

ARTICLE XX
SPECIFIC USE STANDARDS

SECTION 16.05 - INTENT OF ARTICLE and INTRODUCTION **{New}**

(A) **INTENT.** The intent of this Article is to establish supplementary standards for specific uses that, because of their characteristics, may have an impact on adjacent properties, the neighborhood, or the community in general even if the other standards of this Ordinance are met. It is the intent of these standards to provide additional location, development, and operation standards to mitigate the impact of uses with unique characteristics, ensure such uses will be compatible with surrounding land uses, and promote orderly development of the district and the Township as a whole, and ensure consistency with the Master Plan.

~~(B) **MINIMUM STANDARDS.** The standards outlined in this Article shall be held as the minimum standards for the specific uses and shall not preclude the establishment of higher or more restrictive standards for the authorization or approval of a use where the higher or more restrictive standards are determined to be necessary by the Zoning Administrator, Planning Commission, or Township Board to secure the intent of this Ordinance.~~

~~(C)~~ **(B) ADMINISTRATIVE ADJUSTMENT.** In recognition that alternative designs may better protect and preserve the health, safety, and welfare of adjacent properties and the community in general, the approving authority may reduce the setback standards outlined in this Article, unless stated otherwise, by up to fifty (50) percent, using the process outlined in Section XXX of this Ordinance, provided the following findings are made:

- (1) **Health and Safety:** The proposed design will maintain or reduce the potential health and safety impacts of the use on adjacent lots and public spaces;
- (2) **Use:** The proposed design will maintain or reduce any potential impacts of the use on the use of adjacent lots and public spaces;
- (3) **Nuisance:** The proposed design shall maintain or reduce the potential for a nuisance of the use on adjacent lots and public spaces.
- (4) **Sound:** The proposed design will maintain or reduce the potential sound impacts of the use on adjacent lots and public spaces;
- (5) **Light:** The proposed design will maintain or reduce the potential light impacts of the use on adjacent lots and public spaces;
- (6) **Odor:** The proposed design will maintain or reduce the potential odor impacts of the use on adjacent lots and public spaces;
- (7) **Master Plan:** The proposed design is consistent with the goals and objectives of the Master Plan;
- (8) **Zoning Ordinance:** The proposed design is consistent with the intent of this Ordinance; and
- (9) **Maintenance:** The proposed designed will be maintained through the life of the use.

~~(9)~~ **(10) (REVISE THIS SECTION TO INCORPORATE THE ABOVE CONCEPTS INTO THE PARAGRAPH AND RELOCATE SPECIFICIS TO PROCESS SECTION)**

(C) MULTIPLE USES. When there are multiple uses on a property, each use shall meet the standards outlined in this Section. Where there are conflicting standards for lot area, frontage, access (OTHERS), the stricter standard shall apply.

(D) OTHER STANDARDS. The uses listed in this Section must also comply with the other standards outlined in this Ordinance, including, but not limited to: parking, lighting, environment, ETC. The uses listed in this Section may require review and approvals from other entities, such as the Road Commission, Building Authority, ETC.

SECTION 16.10 – RESIDENTIAL

The following standards shall apply for the specified residential uses.

(A) SINGLE-FAMILY DWELLINGS {Currently § 18.22}

- (1) **Floor Area:** The minimum gross floor area shall be six hundred (600) square feet, and an additional one hundred (100) square feet for each bedroom. This gross floor area shall excluding-exclude basement and garage areas, ~~and an additional one hundred (100) square feet for each bedroom.~~
- (2) **Building Width:** The minimum front, side, and rear building width shall be twenty (20) feet at ground level.
- (3) **Foundation:** The building shall be firmly attached to a permanent foundation.
- (4) **Water and Sewer:** All dwellings shall be connected to a water supply and sewer or septic system approved by the Health Department.
- (5) **Indoor Storage:** All dwellings shall contain storage areas in a basement, accessible crawlspace, attic, closets, detached accessory building, or combination of those equal to at least ten (10) percent of the gross floor area of the dwelling unit. The storage shall be located on the lot.

(B) TWO-FAMILY DWELLINGS {New Section}

The intent of this section is to allow for additional housing options within the Township while recognizing and protecting the primarily single-family nature of the Township.

- (1) **Floor Area:** The minimum gross floor area for each dwelling unit shall be six hundred (600) square feet and an additional one hundred (100) square feet for each bedroom. This gross floor area shall, excluding-exclude basement and garage areas, ~~and an additional one hundred (100) square feet for each bedroom.~~
- (2) **Building Width:** The minimum front, side, and rear building width shall be twenty (20) feet at ground level.
- (3) **Foundation:** The building shall be firmly attached to a permanent foundation.
- (4) **Water and Sewer:** All dwelling units shall be connected to a water supply and sewer or septic system approved by the Health Department.
- (5) **Indoor Storage:** All dwelling units shall contain or have access to storage areas in a basement, accessible crawlspace, attic, closets, detached accessory building, or combination of those equal to at least ten (10) percent of the gross floor area of the dwelling unit. The storage shall be located on the lot.
- (6) **Entryways:** Each dwelling unit shall have its own entrance from the outside.
- ~~(7)~~ **Driveways:** All two-family dwellings with access from a public road shall have a shared driveway where it accesses the road, unless topography, site lines, or other conditions make a shared driveway impractical.

(C) MULTIPLE-FAMILY DWELLINGS {New Section}

The intent of this section is to allow for additional housing options within the Township while recognizing and protecting the primarily single-family nature of the Township.

- (1) **Floor Area:** The minimum gross floor area for each dwelling unit shall be six hundred (600) square feet and an additional one hundred (100) square feet for each bedroom. ~~This gross floor area shall -excluding-exclude~~ basement and garage areas, ~~and an additional one hundred (100) square feet for each bedroom.~~
- (2) **Building Width:** The minimum front, side, and rear building width shall be twenty (20) feet at ground level.
- (3) **Building Design:** Multiple-family dwellings shall be designed in footprint, elevation, profile, and materials to reduce the length of walls and roofs to better complement the existing single-family house nature of the Township.
- (4) **Foundation:** The building shall be firmly attached to a permanent foundation.
- (5) **Water and Sewer:** All dwelling units shall be connected to a water supply and sewer or septic system approved by the Health Department.
- (6) **Indoor Storage:** All dwelling units shall contain or have access to storage areas in a basement, attic, closets, detached accessory structure, or combination of those equal to at least ten (10) percent of the gross floor area of the dwelling unit. The storage shall be located on the lot.
- ~~(7)~~ **Driveways:** All multiple-family homes-dwellings shall have a shared driveway where it connects with the road, unless topography, site lines, or other conditions make a shared driveway impractical. Driveways shall be setback a minimum of ten (10) feet from side lot lines.
- ~~(7)~~
- (8) **Pedestrian Access:** Concrete sidewalks, paved pathways, or similar shall be provided between building entrances, parking areas. Pedestrian access shall be designed to be barrier free.
- (9) **Recreation Areas:** Passive or active recreation areas, such as seating areas, playgrounds, swimming pools, or walking paths, shall be provided and shall not be located in any required yard.

