the district where located.

- d. The sound created by the system shall not exceed fifty-five (55) DBA at the nearest property line of adjacent properties.
- e. The system shall comply with all applicable local, state and/or federal construction and electrical codes and aviation regulations.
- f. An on-site WTG shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation, and shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.

Sec. 1808. Sanitary Provisions--Sewage and Water Facilities:

Because adequate water and sewage facilities are vitally necessary to ensure the health and general welfare of Township residents the regulations herein set forth are deemed necessary to promote reasonably safe sanitary conditions in Township areas. These requirements need not apply to premises which are served by a community or municipal water supply and sewage disposal system.

- A. Permit Required:** No person shall cause to be constructed, reconstructed or expanded any outside toilet, septic tank, drain field, or water supply facility without first obtaining a permit from the designated Health Officer. Permits are required for new developments as well as for any extensions or expansions of existing uses.
- B. Information Required:** Persons wishing to obtain a sanitary facilities permit shall present sufficient information to enable the officer to identify the premises and its basic characteristics, and specifically must include:
 - 1. A plot plan(s) which clearly shows all existing property features including, but not limited to: existing and proposed buildings, soil types, bodies of water, adjacent streets, topographic features and all existing and proposed underground utilities.
 - 2. Legal property description, existing owners, name of and address of applicant.
 - 3. Statement as to the intended use of the premises and well as the intensity of use.
 - 4. The health officer may require soil test borings as deemed necessary to assess the reasonable adequacy of proposed sanitary facilities for the type of intensity of land use propose.
- C. Design Specifications:** In laying out and designing water supply and sewage facilities, the following standards shall be used in so far as possible for the reasonable use of the premises, but shall not be modified without the consent of

responsible health authorities (State, County and/or Township).

1. Outside toilets may be constructed only in Forest Recreation and Conservation Districts, and shall be in accordance with current County and State health and environmental regulations.
2. All septic tank and disposal field systems shall be constructed in accordance with the Sanitary Code of the County Health Department.
3. An adequate supply of safe water shall be provided from a source which complies with current County and State health and environmental regulations.
4. The isolation standards shall apply to all individual water supply and sewage disposal systems in the Township as set forth by the rules and regulations of the County Health Department.

D. Permit Issued: Upon approval of the proposed water supply and sewage facilities by the designated Health Officer, a permit shall be issued. No occupancy permit for the premises shall be issued until the Zoning Administrator or Health Officer has inspected the completed installation and given approval thereof.

Sec. 1809. Performance Standards:

No use otherwise allowed shall be permitted within the Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

- A. Smoke, Dust, Dirt and Fly Ash:** It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the Township.
- B. Open Storage:** The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring fence of a height of not less than six (6) feet to obscure such stored materials. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet.
- C. Glare and Radioactive Materials:** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- D. Fire and Explosive Hazards:**

The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township's fire protection authority, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

 1. Said materials or products shall be stored, utilized or produced within

- completely enclosed buildings or structures having incombustible exterior walls.
2. All such buildings or structures shall be set back at least forty (40) feet from the lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
 3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.

Sec. 1810. Signs and Billboards:

- A. The size of any publicly displayed sign, graphic, symbol, or notice on a premise to indicate the name of the occupant, to advertise the business transacted within, or directing to some other locale, shall be regulated as follows:

<u>Zoning District</u> R-1, WR, and C R-2, FR, and A R-3 OS, B-1, B-2, B-3, I-1 and I-2	<u>Maximum Size of Sign</u> Four (4) square feet Ten (10) square feet Thirty-two (32) square feet According to Tables 1, 2 & 3
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Table 1: Free-Standing Signs with Speed Limits less than 35 MPH

Road Frontage of Property (ft.)	100 ft. or less	101-200 ft.	201-300 ft.	Over 300 ft.
Maximum Sign Size (sq.ft.)	100 sq. ft.	100 sq.ft.	120 sq.ft.	120 sq.ft.
Maximum Sign Height (ft.)	24 ft.	26 ft.	28 ft.	28 ft.

Table 2: Free-Standing Signs with Speed Limits 35-55 MPH

Road Frontage of Property (ft.)	100 ft. or less	101-200 ft.	201-300 ft.	Over 300 ft.
Maximum Sign Size (sq.ft.)	120 sq. ft.	120 sq.ft.	130 sq.ft.	140 sq.ft.
Maximum Sign Height (ft.)	28 ft.	32 ft.	32 ft.	32 ft.

