

**ORDINANCE NUMBER 38
OF THE TOWNSHIP OF WAKESHMA
KALAMAZOO COUNTY, MICHIGAN**

ADOPTED: April 4, 2009

EFFECTIVE: April 27, 2009

THE TOWNSHIP OF WAKESHMA ORDAINS:

Section I

This ordinance shall be known and may be cited as the Wakeshma Township Zoning Ordinance.

Section II - Purpose

In the interest of the public health, safety, and general welfare, the purpose of the zoning ordinance is to prevent the over-crowding of land and buildings, avoid undue concentration of population, provide adequate light and air with due consideration to the character of the zone and its' objective of conserving the value of property and encouraging the most appropriate use of the land.

Section III - Definitions

For the purpose of this ordinance certain terms and words are defined as follows:

Accessory Uses: A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Accessory Buildings: A building subordinate to, and located on, the same lot with a main building, the use of which is clearly incidental to that of the main building or the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

Agricultural Building: A building used in the production of agricultural products, i.e. grain storage, livestock production, farm machinery storage and other related agricultural uses.

Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the level of the adjacent ground.

Boardinghouse: A dwelling in which lodging or meals, or both, are furnished to three (3) or more guests for compensation.

Building Height: The vertical distance measured from the average grade at the building to the average elevation of the roof of the highest story.

Building Line: A line beyond which the foundation wall or any enclosed porch, vestibule or other portion of a building shall not project.

Care Home: Includes rest and nursing homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients, but excludes facilities for care of active or violent or younger patients such as feebleminded or mental patients, alcoholics, senile psychotics or drug addicts including but not limited to sanitariums, youth houses, family shelters and hospitals.

Cellar: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the level of the adjacent ground, Such a portion of a building shall not be used for habitation.

District: An area within which certain uses of land and buildings are permitted and all others are prohibited: yards and other open spaces are required: lot areas, building height limits, and other requirements are established: all of the foregoing being identical for the district in which they apply.

Dump: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of trash, refuse or waste material of any kind.

Dwelling: A building or portion thereof arranged or designed to provide living facilities for One (1) or more families.

Dwelling, Single Family: A building containing not more than one dwelling unit.

Dwelling, Semi-Detached: One of two building, arranged or designed as dwellings located on abutting lots; separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof, along the dividing lot line; and separated from any other building or structure by space on all other sides.

Dwelling, Two Family: A building containing not more than two separate dwelling units.

Dwelling, Multiple Family: A building containing three or more dwelling units, (An apartment house).

Dwelling Unit: A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having cooking facilities.

Excavations, Commercial: The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: When primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. Does not mean grading or filling incidental to improvement of land.

Facilities and Services: Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

Family: This term shall mean "traditional family" or "functional family" as defined below:

- a. traditional family – an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic house hold employees of the principal occupants, with not more than an additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling.
- b. functional family – a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

A "functional family" shall not include any of the following:

- (1) Any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
- (2) Any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
- (3) Any group of individuals whose association is essentially for convenience or economics, or for the limited duration of their education, training or a similar determinate period of time.

Any person or group of persons seeking the rights and privileges of a "family" as defined in subparagraph a or b above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either a or b above.

Farming: Agricultural activity or the raising of livestock or small animals as a source of income.

Floor Area: The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breeze-ways and porches shall not be less than 900 square feet and have a core area of not less

than 20 feet square. For manufacturing business or commercial activities which, in the case of the latter, include customer facilities, showcases facilities, and sales facilities.

Frontage: The length of the front property line of the lot, lots or tract of land abutting a public street, road or highway.

Gasoline Service Station: Building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories, and such services as lubrication, washing, polishing, and other minor servicing to motor vehicles.

Habitable Building: An enclosed structure having one or more stories, a roof and sides, designed primarily for the shelter, support or enclosure of persons.

Home Occupation: An occupation customarily engaged in by residents in their own dwelling.

Hospital: Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more not-related persons as patients suffering mental or physical ailments, but not including any dispensary for first aid treatment facilities maintained by a commercial or industrial plant, educational institution convent, or a convalescent home, as previously defined.