(D) ACCESSORY DWELLINGS {New Section}

- (1) **Floor Area:** The maximum gross floor area for accessory dwelling units shall be no more than thirty-three (33) percent of the gross floor area of the primary dwelling or seven hundred (700) square feet, whichever is greater.
- (2) **Appearance:** Accessory dwellings shall complement the exterior of the existing primary dwelling.
- (3) **Water and Sewer:** An accessory dwelling shall be connected to a water supply and sewer or septic system approved by the Health Department.
- (4) **Indoor Storage:** Accessory dwellings shall contain or have access to storage areas in a basement, attic, detached accessory structure, or combination of those equal to at least ten (10) percent of the gross floor area of the dwelling. The storage shall be located on the lot.
- (5) **Types:** Accessory dwellings may be created on a lot containing an existing single-family dwelling by converting existing living area, attic, basement, or garage, adding floor area to the existing dwelling, constructing a detached accessory dwelling unit, or adding floor area to an existing detached accessory building.

~~(4)(6)~~ ***Owner Occupied:*** The primary or accessory dwelling shall be occupied by the owner of the lot, unless otherwise noted.

~~(5)~~ ***Detached Accessory Building:*** Standards go here.

~~(6)(7)~~ ***Number:*** There shall be no more than one (1) accessory dwelling on any lot, unless otherwise specified in this Ordinance.

(E) TEMPORARY DWELLINGS {Currently § 18.21}

- (1) ***Temporary Housing:*** A temporary dwelling may be approved while a dwelling is to be remodeled, repaired, or a new structure is being erected, when a dwelling is destroyed by fire, collapse, explosion, weather events, or acts of a public enemy to an extent that it is no longer safe for human occupancy, as determined by the Building Inspector, when a new house is being constructed on a vacant lot, or when an existing house is being remodelled.
- (2) ***Building Standards:*** Wiring, plumbing, fire protection, and exits for a temporary dwelling shall be approved by the Fire Inspector, Building Inspector, and relevant county and state agencies.
- (3) ***Water and Sewer:*** Temporary dwellings shall be supplied with a water supply and sewer facilities approved by the Health Department.
- (4) ***Period:*** Temporary dwellings shall be occupied for a maximum of no more than one (1) year. The Zoning Administrator may grant a single, six (6) month extension if the permanent dwelling is under construction with an anticipated completion date prior to the expiration of the extension period.
- (5) ***Removal:*** Temporary dwellings shall be removed from the lot within fifteen days (15) days of the occupancy of the permanent dwelling or the expiration of the time period outlined above, whichever comes first.
- (6) ***Mobile Home:*** Temporary dwellings may be a mobile home.
- (7) ***Performance Bond:*** A performance bond may be required as a condition of approval for a temporary dwelling. (RELOCATE TO GENERAL SECTION)

(F) HOME OCCUPATIONS {Currently § 18.19}

The standards outlined below are intended to provide flexibility for the use of residential property by residents and to protect the essential residential character of residential districts and uses, in terms of use and appearance.

- (1) ***Floor Area:*** Home occupations shall be accessory and incidental to the primary residential use and shall not occupy more than forty (40) percent of the gross floor area of the dwelling unit.
- (2) ***Location:*** The majority of home occupation activities shall take place indoors. No visible outdoor activity, storage, or display shall be permitted. Home occupations may be located in the primary dwelling or in an accessory structure.
- (3) ***Employees:*** Home occupations may employ up to two (2) persons to work on the lot who do not reside on the lot.
- (4) ***Exterior Appearance:*** The exterior appearance of the building, structures, ~~or~~ and lot shall show no visible evidence of the conduct of a home occupation other than a permitted sign, as outlined in Article XX and a single commercial vehicle. No more than one (1) vehicle displaying the home occupation's advertising shall be parked in the front yard
- (5) ***Traffic:*** Traffic shall not be generated by a home occupation in greater volumes than would normally be expected for a residential use.

- (6) **Parking:** Parking to serve a home occupation shall be located on the lot and shall be limited to a maximum of four (4) spaces.
- (7) **Commercial Vehicles:** No more than one (1) commercial vehicle used for the home occupation may be parked in the front yard. Additional commercial vehicles used for the home occupation may be parked in the rear or side yards but shall be screened from adjacent lots. (MOVE THIS GENERAL CONCEPT TO ANOTHER SECTION)
- (8) **Equipment and Processes:** No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot or causes fluctuations in line voltage off the lot.
- (9) **Retail Sales:** Limited on-site retail sales may be permitted, as an incidental rather than the principal part of a home occupation. ~~No advertising of the sale of merchandise produced or sold on the premises is permitted in newspaper, radio, television, internet, or other media.~~
- (10) **Visit Hours:** Visits by customers shall be limited to the hours between 8:00 am and 8:00 pm ~~but may be limited further by the Zoning Administrator after determining the above hours of operation do not adequately protect the character of the neighborhood or the use and enjoyment of adjacent properties. Additional restrictions may be placed on visit hours based on the type of home occupation, the neighborhood character, and other factors in order to protect the use and enjoyment of surrounding properties.~~
- (11) **Hazardous Materials:** A home occupation shall not entail the use of explosive, flammable, toxic, or otherwise hazardous materials beyond common household materials.
- (12) **Application:** A home occupation application and Zoning Permit shall be required. Prior to issuance of the Zoning Permit, the owner shall sign and file a notarized affidavit with the Township stating the address and legal description of the lot, the name of the home occupation, a description of the home occupation, the zoning restrictions of this section, and other information determined necessary. The affidavit shall be prepared or approved by the Township. (DO WE WANT TO REQUIRE APPLICATIONS, REQUIRE APPLICATIONS FOR SOME TYPES)
- (13) **Changes:** If the property owner proposes to change the terms of the affidavit and home occupation, the owner must apply for the change in the same manner as the original home occupation application and Zoning Permit. If the owner sells the property, ~~and/or~~ changes the home occupation use, and/or violates any standards of this Section, the home occupation approval and Zoning Permit will become null and void.

(G) FOSTER CARE FACILITIES {Currently § 16.05}

- (1) **Location:** Foster care facilities shall be located at least fifteen hundred (1,500) feet from another similar, state-licensed facility. The Planning Commission may approve a reduced separation distance upon finding that such action will not result in an excessive concentration of foster care facilities in a single neighborhood or the Township in general.
- (2) **Appearance:** Foster care facilities, including landscape and structural elements, shall be maintained in a manner consistent with the residential character of the neighborhood.
- (3) **Parking:** One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for ~~this purpose parking~~, provided the required parking is still accessible through the driveway. (RELOCATE TO PARKING SECTIONS??)

- (4) **Loading/Unloading Area:** Foster care group facilities serving twelve (12) or more individuals shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a loading/unloading area of adequate dimensions for delivery vehicles.
- (5) **Licensing:** Foster care facilities shall be licensed by the State of Michigan and comply with applicable state standards.

(H) FAMILY DAY CARE HOMES

- (1) **Appearance:** Family day care homes, including landscape and structural elements, shall be maintained in a manner consistent with the residential character of the neighborhood.
- (2) **Play Areas:** Outdoor play areas shall be enclosed by a fence at least four (4) feet high and shall not be located in a front yard.
- (3) **Parking:** All necessary parking shall be located on the lot.
- (4) **Licensing:** Family day care homes shall be licensed by the State of Michigan and comply with applicable state standards.

(I) GROUP HOME DAY CARES {Currently § 16.11}

The standards in the following Section apply group home day cares that were not licensed or registered and operating before March 30, 1989.