Notes to Tables 1 and 2:

Where a business is located on a corner and the two streets have different speed limits, the sign size and height may be designed to accommodate the higher speed limit.

Freestanding signs shall be limited to one (1) except for a use that fronts on more than one street frontage, in which case one (1) sign shall be permitted for each street frontage. If a use exceeds three hundred (300) feet on any frontage, one (1) additional sign shall be permitted; and for each multiple of three hundred (300) feet of frontage, one (1) additional sign shall be permitted.

Table 3: Wall Sign, Building Sign, Parallel Sign

Distance of Wall Sign from Road	Percentage of Building Face Permitted for Sign Area
0-100 ft.	Fifteen Percent (15%)
101-300 ft.	Twenty Percent (20%)
Over 300 ft.	Twenty-Five Percent (25%)

Note to Table 3: Roof signs may be allowed at the discretion of the Zoning Administrator in cases where no better alternative would exist for signage, or when said roof display is necessary to maintain the architectural integrity of the structure to which it will be attached. Under no conditions shall any roof sign impair or obstruct the view of another structure or contribute to structural deficiency to the structure upon which it is mounted. Allowable square footage of graphic display shall not exceed the allowable sign size for wall signs, building signs, or parallel signs as noted in Table 3.

The Zoning Administrator may increase the allowable sign sizes and heights listed in Subsection 1810 A by up to twenty-five percent (25%) when it can be demonstrated that an increase is necessary to maintain proper sign visibility or to maintain architectural integrity.

- B. In addition to the size limitations stated in Subsection 1810 A, the following conditions shall apply to all signs and billboards erected in any zoning district:
1. No sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator or authorized by an approved site plan or building permit.
 2. No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot, or other route providing ingress or egress to any premises.
 3. Illumination of signs shall be directed, shaded, or designed so as not to interfere with the vision of persons on the adjacent highway, streets, or properties. Illuminated signs shall not be of the flashing, moving, or intermittent type unless approved by the Zoning Administrator, who shall find that the lighting is non-glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence all intermittent lighting elements shall be designed as accessory to the sign.
 4. In those instances where a business use or tourist service facility is not located directly on a major route, but is dependent upon passer-by traffic for support, not more than three (3) off-premises directory signs per business may be permitted in the R-3, OS, B-1, B-2, B-3, I-1, I-2, A, and FR Districts, subject to review and approval of location by the Zoning Administrator. Not more than one (1) off-premise sign per lot or more than one (1) off-premise sign per one-hundred (100) feet of road frontage may be allowed. No off-premise signs shall be permitted in the R-1, R-2, WR,

- and C Districts.
5. Freestanding signs, such as pole signs and monument signs, may be permitted in a required front yard set ten (10) feet or more behind the front property line. In cases where an obstruction, either natural or man-made, will impair the visibility of the sign, the Zoning Administrator may issue a waiver to allow for no setback, provided the sign is not a traffic hazard to passers-by on the adjacent roadway.
 6. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments, shall be permitted in all Districts.
 7. No sign shall project beyond or overhang the wall, roof, or any architectural feature by more than five (5) feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (county or state).
 8. The total number of signs, including wall and free standing signs, allowed will be decided by the Planning and Zoning Commission at the time of site plan review. Factors considered will include building size, location, length of road frontage, and lot size.
 9. For multiple use facilities, such as but not limited to shopping centers, malls, and industrial parks, one multiple use sign is allowed. The height shall not exceed forty (40) feet, and the sign size shall not exceed five hundred (500) square feet; however no single use sign shall exceed the size requirements of Subsection 1810 A.
- C. Off-premise signs and billboards regulated and permitted by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972, as amended, and all other off-premise signs, shall be subject to the limitations of Subsections 1810 A and B.

Sec. 1811. Site Plan Review (All Districts):

Site plans give the Planning and Zoning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan insures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer.