Hotel: A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals in which as a rule the rooms are occupies singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

House Trailer: House trailer or mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a habitable dwelling.

Junk Yard: Any land or building used for commercial, storage and /or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running conditions, or of machinery or parts thereof, but not to be used as a dump.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street of not less than 200 feet, and an area of not less than 1 ½ acre.

Lot Area: The total horizontal area included within lot lines, where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include

that part of the lot in use or to be used as the street.

Lot, Depth Of: The average horizontal distance between the front lot line and the rear lot line.

Lot, Front Of: The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

Lot, Frontage: That portion of a lot extending along a street line. The actual length of the street line shall be not less than 200 feet.

Lot, Interior: A lot other than a corner lot.

Lot Width: The average horizontal width measured at right angles to the lot depth of not less than 200 feet.

Mobile Home: (See "House Trailer")

Motel: A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.

Non-Conforming Uses: The use of a building or of land existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

Nursing Home: (See "Care Home")

Professional Office: Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc, but not including medical or dental clinics.

Setback: The distance from an abutting street or highway right of way. This distance shall not be less than fifty (50) feet.

Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building in or upon a window, or indoors, in such a manner as to attract attention from outside the building.

Sign Area: The sign area is the surface of the structure used to convey the message

exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

Sign, Outdoor Advertising: A sign which calls attention to a business commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises up which the sign is located.

Special Exception: The granting to a petitioner, by the Planning Commission, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances are designs as exceptions and may be permitted to become established within those districts as specified in this ordinance.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street: A public dedicated right-of-way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.

Structure: Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground and shall include fences which are more than 50% solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

Use: The principle purpose for which a lot or the main building thereon is designated, arranged, or intended and for which it is, or may be used, occupied or maintained.

Variance: The granting to a petitioner, by the Board of Appeals, permission to vary from the strict application of this ordinance as provided.

Yard: Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and un-occupied and un-obstructed from the ground upward, except for plants, trees, shrubs or fences.

Yard, Front: Open space extending across the full width of lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof. Also referred to as the

setback, the distance shall not be less than fifty (50) feet.

Yard, Rear: Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building. The distance shall not be less than 30 feet.

Yard, Side: Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof. The distance shall not be less than 10 feet.

Zone: (See "District")

SECTION IV - Administration and Enforcement

1. The provisions of this Ordinance shall be administered and enforced by such a person or persons as shall be from time to time designated by the township board of the Township of Wakeshma in accordance with the applicable state statute.

2. Violations:

a. Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of the provisions of this Ordinance observed by or communicated to Police and Fire Department employees or to any Township Official shall be reported to the zoning enforcement officer.

b. The zoning enforcement officer shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this Ordinance.

c. An appeal may be taken to the Board of Appeals by any person alleging error in any administrative order concerning the enforcement of this Ordinance.

d. All violations shall be promptly corrected after receipt of notification thereof by writing or by posting premises by the zoning enforcement officer. Any violation not properly corrected shall be subject to prosecution by the township attorney.

3. Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exceptions granted hereunder or any lawful order issued in pursuance of this Ordinance shall be guilty of a

municipal civil infraction. Upon conviction thereof before any court having jurisdiction, he/she shall be punishable by a fine not to exceed \$500 or by imprisonment not to exceed 90 days or both. Each day during which such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt any offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the township from seeking injunctive relief against the violator or such other appropriate relief as may be permitted by law.

SECTION V: Board of Appeals

There shall be a board of appeals as provided under the applicable state statute which will have such powers and duties as prescribed by law.

SECTION VI: Zoning Districts and Zoning Maps

1. For the purpose of this ordinance, real property within the Township of Wakeshma shall be divided into the following zoning districts.