- (1) **Location:** A group home day care shall be located at least one thousand five hundred (1,500) feet from any of the facilities listed below, as measured along a street, road, or other public thoroughfare, excluding an alley. The Planning Commission may approve a reduced separation distance upon finding that such reduction will not result in an excessive concentration of group day home day cares in a single neighborhood or the Township in general.
 - a. Another licensed group day care home;
 - b. An adult foster care large group home licensed by the State of Michigan;
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan; or
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- (2) **Play Areas:** Outdoor play areas shall be enclosed by a fence at least four (4) feet high and shall not be located in a front yard.
- (3) **Appearance:** Group home day cares, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood.
- (4) **Parking:** At least one (1) off-street parking space shall be provided for each non-resident employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for ~~this purpose~~ parking. An off-street drop-off area shall be provided that can accommodate at least two (2) automobiles, in addition to the parking required for non-resident employees of the dwelling and the parking normally required for the residence. **(RELOCATE TO PARKING SECTION??)**
- (5) **Hours of Operation:** Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
- (6) **Licensing:** Group home day cares shall be licensed by the State of Michigan and comply with applicable state standards.

SECTION 16.15 - AGRICULTURE, FORESTY, FISHING, and HUNTING

The following standards shall apply for the specified agricultural uses.

(A) FARM OPERATIONS {New Section}

- (1) New and expanding farm operations shall comply with Generally Accepted Agricultural Management practices adopted by the Department of Agriculture and the Right to Farm Act.
- (2) Any land kept as idle cropland or non-cropland areas shall be treated to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.
- (3) Any land kept for the growing, stripping, and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped to prevent soil erosion by water or wind.
- (4) Standards of this Section that conflict, duplicate, or contravene the Right to Farm Act and Generally Accepted Agricultural Management Practices adopted by the Department of Agriculture shall be pre-empted by the Right to Farm Act and Generally Accepted Agricultural Management Practices adopted by the Department of Agriculture.

(B) COMMERCIAL STABLES {Currently § 16.07}

- (1) **Location:** Stables shall not be located in platted subdivisions or site condominiums except where such subdivisions or condominiums are specifically designed to incorporate the keeping of horses.
- (2) **Lot Area:** The minimum lot area shall be as follows:

<i>Table 16.15 (B) (2)</i>	
First Horse	5 acres
Each Additional Horse	3/4 acres per horse

- (3) **Outdoor Areas:** Animals in outdoor areas shall be at least fifty (50) feet from any dwelling on adjacent lots.
- (4) **Setbacks:** ~~Enclosed stables~~ Stables and storage of piles of manure or feed shall be located at least one hundred (100) feet from any lot line.
- (5) **Vegetative Strip:** A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.
- (6) **Parking:** ~~Commercial stables shall provide off-street parking in accordance with the standards of Article 21~~ Parking areas are not required to be paved, but shall be treated so as to prevent dust and erosion.
- (7) **Dust and Drainage:** The facility shall be constructed and maintained so that dust and drainage from the stable or yards will not create a nuisance or hazard to adjoining property or uses.
- (8) **Living Quarters:** A single dwelling unit may be located on the lot for the owner or caretaker.
- (9) **Special events:** Special events, such as shows, exhibitions, and contests shall require a Temporary Zoning Permit.

(C) LIQUID FERTILIZER STORAGE and PROCESSING (COMMERCIAL) {New Section}

- (1) **Setbacks:** Fertilizer storage ~~and~~, processing, ~~and manufacturing~~ shall be at least 1,250 feet from all lot lines. This may not be reduced through administrative adjustment.

~~(D)~~ **NURSERY/GREENHOUSE (COMMERCIAL) {New Section}**

- ~~(1) **Setbacks:** Plant growing areas, and permitted storage, sales, and display areas shall meet the setback standards for the zoning district in which it is located.~~
- ~~(2) **Storage of Materials:** Storage of loose materials shall be contained and covered to prevent it from leaving the lot and from access by small animals.~~

~~(E)~~ **(D) FARM-BASED TOURISM {New Section}**

- (1) **Setbacks:** All structures, facilities, and areas used for farm-based tourism shall meet the setbacks for the district in which it is located.
- (2) **Screening:** Screening shall be provided between any area used for farm-based tourism and dwellings within two hundred (200) feet on adjacent lots.
- (3) **Parking:** Parking areas shall be surfaced or treated to prevent dust nuisance.
- ~~(4) **Hours of Operation:** The hours of operation may be limited.~~

~~(F)~~ **(E) WINERIES {New Section}**

- (1) **Setbacks:** Buildings shall meet the front-yard setback and be at least forty (40) feet from lot lines. Parking and loading areas shall be at least fifty (50) feet from adjacent residential districts.
- (2) **Accessory Uses:** Wineries may include a retail component, standard restaurant, and/or bed and breakfast.

~~(G)~~ **(F) FARM LABOR HOUSING {New Section}**

- (1) **Setbacks:** Housing shall be at least seventy-five (75) feet from all lot lines and one hundred fifty (150) feet from ~~adjacent, single family houses~~ dwellings on adjacent lots.
- (2) **Location:** The housing shall be located on a farm.
- (3) **Occupancy:** The occupants shall be employed for farm labor by the farm the housing is located on for at least fifty (50) percent of the time they occupy the housing.

~~(4) **Other Standards.** Housing shall comply with the Michigan Public Health Code. (???)
(VERIFY IF COVERED OR NOT)~~

~~(H)~~ **(G) ROADSIDE STANDS {Currently § 18.10}**

- (1) **Temporary Use:** Roadside stands shall be considered temporary uses and shall be in operation for a maximum of ~~twenty (20) weeks~~ six (6) months in any calendar year.
- (2) **Location:** Roadside stands shall be located on a lot controlled or owned by the operator of the roadside stand in zoning districts where agriculture is a permitted use or in commercial districts. All Roadside roadside stands shall be at least thirty-five (35) feet from a front lot lines, and at roadside stands not located in a commercial district shall be at least one hundred (100) feet from any adjacent lots with a dwelling.
- (3) **Number:** There shall be no more than one (1) roadside stand per lot.
- (4) **Driveway:** Only one (1) driveway may be established. The driveway shall be at least twenty-four (24) feet wide. The driveway shall be configured to allow vehicles to turn around before re-entering the road. ~~A driveway permit from the Road Commission or Michigan Department of Transportation may be required.~~

- (5) **Parking:** ~~There shall be at least four (4) parking spaces available.~~ Parking may be located in the required front yard but shall not be located within the road right-of-way and shall be at least ~~forty (40)~~twenty-five (25) feet from residential district side and rear lot lines.
- (6) **Structures:** Temporary structures used for roadside stands shall be no larger than five hundred (500) square feet and ten (10) feet high. Temporary structures shall be removed within fifteen (15) days of the end of use or at the termination of the permitted period of use, whichever comes first.
- (7) **Products Available:** Roadside stands shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, or similar, or foodstuff made from such produce. Products grown or produced on the lot or property owned or controlled by the operator shall account for at least half the products sold at roadside stands not located in commercial districts.
- (8) **Hours of Operation:** ~~The Hours~~hours of operation for roadside stands not located in commercial districts shall be limited to the hours between 7:00 am and 8:00 pm.
- (9) **Signs:** Signs shall only be displayed two weeks prior to opening through the end of the seasonal occupancy of the roadside stand.

~~(H)~~ **WILD ANIMALS.** Wild animals shall not be kept permanently or temporarily in any district within the Township.

