

SIMS TOWNSHIP ZONING ORDINANCE

REV 2020

SPECIAL USE PERMITS

state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice.

At the hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications are not remedied within the thirty (30) days or any extension, the Township, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for a period of one (1) year. The entry and maintenance shall not vest in the public any right to use the common open space, except when the open space is voluntarily dedicated to the public by the owners. Before the expiration of the organization responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing the organization or the residents of the planned unit development shall show cause why the maintenance by the Township shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission determines that the organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the Township Board, in its discretion may continue to maintain the open space, subject to a similar hearing and determination in the next succeeding year.

The cost of such maintenance by the Township shall be proportionally assessed against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The Township, at the time of entering upon the common open space for the purposes of maintenance, shall file a notice of the lien in the office of the county recorded upon the properties affected by the lien within the planned unit development.

- f. **ENVIRONMENTAL STANDARDS.** Environmental design criteria in PUD District shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks. If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the PUD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

SECTION 7.22 PUBLIC BUILDINGS, UTILITIES AND SERVICE INSTALLATIONS

- a. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- b. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material. On residential lots, electrical, gas and cable boxes shall be located behind the front line of the principal structure in the side or rear yard and in some cases may be required to be fenced for safety.
- c. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

SECTION 7.23 RESTAURANTS, DRIVE-THROUGH

- a. The main and accessory buildings shall be set back a minimum of thirty (30') feet from any adjacent right-of-way line or residential property line.
- b. Applicable off-street waiting areas shall be provided in accordance with parking and loading regulations.
- c. The subject property shall have access to an arterial or collector road.
- d. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- e. All drive-thru window lanes shall be separated by curb from the parking lot's interior driveways.
- f. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- g. All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.
- h. No part of the subject use shall be located within two hundred (200) feet of any residentially-zoned land.

SECTION 7.24 SELF STORAGE FACILITIES / MINI-STORAGE

- a. Minimum lot size shall be one (1) acre. Minimum lot width shall be sixty-five (65') feet.
- b. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.
- c. All items shall be stored inside an enclosed facility except wheeled vehicles.
- d. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
- e. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

SECTION 7.25 SENIOR HOUSING

- a. Independent and Assisted Living.
 - 1) For independent living, dwellings may be provided as single-family detached, two-family or multiple family units within a designated site, or development area. The minimum site area requirements for the purpose of calculating density shall be as follows:

Dwelling Unit Size	Site Area Per Unit (Sq. Ft.)
Efficiency/One Bedroom	2,000
Two Bedroom	4,000
Each Additional Bedroom	500
 - 2) For assisted living, where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in paragraph 1 above shall apply. Where

facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.

- 3) In consideration of multiple-family buildings, both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and nature and topographic features ensure that the building is in scale with the site and surrounding areas.
- 4) The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:
 - a) The site contains significant natural resources such as slopes or wetlands.
 - b) No increase in density shall be allowed.
 - c) Approval by the local fire authority is required.
 - d) An increased setback distance is established with respect to each setback required to be increased, including front, rear and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each set back measurement shall be established as part of the approval of the Planning Commission.
 - e) In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this Ordinance.
- 5) Open space and recreation shall be provided in accordance with the following requirements:
 - a) Total open space required shall be a minimum of fifteen (15%) percent of the site.
 - b) Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
- 6) Accessory and support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include congregate dining; health care; personal services; and social, recreational, and educational facilities and Programs.

b. Convalescent Homes

- 1) The site shall be developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space.
- 2) Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for

accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage requirement.

- 3) No building shall be closer than forty (40) feet from a property line.
- 4) The lot location shall have access to a paved road. More than one (1) point of vehicle ingress and egress shall be provided directly from this thoroughfare.
- 5) All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto a major thoroughfare.

SECTION 7.26 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES

a. **INTENT.** There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

b. **DISTANCE RESTRICTIONS.**

- 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000) feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
- 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500) feet of any residentially zoned property or within one thousand five hundred (1,500) feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.

c. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

d. **PARKING AND LIGHTING.** All parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.

- e. **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- 1) **ORDINANCE INTENT.** The proposed use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
 - 2) **BLIGHTING INFLUENCE.** The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
 - 3) **NEIGHBORHOOD CONSERVATION.** The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
 - 4) **OTHER STANDARDS.** The proposed use, and its principal building, shall comply with all other regulations and standards of this Ordinance.

SECTION 7.27 TEMPORARY INDOOR AND OUTDOOR USES, BUILDINGS AND STRUCTURES

- a. **EXEMPT ACTIVITIES.** School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales, as defined in this ordinance, in the agricultural or R-1 residential district are exempt from the special use permits requirements of this section.
- b. **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- c. **LENGTH OF PERMIT.** A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- d. **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
- 1) It is no larger than one hundred and fifty (150) square feet,
 - 2) There is no foundation,
 - 3) No portion of the structure may become unattached or move as a result of wind,
 - 4) It is anchored to withstand thirty (30) pounds per square foot wind stress factor.
- Structures of any kind must be removed PRIOR to expiration of the permit.
- e. **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:

- 1) There is no foundation,
- 2) No portion of the structure may become unattached or move as a result of wind,
- 3) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- f. **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than five (5) days, within a one hundred and eighty (180) day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- 1) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
- 2) **TEMPORARY SIGNS.** Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two (2) temporary sign permits may be granted for one (1) parcel in a year.
- 3) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- 4) **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.