- A - (Agricultural)
- R-1 (Residential, single family)
- R-4 (Residential, multiple family)
- R-6 (Mobile home park district)
- C-1 (Commercial local district)
- C-2 (Commercial general district)
- I - (Industrial district)

2. The following uses shall be permitted in the A - Agricultural district:

a. Any used permitted in the R-1 residential, single family or R-4, Residential, multiple family districts as hereinafter defined, provided that no plat shall be permitted in this district unless the plat contains lots of not less than one and one half (1½) acres in area.

b. Any farm or agricultural activity including stock, nursery, animal and livestock raising.

c. The sale of farm products which have been raised on the farm from which it is to be sold.

d. Home occupations.

e. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

f. Signs, when in the accordance with the provision of Section VIII hereof.

g. Accessory uses.

h. Wireless communication Facilities and Structures in accordance with Section

VII.

3. The following uses shall be permitted in the R-1 Residential, single family district:

a. Single family dwellings and accessory structures and uses normally auxiliary thereto provided that it complies with the floor area provision set forth within.

b. Home occupations.

c. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

d. Signs when in accordance with the Section VIII.

e. Accessory uses or buildings.

f. Churches, cemeteries, parochial and private schools, eleemosynary, charitable, and philanthropic institutions provided the consent of the board of appeals is first obtained, which consent shall be given upon a finding by said board that said use will not interfere with the present or future use of land bordering the area sought to be used for such purposes.

4. Uses permitted in the R-4 Residential, multiple family district:

a. Any used permitted in the R-1 Residential, single family district.

b. Two family semi-detached dwellings and accessory structures and uses normally auxiliary thereto.

c. Apartment houses, boarding house, garden apartment developments townhouses, condominiums and accessory structures and uses normally auxiliary thereto.

d. Business offices and apartment buildings associated with uses permitted in subsection c herein for conducting business incidental to the rental, operation, service, and maintenance thereof.

e. Home occupations.

f. Publicly owned and operated buildings and uses including community buildings

and public parks, playgrounds and other recreational areas.

g. Signs in accordance with the provisions of Section VIII, hereof.

5. Uses permitted in the R-6, Mobile Home Park District:

a. Mobile home parks and such accessory structures and uses normally auxiliary thereto, in accordance with those regulations specified by the State of Michigan Trailer Coach Park Act 243, public acts of 1959, as amended.

6. The following uses are permitted in the C-1 Commercial local district:

a. Retail sales of good and services such as:

1. Bakery and dairy products
2. Banks, savings and loan associations
3. Barber and beauty shops
4. Books, stationary and newspapers
5. Clothing and dry goods
6. Drugs and pharmaceuticals
7. Florist and garden shops
8. Funeral establishments
9. Furniture and household furnishings
10. Groceries and food stuffs
11. Hardware, hobby shop, household appliances
12. Laundromat, laundry and dry cleaning pick-up station
13. Music and dancing schools
14. Offices, business or professional
15. Photography store
16. Package liquor sales
17. Radio and television, sales and service
18. Restaurant or similar eating establishment
19. Shoe sales and repair
20. Tailoring and dressmaking
21. Variety store, antiques, gifts
22. Agricultural supplies sales or service

b. Signs when in accordance with the provisions of Section VIII.

c. Accessory uses or buildings.

d. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

7. The following uses shall be permitted in the C-2 Commercial, general District:

- a. Any use permitted in the C-1, Commercial local District.
- b. Animal hospital and kennel.
- c. Automobile repair garage.
- d. Automobile sales agency and adjoining outdoor sales area of new or used cars provided that dismantling of cars or storage of dismantled cars shall take place indoors.
- e. Bar, tavern and night club.
- f. Boats and equipment sales.
- g. Bus or truck terminal.
- h. Commercial recreation enterprises, indoors or outdoor.
- I. Contractors workshops.
- j. Gasoline service stations.
- k. Green house nursery.
- l. Hotel or motel.
- m. Machinery and heavy equipment sales.
- n. Package liquor sales.
- o. Public utility buildings and structures necessary for the service of the community.
- p. Riding stable or race track.
- q. Signs when in accordance with provisions of Section VIII.
- r. Volunteer or municipal fire station.
- s. Used car lot.
- t. Uses of a retail nature similar to those uses permitted in this section.