~~(I)~~ **KEEPING OF ANIMALS {Currently § 18.17}**

- (1) **Lot Area and Animal Density:** The raising and keeping of animals other than domesticated pets ~~is~~is only permitted for as outlined in the following table. ~~These standards do not apply to farm operations.~~

<u>Table 16.15 (J)(I)</u>		
<u>Animal</u>	<u>Minimum Lot Area for First Animal</u>	<u>Maximum Density per Animal (Additional Lot Area for Each Additional Animal)</u>
Chickens, turkeys, rabbits	2.5 acres <u>1 acre</u>	1 animal per ¼ acre <u>0.05 acres</u>
<u>Sheep or goats</u>	<u>2 acres</u>	<u>0.25 acres</u>
Swine	10 acres <u>3 acres</u>	1 animal per 1 ¼ acre <u>0.5 acres</u>
<u>Horses, ponies, mules, burros, llamas, or alpaca</u>	<u>3 acres</u>	<u>1 acre</u>
<u>Horses, sheep, goats, cows, bison</u> Cattle, bison, ostriches, or elk	2.5 acres <u>3 acres</u>	1 animal per 1 ¼ acre <u>1 acre</u>

- (2) **Manure Piles:** Manure piles shall be stored, removed, and/or applied to the soil in accordance with the Generally Accepted Agricultural Management Practices adopted by the Department of Agriculture.
- (3) **Setbacks:** The following shall be at least fifty (50) feet from all lot lines:
 - a. Buildings housing animals;
 - b. Storage of manure or odor or dust-producing materials or use; and
 - c. Soil areas unable to support or hold a vegetative cover due to an outdoor animal confinement area.
- (4) **Household Pets:** The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any district, provided such activities do not constitute a commercial kennel.
- (5) **Fencing:** Grazing areas shall be adequately fenced or secured to keep animals from leaving the area.
- (6) **Sanitary Conditions:** Pens and shelters shall be maintained in a sanitary condition.

SECTION 16.20 - COMMERCIAL and RETAIL

The following standards shall apply for the specified commercial and retail uses.

A) LARGE SHOPPING CENTERS {New Section}

- (1) **Setbacks:** Parking lots shall be at least twenty-five (25) feet from adjacent residential districts.
- (2) **Loading Areas:** Loading areas shall be at least fifty (50) feet from adjacent residential districts and shall be screened from public view.
- (3) **Center Layout:** The center shall be designed to ensure that vehicular circulation patterns will minimize conflicts between vehicles and pedestrians.
- (4) **Signs:** There may be a single, free-standing sign along each frontage for the shopping center.
- (5) **Parking Lots:** Internal drives defined by the ends of aisles shall have raised curbed landscape islands to define circulation paths and control movements through the parking lot.
- (6) **Outlot Access:** All outlots shall have access, circulation, and parking designed to complement the entire site.

A)-(AUTOMOBILE USES MOVED TO THEIR OWN SECTION)

- (1) **Location:** The site shall be at least two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution.
- (2) **Access:** The lot shall only have access from a paved major or minor thoroughfare.
- (3) **Driveways:** There shall be a maximum of two (2) driveways onto a roadway per lot. Driveway width shall not exceed thirty five (35) feet.
- (4) **Location:** The site shall be at least two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution.
- (5) **Underground Tanks:** All underground storage tanks shall be at least three hundred (300) feet from any residential well and two thousand (2,000) feet from any public water well.

- ~~(6) **Pump Location:** All gasoline pumps shall be located at least fifteen (15) feet from any commercial district lot line and thirty (30) feet from any other lot lines, at least (30) feet from the street right of way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right of way.~~
- ~~(7) The entire area used for vehicle service shall be paved and adequately drained. All storm water shall be treated to remove any contamination before leaving the site or entering the ground.~~
- ~~(8)(1) **Equipment Location:** Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.~~
- ~~(9)(2) **Vehicle Storage:** Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard.~~
- ~~(10) **Car Wash:** A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.~~

~~B) {New Section}~~

~~C)B) **VETERINARY CLINICS {Currently § 16.09}**~~

- ~~(1) **Setbacks:** Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall be located at least one hundred feet (100) from any adjacent lot line in a residential zoning district ~~or and~~ any building used by the general public.~~
- ~~(2) **Uses:** Permitted uses shall be limited to medical treatment, retail sales of products associated with the care or medical treatment of animals, and boarding. Boarding of animals not receiving medical treatment shall be limited to an accessory use.~~
- ~~(3)(2) **Storage Boarding Location:** Keeping or boarding of animals shall be inside a fully-enclosed building.~~
- ~~(4)(3) **Waste Disposal:** An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.~~
- ~~(5)(4) **Hours of Operation:** Dogs shall not be permitted in open run areas between the hours of 10:00 pm and 7:00 am.~~

~~D)C) **DRIVE-IN/DRIVE-THROUGH ESTABLISHMENTS {Currently § 16.10}**~~

- ~~(1) **Access:** ~~The lot shall only have access from~~ Access shall only be from a paved major or minor thoroughfare.~~
- ~~(2) **Driveway:** Driveways shall be at least seventy-five (75) feet from any other driveway and there shall be maximum one (1) driveway per frontage.~~
- ~~(2)(3) **Location:** The drive in/through window shall be located on the side or rear elevation of the building and shall be at least seventy-five (75) feet from adjacent residentially districts or residential uses.~~

~~D) **OPEN-OPEN-AIR BUSINESSES {Currently § 16.15}**~~

~~E) _____~~

~~This Section shall apply to open-air business and portions of businesses that are considered open-air.~~

- (1) **Access:** ~~The lot shall only have access~~Primary access shall be from a paved minor or major thoroughfare.
- (2) **Setbacks:** All buildings and areas used for loading and unloading shall be ~~set back at least minimum of fifty (50) feet from any all lot lines or screened.~~
- (3) **Storage Yard Screening:** Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely ~~obscured~~screened from view from public streets.
- (4) ~~In the case of auto sales:~~(AUTO SALES MOVED TO NEW AUTO SECTION)
- ~~a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.~~
- ~~b. All areas subject to vehicular use shall be paved.~~
- ~~c. Areas used for the parking or storage of vehicles shall be set back a minimum of fifty (50) feet from all lot lines.~~
- (5)(4) **Storage Location:** Storage or display of goods and materials shall not occur in the required yards.
- (5) **Storage Containment:** The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands, and drainage ways.
- (6) **Sound:** There shall no sound or noise amplification audible off the property between the hours of 10:00 pm and 8:00 am.
- (6)(7) **Hours of Operation:** The hours of operation may be limited when the use is located near residential areas.

F)E) ADULT-RELATED BUSINESSES {Currently § 16.22}

The standards of this Section are created with the understanding that Dexter Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location and cause deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

- (1) **Location:** The lot shall be located at least one thousand (1,000) feet from an existing adult-related business and at least five hundred (500) feet from a residential zoning district, church, or school.
- (2) **Activity Screening:** All activities shall be located within a building and shall not be visible from the outside.
- (3) **Signs:** Signs shall be limited to the business name, location, and other such information.

SECTION 16.25 – AUTOMOBILE SERVICE, REPAIR, SALES

The following standards shall apply for the specified automobile uses.

(A) SERVICE STATIONS {Currently §16.04}

- (1) **Location:** The lot shall be at least two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution.

(2) *Access:* Access shall only be from a paved major or minor thoroughfare.

(3) *Lot Area:* The lot shall be at least one (1) acre.

(4) *Underground Tanks:* All underground storage tanks shall be at least three hundred (300) feet from any residential well and two thousand (2,000) feet from any public water well. (REMOVE IF COVERED BY BUILDING CODE)

(5) *Pump Location:* All gasoline pumps shall be located at least twenty (20) feet from any commercial district lot line and forty (40) feet from any other lot lines, at least (30) feet from the street right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way. This may not be reduced through administrative adjustment.

(6) *Vehicle Area:* The entire area used for vehicles shall be paved and adequately drained. All storm water shall be treated to remove any contamination before leaving the site or entering the ground.