- A. Circumstances Requiring a Site Plan:** Site plans are subject to review for the following reasons:
1. All new uses except one-family residential units.
 2. Expansion or renovation of an existing use, other than a one-family residential use, which increases the existing floor space more than 25%.
 3. Changes of use for an existing structure.
- B. Site Plan Data Required:** Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Township Planning and Zoning Commission.
1. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch=fifty (50) feet

- for parcels under three (3) acres and not less than one (1) inch=one hundred (100) feet for parcels three (3) acres or more.
2. The boundary lines of the property, to include all dimensions and legal description.
 3. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
 4. The location and width of all abutting right-of-ways.
 5. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas or any other unusual environmental features.
 6. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
 7. The name and address of the property owner.
 8. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
 9. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
 10. A locational sketch of the proposed use or structure.
 11. The type, location and size of all existing and proposed utilities.
 12. The location, size and slope of all surface and subsurface drainage facilities.
 13. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each type of unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
 14. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
 15. Anticipated hours of operation for the proposed use. The Planning and Zoning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

C. Submittal and Approval Procedures: Ten copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least ten days prior to the Planning and Zoning Commission meeting where the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning and Zoning Commission meeting. Notice of said meeting shall be in conformance with Section 1807 (B).

The Planning and Zoning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with the requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:

1. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
2. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
3. Whether the sewage disposal facilities, water supply, stormwater drainage, fire protection, and other utility provisions will be safe and adequate.
4. Whether the location, use and the nature of the operation will be in conflict with the primary permitted uses of the District or neighborhood.
5. Whether the use will be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.
6. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

Any conditions or modifications desired by the Planning and Zoning Commission shall be recorded in the minutes of the appropriate Planning and Zoning Commission meeting.

When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning and Zoning Commission and the petitioner. One of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning and Zoning Commission and the petitioner.

- D. Site Plan Amendments:** An approved Site Plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning and Zoning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning and Zoning Commission Chair, the Site Plan amendment is major, the provisions of Subsection C "Submittal and Approval Procedures" shall be followed. Installing more than three thousand (3,000) square feet of impervious paving shall require a site plan amendment to review storm water management, per the standards of Section 1813, unless the paving was included in a previously approved site plan.

- E. Administrative Fees:** Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advise regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant.
- F. Revocation:** When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning and Zoning Commission may fully and finally revoke, by official action its original approval, by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time he shall so notify the Planning and Zoning Commission, who may then, by official action, defer revocation.
- G. Appeal of Revocation:** The decision of the Planning and Zoning Commission may be appealed by the owner to the Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action by the Planning and Zoning Commission.
- H. Expiration:** Site plan approval shall expire if the authorized work is not commenced within twenty-four (24) months after approval; if work is suspended or abandoned for a period of twelve (12) months after the work is commenced; or if conditions of site plan approval are not adhered to within six (6) months after approval.

Sec. 1812. Principal Use:

Except as otherwise specifically permitted, no lot may contain more than one (1) principal (main) structure or use, excepting groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings the Planning and Zoning Commission considers to be principal structures or uses.

Sec. 1813. Stormwater Retention:

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

Sec. 1814. Greenbelts:

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all property located within twenty-five (25) feet of the ordinary high water mark of a lake or stream. Within the greenbelt area, the following development or use restrictions shall apply:

- A. It is strongly recommended that at least 70% of the lot width at the water line shall be kept in natural vegetation; either trees, shrubs, herbaceous plants or unmowed grass.
- B. No structures will be permitted in the Greenbelt except those related to use of the water; such as boat launches, docks or boathouses.
- C. No burning of leaves or stockpiling of grass, leaves or compost is allowed in the Greenbelt.
- D. Use of pesticides, herbicides and fertilizers in the Greenbelt is strongly discouraged.
- E. Setbacks for septic systems must meet minimum requirements set by the Health Department.
- F. No dredging or filling can occur in the Greenbelt without a Soil Erosion and Sediment Control Permit issued under Part 91 of PA 451 of 1994, as amended and any other applicable permits from Michigan Department of Environmental Quality or U.S. Army Corps of Engineers.
- G. Greenbelt shall be shown on plot plan filed with the Zoning Administrator, or on site plan.

Sec. 1815. Access Management:

These access management requirements pertain to properties fronting on M-32 and U.S. 23 and are established to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns and enhance visual characteristics of entryways to Alpena Township.