- (8.) Uses permitted in the I-Industrial District shall be as follows:
- a. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
 - b. Packaging of previously prepared materials.
 - c. Printing, lithographic, blueprinting and similar uses.
 - d. Processing or compounding of commodities such as drugs, cosmetics, pottery, plastics, food products.
 - e. Public utility buildings.
 - f. Signs in accordance with provisions in Section VIII.
 - g. Storage or warehousing of commodities such as hardware, package of fresh foods, clothing, drugs (except commercial explosives or above or below ground bulk storage of flammable liquids or gases unless and only to the extent that such storage of liquids or gases are directly connected to energy or heating on the premises.
 - h. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
 - I. Warehouse fully enclosed.
 - j. Uses of an industrial nature similar to those permitted in this section.
 - k. The following uses shall be permitted in the I-Industrial District only after determination of the Planning Commission that such use would not constitute a nuisance or interfere with any business or use on adjacent land:
 - 1. Dump
 - 2. Earth removal, excavation: commercial.
 - 3. Gravel processing and quarrying
 - 4. Junk yards, building material salvage yard.
 - 5. Ready-mix concrete and asphalt plants.
 - 6. Slaughter house.
 - 7. Any other industrial use not specified elsewhere.

SECTION VII: Wireless Communication Facilities and Structures

- 1) Location Requirements. Communication tower are permitted by special use permit in the Agriculture, Commercial and Industrial Districts.

- 2) **Site Requirements.** A minimum site of 75' x 75' shall be required. The site may be part of an existing parcel and considered an accessory use thereto.
- 3) **Buffering Requirements.**
 - a) The communication tower shall be self collapsing and located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the site.
 - b) The base of the tower and wire/cable supports shall be fenced with a minimum six (6') foot woven fence.
- 4) **Performance Standards.**
 - a) All structures shall be located at least five hundred (500') feet from any single dwelling.
 - b) All towers shall be equipped with an anti-climbing devise and fence to prevent unauthorized access.
 - c) The plans of the tower construction shall be certified by a registered structural engineer.
 - d) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
 - e) All towers must meet the standards of the Federal Aviation Administration and/or the Federal Communications Commission.
 - f) Whenever possible the structure shall be of monopole construction.
 - g) Accessory structures are limited to uses associated with operation of the tower.
 - h) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
 - i) Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
 - j) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all

applicable local statutes, regulations and standards.

- k) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- l) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
- m) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- n) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- o) The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.
- p) Minimum spacing between tower locations shall be two (2) miles measured by a straight line.
- q) Height of the tower shall be the minimum height demonstrated to be necessary by the radio frequency engineer of the applicant but shall not exceed three hundred (300') feet from grade.
- r) Towers shall not be artificially lighted unless required by the Federal Aviation Administration and, if so required, lighting shall be the minimum provided for under the regulations, subject to the Township's approval and orientated inward so as not to project onto surrounding property. Strobe lights shall not be used.
- s) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- t) There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
- u) The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- v) Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform or the special use permit will be subject to revocation by the Township Board. Cost for testing and

verification of compliance shall be borne by the operator of the antenna.

- w) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- x) The structure shall be constructed so as to hold not less than three (3) times wireless communication facilities in order to allow for future co-location.
- y) All commercial wireless telecommunication towers erected, constructed or located within the municipality shall comply with the following co-location requirements:
 - 1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. 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.
 - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - 2. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennae and comparable antennae for at least two

additional users. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.

- z) To secure the removal of a vacant structure, the Township will require a bond up to 125% of the removal cost to the operator and/or land owner.
- aa) When a wireless communication structure has not been used for a period of ninety (90) consecutive days, or ninety (90) days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and sixty (160) days. The removal of antennae or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Wakeshma Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent a notice to the operator stating the need to remove the structure.
- bb) In addition to the information required for Site Plan Review and Special Exception Use Review, applications for towers shall include the following supplemental information:
 - 1. A report from a qualified and licensed professional engineer which:
 - a. describes the tower height and design including a cross section and elevation;
 - b. documents the height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae;
 - c. describes the tower's capacity, including the number and type of antennae that it can accommodate;
 - d. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. includes an engineer's stamp and registration number; and
 - f. includes other information necessary to evaluate the request.
 - 2. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and,
 - b. a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

SECTION VIII: Sign and Outdoor Advertising

1. In any residential zone, an incidental sign not exceeding nine (9) square feet in area to advertise only occupations or professional services; such sign may be attached to the building, or may be located on the property of such use, but may not interfere with the full view of traffic.