(7) *Lighting:* Lighting located in a canopy shall be recessed so that the light source cannot be seen from off site.

(8) *Signs:* Signs located on the canopy shall be counted towards the total sign area.

(B) AUTOMOBILE REPAIR and MAINTENANCE {Currently §16.04}

(1) *Location:* The sitelot shall be at least two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution.

(2) *Access:* Primary access shall be from a paved major or minor thoroughfare.

(3) *Vehicle Area:* The entire area used for vehicles shall be paved and adequately drained. All storm water shall be treated to remove any contamination before leaving the site or entering the ground.

~~(4)~~ *Equipment Location:* Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.

(5) *Repair Work:* All repair work shall be conducted inside a building.

(6) *Storage of Vehicles:* Storage of wrecked, partially dismantled, or derelict vehicles is prohibited. Vehicles awaiting repair shall not be stored outdoors for more than seven (7) days and shall be screened with a solid fence at least six (6) feet high.

(C) CAR WASHES {New Section}

(1) *Access:* Access shall only be from a paved major or minor thoroughfare.

(2) *Washing Facilities:* All washing facilities shall be completely in an enclosed building.

(3) *Fencing:* Car washes adjacent to residential districts shall have a solid, six (6) foot-high fence or evergreen screening along the shared lot line.

(4) *Vacuuming and Drying:* Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be at least fifty (50) feet from any residential district.

(5) *Vehicle Area:* The entire area used for vehicles shall be paved and adequately drained. All storm water shall be treated to remove any contamination before leaving the site or entering the ground.

(D) STORAGE of DISABLED VEHICLES

(1) *Location:* The sitelot shall be at least two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution.

~~(1)(2)~~ **Vehicle Storage Location:** Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard.

(3) **Screening:** Outdoor storage areas shall be screened with a solid fence at least six (6) feet high.

(E) AUTOMOBILE SALES

(1) **Vehicle Area:** The entire area used for vehicles shall be paved and adequately drained. All storm water shall be treated to remove any contamination before leaving the site or entering the ground.

(2) **Repair Work:** All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including checking and adding fluids, checking and filling tires, and wiper replacement.

(3) **Parking and Display Areas:** Areas used for the parking or storage of vehicles shall be at least fifty (50) feet from all lot lines.

~~(7) **In the case of auto sales:**~~

~~d. **All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.**~~

~~e. **All areas subject to vehicular use shall be paved.**~~

~~f. **Areas used for the parking or storage of vehicles shall be set back a minimum of fifty (50) feet from all lot lines.**~~

SECTION 16.25-30 – LODGING

The following standards shall apply for the specified lodging uses.

(A) BED AND BREAKFASTS {Currently § 16.05}

(1) *Parking:* One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

(2) *Appearance:* The exterior appearance of the structure shall not be altered from its ~~single~~ single-family character.

(3) *Owner-Occupied:* The bed and breakfast facility ~~must~~ shall be a single-family dwelling which is operated and occupied by the owner of the dwelling.

~~(3)(4)~~ ***Meals:*** Meals may be served to overnight guests only. Meals shall not be served to the public at large.

~~(4)(5)~~ ***Retail:*** Retail sales are not permitted beyond those activities serving overnight patrons.

~~(5)(6)~~ ***Events:*** ~~No receptions~~ Receptions, private parties, or ~~activities~~ events for which a fee is paid shall be ~~permitted~~ limited to guests. The number of events may be limited based on the size of the lot and the potential impact on the adjacent properties.

~~(6)(7)~~ ***Solid Waste Facilities:*** Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

~~(7)~~ The establishment shall contain at least two (2) exits to the outdoors.

- (8) **Guest Rooms:** Sleeping rooms shall be part of the primary residential structure ~~and not have been specifically constructed for rental purposes~~ and shall meet all building code standards for ingress and egress.
- ~~(9) No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door meeting building code requirements for egress.~~
- ~~(10)~~(9) **Occupancy:** No ~~transient occupant~~ guest shall reside ~~on the premises~~ at the bed and breakfast for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
- ~~(11)~~(10) **Lavatories:** Lavatories and bathing facilities shall be available to all persons using the ~~premises~~ bed and breakfast facility.
- (11) Kitchen Facilities:** Separate or additional kitchen facilities shall not be provided for guests.
- (12) **Guest Book:** The bed and breakfast shall maintain a guest book that shall be made available to the Township upon request.

(A) HOTELS (???) {New Section}

SECTION 16.30-35 - ARTS, ENTERTAINMENT, and RECREATION

The following standards shall apply for the specified art, entertainment, and recreation uses.

(A) SHOOTING RANGES ~~SHOOTING RANGES~~ {Currently § 16.18}

- (1) **Lot size/area:** The ~~minimum lot area~~ shall be at least forty (40) acres for outdoor shooting activities ~~ranges. The Planning Commission may require additional~~ Additional acreage may be required where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile ~~to cross~~ crossing a property line.
- (2) LOCATED IN THE CENTER TO THE GREATEST EXTENT POSSIBLE.**
- ~~(3)~~(2) **Setbacks:** ~~Minimum front, side and rear yard setbacks for outdoor~~ Outdoor shooting ranges shall be at least two hundred fifty (250) feet from all lot lines.
- ~~(4)~~(3) **Fencing:** ~~A minimum eight (8) foot high chain link~~ A fence at least four (4) feet tall shall be provided around shall enclose the ~~entire~~ area devoted to or used for the outdoor shooting ~~of firearms to assure~~ ensure that individuals will not unknowingly ~~trespass on the property~~ enter the area.
- ~~(5)~~(4) ~~A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.~~
- ~~(6) The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment.~~
- (7)(5) Activities and Storage:** All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
- ~~(8)~~(6) **Warning Signs:** ~~There shall be signs~~ Signs shall be posted around outdoor shooting ranges warning of the potential danger from projectiles.

~~(7) **Hours of Operation:** Hours of operation~~Range use shall be limited to the hours between 8:00 am and dusk, excluding facilities operated by law enforcement agencies.

~~(9)(8) **Additional Application Materials:** A~~The site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of the shooting range shall not carry into or over an adjacent district or, area, lot, or public space.

~~(10)(9) **Law Enforcement Review:** The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment.~~

(B) CAMPGROUNDS {Currently § 16.19}

(1) **Access:** ~~The lot shall only have access~~Primary access shall be from a minor or major thoroughfare.

(2) **Lot Size/area:** The lot shall ~~have a minimum area of~~be at least ten (10) acres.

(3) **Lot Width and Frontage:** The lot shall have a minimum width and frontage of three hundred thirty (330) feet.

(4) **Setbacks:** Each campsite shall ~~be set back from~~at least one hundred (100) feet from any ~~right-of-way or~~ lot line ~~at least one hundred (100) feet.~~

(5) **Common Use Area:** A common use area shall be provided in the campground at a rate of five hundred (500) square feet per campsite.

(6) **Storage:** There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted. If permitted, outdoor storage shall be at least two hundred (200) feet from residential districts and off-site dwellings.

(7) **Public Phone:** There shall be at least one (1) telephone available for public use.

~~(8) Up to one (1) permanent dwelling may be allowed in a campground, which shall only be occupied by the owner, manager, or an employee.~~

~~(9)(8) **Picnic Tables and Fire Pits:** Each campsite shall have a picnic table and designated place for fires~~or may have a designated communal eating area and fire pit.