- g. **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL.** Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of **NONPROFIT ORGANIZATIONS**, in Chapter 2, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,

- 1) The use is for five (5) days or less within a one hundred and eighty (180) day period,
- 2) A drawing of the site and description of activity is provided and,
- 3) No structures for display, sale or storage remain on the site other than during the hours of operation,
- 4) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
- 5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- 6) The temporary use location must meet all yard requirements of the zone in which it is located.

SECTION 7.28 WIND POWER

a. DEFINITIONS

Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ANSI: American National Standards Institute.

dB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

b. On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer. An On Site Use wind energy system with a tower higher than 65 feet shall be considered a Special Land Use. On Site Use wind energy

systems with no towers or towers 65 feet or less shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers more than 65 feet in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a Special Land Use.

Prior to the installation of an On Site Use wind energy system with a tower higher than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:

- a) applicant identification,
 - b) a site plan,
 - c) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and
 - d) proof of the applicant's public liability insurance.
- 2) **Property Set-back:** The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
 - 3) **Sound Pressure Level:** On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - 4) **Construction Codes, Towers, & Interconnection Standards:** On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 - 5) **Safety:** An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers 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 feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- c. **Wind Site Assessment for Utility Grid Wind Energy Systems:** Prior to construction of a Utility Grid wind energy system, a wind site assessment is conducted to determine the wind

speeds and the feasibility of using the site. Installation of anemometer towers also known as meteorological or "Met" towers shall be considered a Special Land Use.

Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:

- 1) applicant identification,
 - 2) a site plan,
 - 3) a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
 - 4) proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- d. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:
- 1) Applicant Identification: Applicant name, address, and contact information.
 - 2) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 - 3) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.

The site plan shall include

- a) the project area boundaries,
 - b) the location, height, and dimensions of all existing and proposed structures and fencing,
 - c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
 - d) existing topography,
 - e) water bodies, waterways, wetlands, and drainage channels, and
 - f) all new infrastructure above ground related to the project.
- 4) Insurance: Proof of the applicant's public liability insurance.
 - 5) Consent Documents: Copies of any written waivers from neighboring property owners.
 - 6) Sound Pressure Level: Copy of the modeling and analysis report.

- 7) **Certifications:** Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
- 8) **Visual Impact:** Visual simulations of how the completed project will look from four viewable angles.
- 9) **Environmental Impact:** Copy of the Environmental Impact analysis.
- 10) **Avian and Wildlife Impact:** Copy of the Avian and Wildlife Impact analysis.
- 11) **Shadow Flicker:** Copy of the Shadow Flicker analysis.
- 12) **Manufacturers' Material Safety Data Sheet(s):** Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- 13) **Decommissioning:** Copy of the decommissioning plan.
- 14) **Complaint Resolution:** Description of the complaint resolution process.

An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

The Utility Grid wind energy system project shall meet the following standards and requirements:

- 1) **Overlay Zone:** If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.
- 2) **Property Set-Back:** The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

- 3) **Sound Pressure Level:** The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

- 4) Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- 5) Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- 6) Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
- 7) Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994,

MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

- 8) Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area.. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

- 9) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- 10) Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

- 11) Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
- a) the anticipated life of the project,
 - b) the estimated decommissioning costs net of salvage value in current dollars,
 - c) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
- 12) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

SECTION 7.29 WIRELESS COMMUNICATION FACILITIES

- a. **INTENT AND PURPOSE.** The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,
- 1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
 - 2) Minimize adverse visual effects of towers through design and siting standards,
 - 3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
 - 4) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
- b. **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
- 1) **All districts:** A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through Township staff review.
 - 2) **Towers in Residentially and Agriculturally zoned areas are only allowed if they are:**
 - a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this Ordinance shall be allowed in the rear yard of parcels.

- b) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
 - (1) Church sites, when camouflaged as steeples or bell towers;
 - (2) Park sites, when compatible with the nature of the park; and,
 - (3) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
 - c) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Township staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- 3) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.
- 4) Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit under the following situations:
- a) The Township Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
 - (4) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - c. **COLOCATION.** Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

- 1) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
- 2) Contact with all the other licensed carriers for commercial mobile radio services operating in the Township and,
- 3) Sharing information necessary to determine if colocation is feasible under the design configuration most accommodating to colocation.