2. In any zone where agricultural use is permitted, an incidental sign advertising the sale of farm products grown on the premises provided such signs shall not exceed 48 square feet in area and shall be so located that it will not interfere with the full view of traffic.

3. In any zone one temporary real estate sign, not exceeding six (6) square feet in area for each lot, parcel or tract under 25,000 square feet in area and not to exceed in any event 48 square feet in area.

4. Building contractors and professional persons temporary signs on buildings under construction shall be limited to total area for all such signs to forty eight (48) square feet.

5. In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall meet the building set-back and height requirements, except for, and in addition to, the requirements provided below:

a. In any commercial or industrial district a sign may be affixed flat against the wall of the building, or may project there from not more than forty-two (42) inches. Signs projecting over public property shall be at least eleven (11) feet above the finished grade or sidewalk. The total sign area shall not exceed two (2) square feet for each foot in length or height of the wall to which it is affixed. No such sign shall extend more than four (4) feet in height above the building wall to which it is affixed.

b. One identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not

exceed four-hundred (400) square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.

c. One identification sign may be erected for each separate commercial enterprise situated on an individual lot and operated under separate ownership from any adjoining commercial enterprise. Such sign shall not exceed 80 square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.

d. Outdoor advertising signs (billboards) are permitted only in commercial and industrial zones under the following conditions:

1. Except as otherwise provided herein, signs and outdoor advertising structures are required to have the same set-back as other principal structures or buildings in the zone in which they are erected.

2. Where two or more outdoor advertising structures are located along the frontage of a single street or highway they shall not be less than 500 feet apart. A double face (back-to-back) or a (V) type structure shall be considered as a single structure.

3. The total surface area, facing in the same direction, of any outdoor advertising structure shall not exceed 500 square feet.

e. No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead or confuse traffic.

f. Signs of medical practitioners, commercial and industrial establishments and outdoor advertising structures may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles, or onto any adjacent premises.

g. In no event shall any sign, or outdoor advertising structure, have flashing, or intermittent lights, or be permitted to rotate or oscillate.

h. Signs of a public or quasi-public nature noting special events of general interest such as a County fair, public or general election, horse show, etc, shall not exceed 80 square feet in area except by special exception. Such sign shall be removed within ten (10) days after the event.

SECTION IX: Amendment

This Ordinance may be amended, modified or supplemented from time to time by the Township Board of the Township of Wakeshma in accordance with the state statute in such case made and provided;

1. Any person seeking an amendment shall submit the following if the amendment is a change of district for certain land:

- a. The name and address of the owner of the land.
- b. The street number, if any, or if none the location with respect to nearby public roads serving the land which is proposed to be reclassified.
- c. A description by metes and bounds, courses and distances of land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the Land Records of Kalamazoo County, then a lot, block, and subdivision designation with appropriate plat reference.
- d. The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre and in acres if one (1) acre or more.
- e. The present classification and the classification proposed for such land.
- f. A fee as set from time to time by the Township Board.

In case the amendment sought is one of the texts the applicant shall submit in writing the proposed text to be added and/or the existing text to be deleted and a fee of Ten (10) Dollars.

SECTION X: Effective Date / Repeal

This Ordinance shall take effect on the eighth day after publication or on such later date as may be required by law. On such effective date Ordinance No. 14 and all subsequent ordinances amending the text of that Ordinance as originally adopted are repealed in their entirety and replaced by this reenacted Zoning Ordinance. This Ordinance shall not be considered to repeal Ordinance no. 22 or any other Ordinance to date pertaining to an amendment of the Wakeshma Township Zoning Map.

**WAKESHMA TOWNSHIP
Nancy Mulder-Paul, Clerk
13988 South 42nd Street
Fulton, MI 49052
(269) 778-3728**