- A. Building Setback Requirement - Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50) feet. An exception to the fifty (50) feet front yard setback may be made for properties in the Waterfront Residential District on U.S. 23 South, where because of limited lot depth, the requirement cannot be met. The setback may be reduced only as necessary, but shall in no case be less than twenty-five (25) feet. Minimum Lot Width Requirement - New lots fronting the highway corridor created after the effective date of this amendment shall have a minimum lot width of two hundred (200) feet for Office Service, Commercial, and Industrial Districts.
- B. The standards for driveways shall be as follows:
 - 1. In addition to meeting the standards of this Ordinance, all new or altered driveways shall meet the minimum standards of the Michigan Department of Transportation (MDOT) *Administrative Rules Regulating Driveways*,

Banners, and Parades On and Over Highways, and shall receive a driveway permit from MDOT or Alpena County Road Commission, whichever is applicable, prior to construction.

2. In addition to new development projects, development projects such as change of use or operation, redevelopment of a site, or reconfiguration of a site shall meet these standards as nearly as possible. Upon review of such projects, the Township Planning and Zoning Commission and/or MDOT or Alpena County Road Commission may require that driveways be closed or moved to more closely meet the standards.
3. Depending on the type of development or redevelopment, the Township Planning and Zoning Commission and/or MDOT or Alpena County Road Commission may require a traffic impact study. Traffic mitigation measures may be required if determined by the traffic impact study.
4. All driveway radii, except for single-family residential use, shall be constructed with concrete curbs to define access.
5. Driveways for single-family residences shall have a minimum width of fourteen (14) feet and cleared to a minimum height of fifteen (15) feet. A driveway more than three hundred (300) feet in length shall have a turn-around large enough to accommodate emergency vehicles.
6. Driveways for commercial use or driveways serving five (5) or more residences shall have a minimum width of thirty (30) feet of hard surface with construction to meet MDOT or Alpena County Road Commission Standards.
7. An adequate area of land for snow storage area must be reserved along the drive, and shall not interfere with or damage landscaping required by this Ordinance and clear vision areas must be maintained.
8. All shared driveways or private frontage roads will be considered private roads maintained jointly by the benefiting property owners, who shall enter into and record an agreement for the joint maintenance to keep the access in a reasonably safe condition.
9. Access points for frontage roads, rear service drives, or side street drives shall be located to allow adequate stacking space for vehicles entering or crossing M-32 and U.S. 23.
10. Parking lot cross-connections may be used as an alternative to frontage roads or shared driveways if, in the opinion of the Planning and Zoning Commission, such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded as easements and maintained by adjoining property owners and users who shall enter into a formal legal agreement for joint maintenance.
11. To prevent signalized crossroads from becoming blocked by traffic waiting for the light to change, driveways shall not be located within the functional boundaries of any intersection. Recommended corner clearances at signalized intersections are shown in the table below:

12.

Driveway Spacing from Signalized Controlled Intersections		
Posted Speed	Side Clearances Upstream of the Signal	Side Clearances Downstream of the Signal
30-35 mph	230 feet	115 feet
40-55 mph	460 feet	230 feet
Source: Michigan Department of Transportation		

Recommended corner clearances at stop sign controlled intersections are shown in the table below:

Driveway Spacing from Stop Sign Controlled Intersections		
Posted Speed	Side Clearances Upstream of the Signal	Side Clearances Downstream of the Signal
30-35 mph	115 feet	85 feet
40-55 mph	230 feet	170 feet
Source: Michigan Department of Transportation		

13. All land in a parcel having a single tax code number or contiguous parcels owned by a single individual, or related individuals, or other entity or related entities, as of the effective date of this amendment, fronting on M-32 and U.S. 23 shall be entitled to one (1) driveway or road access per parcel from said highway. Parcels, when subsequently subdivided either as metes and bounds described parcels or as a plat in accord with Act 288 of 1967, as amended, or as a site condominium in accord with Act 59 of 1978, as amended shall meet the minimum driveway spacing requirements of this Ordinance. Alternative means of access may be used to achieve driveway spacing standards, including frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access. The table below displays desirable separation distances between access drives. All site plans for proposed developments or redevelopment projects shall show the location of all proposed and existing access points within the area of the proposed development.

Desirable Separation of Adjacent Access Points	
Highway Speed	Minimum Access Point Spacing (measured centerline to centerline)
25 mph	130 feet
30 mph	185 feet
35 mph	245 feet
40 mph	300 feet
45 mph	350 feet
50 mph and above	455 feet
Source: Michigan Department of Transportation	

In the event that a parcel lacks sufficient frontage to maintain adequate spacing, choose the next lowest spacing; or the driveway may be shared with adjacent property owner(s); or provide access to the nearest side street; or parking lot cross-connections may be used.