In the event that colocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if colocation at the site is not feasible or is feasible given the design configuration most accommodating to colocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for colocation.

d. **TOWER SETBACKS.** Towers shall conform with each of the following minimum setbacks requirements:

- 1) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
- 2) Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- 3) A tower's location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
- 4) Towers and associated structures, including fencing, may not be constructed within five hundred (500) feet of a dwelling unit, except where they are being collocated on existing towers or structures.

e. **TOWER HEIGHT.** In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200) except as granted by the Zoning Board of Appeals.

f. **TOWER LIGHTING.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

- g. **SIGNS AND ADVERTISING.** The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
- h. **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.** Abandoned or unused towers or portions of towers shall be removed as follows:
- 1) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
 - 2) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
- i. **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.** No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
- j. **MODIFICATIONS.** A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:
- 1) The applicant and/or coapplicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
 - a) Change in the number of facilities permitted on the site;
 - b) Change in the technology used for the wireless service facility.
 - 2) The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.

Chapter 8 ■ Site Plan Review

SECTION 8.1 SITE PLAN REVIEW

- a. **WHEN A SITE PLAN IS REQUIRED.** Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This section defines the procedures and standards to be used for such a review.

SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The Township Planning Commission must review and approve site plans before granting approval to Special Use Permits.

In addition, and in the case of new development, Site Plan Review before the Township Planning Commission is required for any project meeting one of the following conditions:

- 1) The proposed project will have more than two (2) dwelling units.
 - 2) Nonresidential construction in a residential district.
 - 3) The proposed project is in a Business Zoning District.
 - 4) The proposed project is in an Industrial district.
 - 5) In the case of existing development, a Site Plan Review is required when:
 - 6) The project involves increasing the footprint by ten (10%) percent or more of any residential structure with more than two (2) units, or any Business or Industrial structure or use.
 - 7) The project involves expansion of a legal nonconforming use, building or structure under the terms of this Ordinance. Illegal or unacceptable nonconforming uses may not expand.
 - 8) The project is a Special Use.
- b. **A SITE PLAN IS NOT REQUIRED FOR A REZONING.** At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.
- c. **SITE PLAN REVIEW PROCESS.**
- 1) **APPLICATION DEADLINES.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.
 - 2) **APPLICATION MATERIAL.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least ten (10) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The

application will not be reviewed until the complete application package has been submitted, including the fee.

- 3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist is available at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer, surveyor or architect with civil engineering or architecture qualifications. A site plan for an alteration or addition to an existing structure may be prepared by a licensed builder.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Arenac County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6") inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown. If a development is in a wooded area, the developer shall include a preservation plan for trees and other natural vegetation.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.
- f) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the

effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- g) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- j) **PERFORMANCE BOND.** Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Township Supervisor. The Township Supervisor may, at his/her discretion, call upon professional assistance from the Township Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

4) STAFF REVIEW OF SITE PLAN.

- a) **PERSONS INVOLVED.** Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Drain Commissioner and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
- b) **STANDARDS TO BE USED.** Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.

5) PLANNING COMMISSION REVIEW OF SITE PLAN.

The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:

- a) **APPROVAL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
- b) **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission.

Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Sims Township Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission.

- c) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is

reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- 6) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder immediately, the Township Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee may be fully refunded.

- 7) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator. One copy of the final site plan shall be filed with the clerk, zoning administrator and applicant.
- d. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied. It is an objective of the site plan review process and standards to improve the quality of existing developments as they are expanded, or redeveloped.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her

original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- 2) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- 3) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
- 4) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- 5) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- 6) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- 7) **UTILITIES.** Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- 8) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas.

- 9) FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- 10) ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
- 11) STORM DRAINAGE. Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- 12) CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in Chapter 3.

Chapter 9 ■ Administration & Enforcement

SECTION 9.1 DUTIES OF PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Sims Township Planning Commission, the Zoning Board of Appeals, the Township Board of Trustees and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

a. ZONING ADMINISTRATOR:

The Township Board, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance:

- 1) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table in this Section). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Secretary of the Zoning Board of Appeals shall prepare notices of the hearing and submit them to the Sims Township Clerk for dissemination.
- 4) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 5) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 6) **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise

concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.

- 7) PUBLIC INFORMATION. The Township Clerk shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- 8) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- 9) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

b. PLANNING COMMISSION:

- 1) MEMBERSHIP. The Planning Commission shall be composed of seven (7) members, comprised of
 - a) One member of the Township Board selected by the Township Supervisor as an ex officio member, and
 - b) Six residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.
- 2) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- 3) REMOVAL. A Planning Commission member can be removed for misfeasance, malfeasance or nonfeasance in office upon written complaint and after a public hearing.
- 4) RULES OF PROCEDURE. The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- 5) FUNCTION: The duties of the Planning Commission shall be as outlined in Public Act 110 of 2006, commonly known as the Michigan Zoning Enabling Act, and where applicable in Public Act 33 of 2008, commonly known as the Michigan Planning Enabling Act.
- 6) MEETINGS. The Planning Commission shall meet at least ~~every other month~~ **quarterly** (Amended Effective 9/29/12) and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
- 7) PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the