~~(10)(9) Temporary sanitary facilities and trash receptacle shall be located at least two hundred (200) feet from an existing dwelling.~~

~~(11) All sanitary facilities shall be designed and constructed in strict conformance with County and State Health Department regulations.~~

~~(12)(10) **Cabins:** Rental cabins may be located in a campground. A maximum of twenty-five (25) percent of the campsites may be rental cabins.~~

~~(13)(11) **Storm shelter:** Campgrounds shall provide an adequate storm shelter.~~

~~(12) **Floodplain:** Permanent structures shall be located outside of floodplains and campsites shall be located outside of floodways.~~

~~(13) **Living Quarters:** A single, permanent dwelling may be located in the campground for use by the owner or caretaker.~~

~~(14) **Accessory Uses:** Limited retail services, such as a general store or laundry, may be provided in a campground, provided the services are available only to campground uses, staff, and camper visitors.~~

(C) GOLF COURSES AND COUNTRY CLUBS {Currently § 16.20}

(1) Access: Access shall only be from a paved minor or major thoroughfare.

~~(1)(2)~~ Lot Area: The lot shall ~~have a minimum area of~~ be at least eighty (80) acres for a nine (9) hole golf course and one hundred sixty (160) acres for an eighteen (18) hole golf course.

~~(2)~~ Lot Width and Frontage: The lot shall have a minimum width and frontage of six hundred (600) feet ~~and a minimum area of eighty (80) acres for a nine (9) hole golf course and one hundred sixty (160) acres for an eighteen (18) hole course.~~

(3) Lot Coverage: The ~~maximum~~ lot coverage shall not exceed five (5) percent ~~(5%)~~.

~~(4)~~ Parking: Parking areas shall be ~~located~~ at least seventy-five (75) feet from a property line. All parking areas shall be surfaced or treated to prevent any dust nuisance. OR SCREENED.

~~(5)~~(4) Setbacks: ~~All principal~~ Principal or and accessory buildings ~~and parking areas~~ shall be at least two hundred (200) feet from any lot line.

~~(6)~~(5) Signs: ~~There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs~~ Signs may be lighted but shall not be internally lighted or back lit.

~~(7)~~(6) Buffer: ~~A fifty (50) foot minimum~~ A buffer zone at least fifty (50) feet wide shall be maintained between turf areas and natural water bodies, watercourses, ~~or and~~ wetlands ~~must be maintained as part of a golf course~~. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer ~~must~~ shall consist of natural vegetation and shall not be chemically treated.

Temporary sanitary facilities and trash receptacles shall be at least two hundred (200) feet from an existing dwelling.

(8) Golf Balls: All golf balls shall be contained within the lot.

~~(9)~~ Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.

~~(10)~~(9) Accessory Uses: Accessory uses may include: standard restaurant and drinking establishment, clubhouse/pro shop, managerial facilities, maintenance shed facilities, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities, and a driving range.

~~(11)~~ The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

~~(12)~~(10) Parking: ~~All parking areas shall be surfaced or so treated as to prevent any dust nuisance.~~

~~(13)~~(11) Driving Range: ~~A driving range may be an accessory use for a golf course/country club.~~ The driving range shall meet the standards for that use, except additional acreage is not required beyond what is necessary for the golf course/country club.

(D) DRIVING RANGES {Currently § 16.21}

(1) Access: ~~The lot shall only have~~ Primary access shall be from a paved minor or major thoroughfare.

(2) Lot Area: The lot shall be at least ten (10) acres.

~~(2)~~(3) Lot Width: The lot ~~shall have a minimum~~ width and frontage ~~of shall be at least~~ three hundred thirty (330)-~~feet and a minimum area of ten (10) acres.~~

~~(3)~~(4) Setbacks: Buildings and parking areas shall be located at least seventy-five (75) feet from lot lines.

~~(4)~~(5) The area devoted to a driving range shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.

~~(5)~~(7) Golf Balls: All golf balls shall be contained within the lot.

~~(6)~~(8) Hours of Operation: The hours of operation shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is from 7:00 am to 10:00 pm.

~~(E)~~ **OUTDOOR ENTERTAINMENT {New Section}**

~~(F)~~(E) **SPECIAL EVENT FACILITIES {Currently § 16.26}**

~~(1)~~ Lot Area: The lot ~~area~~ shall be at least twenty (20) acres.

~~(1)~~(2) Frontage: ~~and the~~ The frontage shall be at least six hundred (600) feet.

~~(2)~~(3) Access: ~~The lot shall only have access~~ Access shall only be from a paved major or minor thoroughfare.

~~(3)~~(4) Farm ~~operation~~Operation: The ~~lot special event facility must shall~~ include a farm operation.

~~(4)~~(5) Outdoor Dining and Entertainment: Outdoor dining and entertainment areas shall be at least one hundred (100) feet from any lot line.

~~(5)~~(6) Parking: Parking areas for special event ~~patrons-guests~~ must be on a surface that is flat and durable enough to withstand the event traffic. Any standards of Article 21 may be waived or modified through site plan review and approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity would make the required standards unnecessary, inappropriate, or ineffective.

~~(6)~~(7) Temporary Zoning Permit: A ~~temporary-Temporary zoning-Zoning permit-Permit~~ shall be required for each special event requiring a temporary structure or where the expected number of ~~participants-guests~~ is as follows:

Table 16.10 (F) (6)	
Lot size	Expected — Anticipated number of participants guests
Less than 22 acres	250 or more people
22 acres or more but less than 25 acres	300 or more people

25 acres or more	350 or more people
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- ~~(7)~~(8) **Accessory Uses:** Accessory uses to the special event facility may include managerial facilities, maintenance facilities, educational facilities, and a standard restaurant that may serve alcohol.
- ~~(8)~~(9) **Lodging:** Lodging of ~~patrons-guests shall not be permitted~~may be permitted as part of an approved bed and breakfast.
- ~~(9)~~(10) **Appearance:** The design of structures shall be of an agricultural or residential character complementary to the historic rural character of the surrounding district.
- ~~(10)~~(11) Temporary sanitary facilities shall not be located on the property more than twenty-four (24) hours before or after the special event.
- ~~(11)~~(12) Temporary sanitary facilities and trash receptacles shall be located at least one hundred (100) feet from a lot line.
- ~~(12)~~(13) **Parking:** All parking areas shall be surfaced or ~~se-~~treated as to prevent any dust nuisance.
- ~~(13)~~(14) **Hours of Operation:** The hours of operation for outdoor ~~special~~ events shall be subject to Planning Commission approval with consideration of the impact on the safety, health, and welfare of the district and the community.

~~(G)~~(F) **MARINAS {New Section}**

- (1) **Setbacks:** Buildings used for repair and maintenance shall be at least (forty) 40 feet from all lot lines.
- ~~(H)~~(2) **Drydock Screening:** Areas used for the outdoor storage of boats shall be screened from adjacent residential districts and public roads.

~~(H)~~(G) **COMMON USE RIPARIAN/LAKE ACCESS LOTS {Currently § 18.16}**

The intent of common use riparian/lake access lots is to provide for the shared use of private riparian lots by residents of a development, to discourage the funneling of lake or river access for multiple lots or residences through narrow access point, establish a balanced and orderly relationship between development and the amount of shoreline available for use by residents, and to assure responsible riparian/littoral access for lakefront developments.

- (1) **Application:** This section shall apply to common areas created as part of a residential subdivision or site condominium, multiple-family dwelling, retirement community, mobile home park, mixed-use development with a residential component, or neighborhood association.
- (2) **Location:** Access lots shall be contiguous with and abut the development being served. An easement between the access lot and the development shall not meet this standard.
- (3) **Lot Depth:** The access lot shall have a minimum depth of one hundred (100) feet.
- (4) **Number of Dwelling Units:** The maximum number of dwelling units that can access an access lot shall not exceed the table below. Shoreline length shall not include any artificially created shoreline, such as harbors, boat wells, or canals.