14. Driveways shall be aligned with those on the opposite side of M-32 and U.S. 23 as nearly as possible. Whenever a driveway cannot be lined up with an existing driveway on the opposite side, the driveways shall be staggered. Recommended staggered distances for the driveways are presented in the table below:

15.

Posted Speed	Desirable Offset Distance Between Access Points on the Opposite Side of the Roadway Center-Center of Proposed Access
25 mph	255 feet
30 mph	325 feet
35 mph	425 feet
40 mph	525 feet
45 mph	630 feet
50 mph	750 feet
Source: Michigan Department of Transportation	

16. As part of the site plan review process, the Planning and Zoning Commission shall review and approve frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access for parcels with frontage on M-32 and U.S. 23.
- C. Prior to review by the Planning and Zoning Commission, any site plan proposing new or altered access drives onto U.S. 23 and M-32 shall be accompanied by written documentation of consultation with MDOT and the Alpena County Road Commission.
- D. Special Use Review for High-Traffic Uses. In addition to other provisions of this Ordinance, when a high-traffic use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Use. The designation of a proposed use as a high-traffic use shall be determined by the Planning and Zoning Commission. The designation may include, but is not limited to, gasoline stations, convenience stores and businesses with drive-through service windows.
- E. Landscape requirements
1. Parking areas. In off-street parking areas containing greater than 20 spaces, at least five percent (5%) of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area. A minimum of one (1) tree meeting specifications set by the Planning and Zoning Commission shall be planted in each area.
 2. Residential buffer area. Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence or landscape screen at least six (6) feet in height,

measured from the surface of the ground of the abutting residential district.

3. General landscaping. All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northeastern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.
4. Landscape preservation. Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.

Sec. 1816. Loud Speakers or Public Address System

No loud speaker or public address system shall be used except by written consent of the Township Supervisor wherein it is determined that no public nuisance or disturbance will be established.

Sec. 1817. Mobile Homes on Individual Lots or Parcels

- A. A mobile home not meeting the requirements of subsection B, below, may be used as a temporary dwelling until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a building permit has been issued. Upon application for a temporary dwelling permit from the Zoning Administrator, the applicant may obtain a permit for an initial period not to exceed two (2) year from the effective date of the permit; and upon showing reasonable progress, may renew the permit for not more than one (1) additional year. Upon completion of the permanent dwelling, the temporary mobile home shall be removed from the premises.
- B. Mobile homes sited on individual lots or parcels and not in a mobile home park shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
 1. The unit meets the building code currently in effect for Alpena Township.
 2. If the mobile home is more than ten (10) years old at the time of placement, the owner shall provide evidence of building, plumbing and electrical inspection to the Township Building/Zoning Inspector prior to placement.
 3. A mobile home shall not be used as an accessory building.

Sec. 1818. Yard, Rummage, and Garage Sales:

Notwithstanding other provisions of this Ordinance, yard, rummage, and garage sales shall be permitted in any Zoning District where single-family residential use is allowed. A zoning permit shall not be required for yard, rummage, or garage sales. However, allowable sales shall be limited to not more than two (2) sales per year, of a maximum three (3) days duration each. Sale items shall be limited to general household goods

and clothing. Not more than two (2) on premises and two (2) off-premises temporary signs may be installed, each not to exceed four (4) square feet in size, for a maximum duration of one week, and shall be removed immediately upon the end of the sale.

Sec. 1819. Pets and Domestic Animals:

Domestic household pets, including, but not limited to, dogs, cats, and birds, but not including poisonous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory use on any premises, provided that not more than three (3) adult animals of any one species are kept, and reasonable control is maintained to prevent nuisances to adjoining properties. An exception to the number of pets or domestic animals may be made for properties of ten (10) acres or more in the C, A and FR Districts where the number shall not be restricted.

Sec. 1820. Private Road Standards and Approval Procedures:

- A. Private roads are permitted provided they conform to the requirements of this section. No private road shall be constructed, extended, improved or relocated after the effective date of this amendment unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
- B. Application, review and approval of a proposed private road shall follow the same procedures as Section 1811, Site Plan Review.
- C. The proposed private road shall meet the following standards:
 - 1. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Alpena County Road Commission's designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road must meet Alpena County Road Commission design standards and be constructed to those standards prior to acceptance by the Road Commission.
 - 2. The maximum grade for roadways shall be seven percent (7%). The maximum grade within one hundred (100) feet of an intersection shall be five percent (5%).
 - 3. No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within twenty (20) feet of the right-of-way of a street.
 - 4. No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to County Road Commission standards.

5. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.
 - a. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
 - b. The minimum radius for circular cul-de-sacs roadway is eighty (80) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is not less than twenty-five (25) feet in width.
 6. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
 7. Construction authorization from the Alpena County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunkline. When applicable, a permit is also required from the County under the Soil Erosion and Sediment Control Act. Intersections of private roads with public roads shall be at an angle, as close to ninety degrees (90°) as possible, but in no case shall it be less than eighty degrees (80°) or more than one hundred degrees (100°).
 8. Private roads shall have a compacted gravel or paved width of at least twenty-two (22) feet with shoulders of five (5) feet on each side, totaling thirty-two (32) feet.
 9. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the Alpena County Drain Commissioner and the Alpena County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning and Zoning Commission approval.
 10. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.
- D. Road Construction Approval Procedures: No private road shall be constructed, extended, improved or relocated after the effective date of this amendment unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
1. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
 - a. Existing and proposed lot lines.
 - b. The location of existing and proposed structures.
 - c. The width and location of the private road easement.
 - d. A cross-section of the proposed road, showing the type of material the road base and surface will consist.
 - e. Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private

- wells and private utilities such as telephone, electric and cable service.
 - f. Proposed locations of driveways off the private road.
 - g. Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.
 - h. All divisions of land shall be in compliance with the Alpena Township Land Division Ordinance.
 - 2. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.
 - 3. Road maintenance agreement signed by the proprietor(s) shall be recorded with the Alpena Township Clerk and the Alpena County Register of Deeds providing for:
 - a. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five percent (25%) of the total costs.
 - d. No public funds of Alpena Township will be used to build, repair or maintain the private road.
 - 4. Road easement agreement signed by the proprietor(s) shall be recorded with the Alpena Township Clerk and the Alpena County Register of Deeds providing for:
 - a. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
 - b. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.
- E. Application Review and Approval or Denial
 - 1. The Zoning Administrator shall send the private road plans to the Township Engineer, to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunkline for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
 - 2. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township Engineer

and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.

3. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
 4. The Zoning Administrator shall arrange for inspections by the Township Engineer during construction or, and upon completion of the private road.
- F. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.
- G. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.
- H. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with the County Road Commission to avoid a duplication of names.
- I. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
1. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
 2. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.
 3. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
 4. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
- J. Fees: Before final approval, an application fee established by the Township Board and the cost for the Township Engineer to review the plans and inspect the construction shall be paid by the proprietor(s).
- K. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

Sec. 1821. Uses Not Listed

Since every type of potential use cannot be addressed in this Ordinance, all applications for a use not specifically addressed in any zoning district shall be submitted to the

Planning Commission for review based on the following standards:

- A. A finding that the proposed use is not listed as a permitted use or as a special approval use in any zoning district.
- B. If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use, which most closely resembles the proposed use using criteria, such as potential impact on property values, nature of use, aesthetics, traffic generated, noise, vibration, dust, smoke, odors, glare, or other objectionable impacts in terms of health, safety and welfare.
- C. Once a similar use has been determined, the proposed use shall comply with any standards that apply to the similar use.
- D. Where the Planning Commission determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance.

Sec. 1822. Open Space Preservation

Regardless of zoning district, land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the entire parcel if located in the FR District. Not more than fifty percent (50%) of the land, as determined by the Township, could be developed if all of the following apply:

- A. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
- B. A percentage of the land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- C. The development does not depend upon 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 section would also depend upon such an extension.
- D. The option provided by this section has not previously been exercised with respect to that land.

Section 1823. Address Display

The purpose of this section is to establish a uniform Township system of numbering buildings for use as addresses to facilitate locating buildings and houses. The provision of a systematic method of building identification will enable faster response and location of a building by Township authorities in furtherance of Township affairs, including but not limited to fire and emergency services, building and zoning, soil, health inspection, tax assessment, data collection, mail and parcel delivery, and other county, state or federal affairs.

For any new use or change of use of a premise created after the adoption of this amendment, street or road address numbering signs shall be posted. The sign shall be

displayed on the side of a structure facing the road, and if possible and practical, visible from the road.