<u>Table 16.10 (H)(3)</u>	
<u>Number of Dwelling Units</u>	<u>Length of Shoreline</u>

<u>First unit</u>	<u>100 feet</u>
<u>Second unit</u>	<u>50 feet additional</u>
<u>Each additional unit</u>	<u>20 feet additional per unit</u>

(5) Appearance: The design, operation, and use of access lots shall not impair the natural appearance of the land, overcrowd the lake surface, or produce unreasonable noise or annoyance to surrounding properties.

(6) Watercraft Mooring: No more than one (1) watercraft mooring, including, but not limited to a motorboat, sailboat, or jetski, shall be provided for each dwelling unit using the access lot.

(7) Use: Access lots shall not be used for public marinas, public beaches, or commercial recreational use. **OTHER PERMITTED USES HERE.**

(8) Dedication: The access lot shall be dedicated for the use of owners and occupants of the development. Deed restrictions must specify the lots/dwelling units that may use the access lot and moor, store, or launch boats.

When more than two (2) families or lots share frontage on navigable water without residing on the lot, such common use and/or ownership of the waterfront shall only be permitted within the Common Use District and according to the provisions and standards of such district.

SECTION 16.35-40 - FOOD SERVICES

The following standards shall apply for the specified food service uses.

(A) ~~Drive-DRIVE-THROUGH RESTAURANT~~Through-Restaurant. {New Section}

(1) Window Location: Drive-through windows shall not be located on the primary façade of the building.

(2) Screening: Drive-through windows shall be screened from adjacent residential zoning districts.

(3) Lane Marking: There shall be a clear marking of the drive-through lane(s).

(4) Stacking: There shall be a minimum of eight (8) stacking spaces.

(5) Escape Lane: There shall be an escape lane to allow other vehicles to pass those waiting to be served.

(B) TAVERNS and BARS {New Section}

(1) Location of Uses: Music, entertainment, and dancing shall be located within a building.

(2) Hours of Operation: The hours of operation for outdoor seating areas may be limited **BASED ON....**

(C) OUTDOOR CAFES and EATING {New Section}

(1) Accessory Uses: Such uses shall be accessory and incidental to a principal restaurant or similar food or beverage use.

(2) Appearance: The area shall be kept clean, litter-free, and with a well-kept appearance. Additional waste receptacles may be required.

(3) *Sound:* Broadcasting of music or any other amplified sound shall not be clearly audible off the lot.

(D) FOOD CARTS {New Section}

(E) ENTREPRENEURIAL KITCHENS {New Section}

The purpose of this section is to allow entrepreneurs starting a food-related business to use certified commercial kitchens in existing businesses or churches. Use of these kitchens allows start-up businesses to test the market for their products.

(1) *Certification:* The kitchen shall be certified by the State of Michigan and shall maintain that certification.

(2) *Number of Employees:* Businesses using a kitchen located outside of a commercial zoning district shall be limited to three (3) on-site employees.

(3) *Number of Businesses:* The number of businesses using a kitchen may be limited, based on the size of the kitchen, parking availability, impact on the neighboring properties, and other factors.

(4) *Visits:* Products shall not be available for pick-up from kitchens located outside of a commercial zoning district.

(5) *Hours of Operation:* Hours of operation may be limited for kitchens located outside of a commercial zoning district.

(6) *Additional Application Materials:* An application for an entrepreneurial kitchen shall include the following, additional information:

a. Copy of kitchen inspections for at least the previous two (2) years;

b. Confirmation from the kitchen's owner granting permission for the proposed use; and

c. Other information necessary to determine compliance with standards of this Ordinance.

SECTION 16.40-45 - HEALTH and MEDICAL SERVICES

The following standards shall apply for the specified ~~residential~~ health and medical services uses.

(A) NURSING HOMES and HOSPICE {Currently § 16.02}

(1) *Access:* ~~The lot shall only have access~~ Primary access shall be from a paved minor or major thoroughfare.

(2) *Setbacks:* Buildings shall be at least fifty (50) feet ~~to from any~~ residential districts or residential uses ~~use lot line~~.

(3) *Parking:* Parking areas shall be at least fifty (50) feet ~~of a from~~ residential districts or use ~~OR SCREENED~~.

(4) *Additional Services:* Nursing homes may have services available on-site, such as cafes, entertainment, laundry, salon/barber shop, etc, but those services shall only be available to residents, staff, and visitors.

(5) *Other Standards:* All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

(B) SKILLED NURSING FACILITY {New Section}

(1) *Access:* Primary access shall be from a paved minor or major thoroughfare.

(2) *Setbacks:* Buildings shall be at least fifty (50) feet from residential districts.

(3) *Screening:* Building entrances shall be screened from adjacent residential dwellings.

SECTION 16.45 50 - OTHER SERVICES

The following standards shall apply for the specified other uses.

(A) ~~COMMERCIAL~~-KENNELS (COMMERCIAL) {Currently § 16.13}

- (1) *Lot Area:* The lot ~~area~~ shall be at least five (5) acres.
- (2) *Location:* Kennels shall not be located in a platted subdivision or site condominium.
- (3) *Setbacks:* Buildings where animals are kept, runs, and exercise areas shall be at least one hundred feet (100) from any ~~adjacent residential, conservation, or public district lot line in a residential district or any adjacent building used by the general public~~. Runs and/or exercise areas and buildings where the animals are maintained shall only be located in the rear yard.
- (4) *Lot Maintenance:* The lot shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
- (5) *Odors:* Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
- (6) *License and Care:* All animals must be licensed and maintained in a healthful and careful manner.
- (7) *Noise:* The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
- ~~(8) Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.~~
- ~~(9) Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 pm and 7:00 a.m.~~
- (9) *Exercise Yard Use:* Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- (10) *Exercise Yard Hours:* Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 pm and 7:00 am.
- ~~(10)~~(11) *Exercise Yard Fencing:* The outside perimeter of the run and/or exercise area shall be enclosed by sturdy fencing at least six (6) feet high. Gates shall be self-latching.
- ~~(11)~~(12) *Dust and Drainage:* Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- ~~(12) The outside perimeter of the run and/or exercise area shall be enclosed by sturdy fencing at least six (6) feet in height. Any gates shall be self-latching.~~

~~(B) CEMETERIES~~ {New Section}

(B) FUNERAL HOMES {New Section}

- (1) *Lot Area:* The lot shall be at least two (2) acres.

(2) *Assembly Area:* There shall be an adequate off-street assembly area for funeral processions and activities in addition to parking spaces and maneuvering lanes.

~~(C) JUNKYARDS {Currently § 16.17}~~

- ~~(1) The minimum lot size shall be ten (10) acres.~~
- ~~(2) Ingress and egress to the facility shall only be from a paved major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Commission finds that such access point will further minimize impacts on other properties.~~
- ~~(3) All activities shall be enclosed by a wall, fence, or berm, including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.~~
- ~~(4) The enclosed area shall be at least one hundred (100) feet from a lot line and at least two hundred (200) feet from residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.~~
- ~~(5) Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right of way awaiting entrance to the site.~~
- ~~(6) A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the enclosed area and suitably landscaped. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction. **MAXIMUM HEIGHT.**~~
- ~~(7) Open burning shall not be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.~~
- ~~(8) All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, watered, or chemically treated to prevent dust.~~
- ~~(9) The operation shall be licensed by the Michigan Secretary of State if it handles vehicles or vehicle parts.~~
- ~~(10) Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.~~
- ~~(11) Hours of operation shall be limited to the hours between 7:00 am and 6:00 pm.~~

~~OTHER SERVICES (??)~~

SECTION 16.50-55 - INSTITUTIONAL and PUBLIC FACILITIES

The following standards shall apply for the specified institutional and public facility uses.