If a mailbox exists and is not attached to the structure, the mailbox shall also be posted with the address number. If the mailbox is located on a road other than the structure location, the mailbox shall have both the sign address number and also the proper road name of the structure.

The address numbering sign shall be green background with white reflective numbers not less than three and one-half (3 1/2) inches in height and one-half (1/2) inch stroke. The sign shall be placed not less than forty-two (42) inches above ground level, unless an agreement is reached and approved by the Zoning Administrator to alter the required height.

Section 1824. U.S. 23 North Corridor

The U.S. 23 North Corridor passes through Alpena Township and the City of Alpena jurisdictional boundaries. For Alpena Township, the corridor is approximately one and three-fourth (1 3/4) miles in length. It is defined as the area north of the City of Alpena boundary in Section 16 of T31N-R8E to one-quarter (1/4) mile north of Hamilton Road and includes all B-2, I-1, and OS parcels within one-quarter (1/4) mile east and west of U.S. 23 right-of-way.

The purpose of this section is to establish consistent zoning standards between the Township and City to insure that future development and re-development patterns will be uniform. For the corridor the following requirements apply:

- A. Regardless of the zoning district the following uses are prohibited even though they may otherwise be allowed in the same zoning district in other locations in the Township:
 - 1. Sand and gravel extraction.
 - 2. Ore processing.
 - 3. Junk yards.
 - 4. Sawmills and planing mills.
 - 5. Petroleum storage tanks.
- B. For new development or re-development projects, pedestrian facilities shall be provided for those properties adjacent to U.S. 23 North.

Section 1825. (Left blank intentionally)

Section 1826. Outdoor Wood Burning Furnaces:

Although outdoor wood burning furnaces may provide an alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive emissions. This section is intended to ensure that outdoor wood burning furnaces are utilized in a way that does not create a nuisance and is not detrimental to the health, safety, and

general welfare of Township residents. Outdoor wood burning furnaces may be permitted in any district, provided:

- A. Permitted fuels are limited to the furnace manufacturer's recommended materials. The burning of trash, plastics, gasoline, rubber, naphtha, household garbage, materials treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, and cardboard are prohibited.
- B. Minimum lot size shall be one (1) acre.
- C. Setbacks shall be fifty (50) feet from all lot lines.
- D. The unit shall be equipped with a spark arrestor.
- E. The unit shall be placed in the rear yard.
- F. Outdoor wood burning furnaces may be permitted only when all the following requirements are met:
 - 1. Subsections A through E above are met.
 - 2. The unit meets United States Environmental Protection Agency (EPA) certification.
 - 3. Stack height requirements:
 - a. If located less than one hundred (100) feet to any residence not served by the furnace, the stack height shall be at least seventy-five percent (75%) of the height of the eave line of that residence, plus an additional five (5) feet.
 - b. If located more than one hundred (100) feet but not more than one hundred fifty (150) feet to any residence not served by the furnace, the stack height shall be at least fifty percent (50%) of the height of the eave line of that residence, plus an additional five (5) feet.
 - c. If located more than one hundred fifty (150) feet but not more than two hundred (200) feet to any residence not served by the furnace, the stack height shall be at least twenty five percent (25%) of the height of the eave line of that residence, plus an additional five (5) feet.

Section 1827. Conditional Rezoning:

- A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended) (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
 - 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, is such withdrawal occurs subsequent to the Planning and Zoning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning and Zoning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. Planning and Zoning Commission Review.
The Planning and Zoning Commission, after public hearing as set forth in Section 306 of Act 110 of the Public Acts of 2006 and consideration of the factors set forth in Section 2008 of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. County Planning Commission Review.
Following the public hearing before the Township Planning and Zoning Commission, the conditional rezoning application shall be submitted to the County Planning Commission for not more than thirty (30) day review period, according to the provisions of Section 307 of Act 110 of the Public Acts of 2006.
- E. Township Board Review.
After receipt of the Planning and Zoning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of Act 110 of the Public Acts of 2006, refer such amendments to the Planning and Zoning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- F. Approval.
1. If the Township Board finds the rezoning request and offer of conditions

acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Alpena County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon

land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the timeframe specified under Subsection H above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning and Zoning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection I above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to Subsection H above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribe for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that

is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended).

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.