(A) CHURCHES and RELIGIOUS INSTITUTIONS {Currently § 16.08}

- (1) *Lot Size/area:* The lot shall be at least two (2) acres ~~in size~~.
- (2) *Access:* All Primary access ~~to the lot~~ shall be from a paved major or minor thoroughfare.

- (3) **Setbacks:** Building and parking areas shall be at least fifty (50) feet from any lot line ~~or right of way.~~
- (4) **Lot and Impervious Coverage:** The maximum lot coverage shall be twenty-five (25) percent. The maximum impervious coverage shall be sixty (60) percent.
- (5) **Height:** The maximum building height shall be what is permitted in the district in which the ~~structure-building~~ is located, ~~However, the building height may be increased beyond that if the building is setback an additional one (1) foot for each one (1) foot, or fraction thereof, of height above the district standard~~ unless the structure is set back an additional one (1) foot for each one (1) foot of height above the district height limitation. A spire is excluded from this height standard.
- (6)** Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
- ~~(6)~~
- (7) **Accessory Uses:** Day care centers, schools, or other uses requiring special approval ~~may be operated as part of a church or religious institution but shall require a separate an approved zoning permit for each specific~~ special land use approval.

(B) CEMETERIES {New Section}

- (1) Lot Area:** The lot shall be at least ten (10) acres.
- (2) Access:** Access shall be from a primary or secondary paved road.
- (3) Screening:** Cemeteries shall be screened from adjacent residential districts and existing residential uses.
- (4) Setbacks:** All crypts, mausoleums, or other similar buildings shall be at least one hundred (100) feet from all lot lines.
- (5) Location:** The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
- :

(C) LODGES or PRIVATE CLUBS {New Section}

- (1) Setbacks:** Buildings shall be set back at least forty (40) feet from all lot lines.
- (2) Use:** Indoor and outdoor activity shall be limited to members, family, and guests.
- (3) Sound:** There shall be no outdoor use of loudspeakers or sound amplification systems audible off the lot.

(B)(D) PUBLIC FACILITIES {Currently § 16.16}

- (1) **Setbacks:** Buildings and outdoor storage areas shall be at least fifty (50) feet from any residential districts ~~property or and street right of way~~ front lot lines.
- (2) **Parking Setbacks:** Off-street parking and passenger loading areas shall be at least twenty-five (25) feet from residential ~~lot lines~~ districts or SCREENED BETTER.
- (3) **Parking Surfaces:** All parking areas shall be surfaced or ~~so~~-treated as to prevent dust.
- ~~(4) All sports fields shall be at least one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.~~

~~(5) All buildings shall be harmonious in appearance with the surrounding area.~~

~~(C)~~**(E) SCHOOLS {Currently § 16.12}**

- (1) *Lot size*Area: The ~~minimum~~ lot size shall be at least ~~shall be~~ five (5) acres.
- (2) *Access*: ~~Ingress and egress~~Access to the site shall only be from a paved major thoroughfare.
- (3) *Setbacks*: The principal building shall be at least seventy-five (75) feet from any lot line.
- (4) *Service Areas and Recreation*: Service areas and facilities and outdoor recreation facilities shall be ~~located~~ at least one hundred (100) feet from a residential district.
- (5) *Parking Areas*: Parking areas shall be ~~located~~ at least fifty (50) feet from the front lot line or a residential district, ~~or screened~~.

~~(D)~~**(F) RECREATIONAL FACILITIES {New Section}**

- (1) Public sports fields and athletic facilities shall be at least one hundred (100) feet from residential lot lines and two hundred (200) feet from existing dwellings.

SECTION 16.55-60 - UTILITY, WASTE, and CONSTRUCTION

The following standards shall apply for the specified utility, ~~and~~ waste, and construction uses.

(A) WIRELESS COMMUNICATION FACILITIES {Currently § 16.24- Still needs mucho work}

(1) Intent and Purpose:

~~(1)a.~~ Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township. All permits for communication towers or collocation thereon shall be conditioned upon, and shall require binding commitment of, the owner to permit collocation upon its facilities pursuant to the standards of this ordinance, in recordable form, as approved by the Zoning Administrator.

b. (DEVELOP FURTHER)

(2) Standards for All Facilities: All wireless communication facilities shall meet the following standards:

- a. All structures, excluding fencing, shall be at least two hundred (200) feet from any dwelling.
- b. Towers and equipment buildings shall be at least fifty (50) feet from all lot lines or meet the district setbacks, whichever is greater.
- c. The tower fall zone shall be located entirely within the lot.
- d. The equipment compound shall be enclosed by a fence.
- e. The related unmanned equipment buildings shall not have more than three hundred and sixty (360) square feet of gross floor area per user or be more than twelve (12) feet high. These structures shall be located within fifty (50) feet of the associated tower. Multiple users are strongly encouraged to share an equipment building with a common wall

- f. Towers and other structures shall be located so there is room for maintenance and emergency vehicles to maneuver on the property.
- g. Towers shall be equipped with an anti-climb device or of an anti-climb design.
- h. Towers shall not be artificially lighted, unless required by the FAA. If lighting is required, it shall be the minimum lighting necessary to satisfy FAA standards.
- i. Towers shall meet the standards of the FAA and the FCC.
- j. Towers and compound yards shall be designed and constructed to allow for collocation.
- k. Minimum spacing between tower locations shall be one (1) mile. The Planning Commission may reduce this spacing standard if the proposed location of the tower will serve to cluster two or more towers in close proximity to one another and, thereby, minimize the visual impacts upon panoramic views in the Township
- l. There shall be no advertising or identification of other kind visible from the ground or other structures.
- m. 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 fifteen (15) above the ground at all points, unless buried underground or within the required fence enclosure.

(3) Standards for New Facilities: In addition to the standards outlined in Section XXX, all new wireless communication facilities shall meet the following standards:

- a. The lot shall be at least one (1) acre.
- b. The tower and associated equipment shall be located within a fenced compound.
- c. Towers shall be less than two hundred (200) feet high, measured from the base of the tower.
- d. Towers shall be of monopole construction.
- e. Towers shall be designed and treated so as to minimize their visual appearance to the greatest extent feasible.
- f. The tower and facilities shall be designed to allow for collocation and the applicant shall acknowledge that collocation will be permitted in the future.

(4) Standards for Minor Collocation: In addition to the standards outlined in Section XXX, all minor collocations shall meet the following standards:

- a. Feasibility of Collocation: Collocation shall be considered feasible for the purpose of this Ordinance where all of the following conditions are met:
 - 1. The provider considering collocation will pay market rent or other market compensation for collocation.
 - 2. The lot on which the collocation is being considered, taking into consideration reasonable modification, is able to provide structural support.
 - 3. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - 4. The height of the structure to be used for collocation shall not be increased by more than twenty (20) feet or ten (10) percent from the original structure height.

- b. The tower shall not increase by more than twenty (20) feet or ten (10) percent from the original height.
- c. The collocation shall comply with the terms and conditions of any previously approved site plan.
- d. Collocation is a permitted accessory use on any existing communication tower, regardless of whether or not the communication tower was approved prior to adoption of this Ordinance.
- e. Collocation is a permitted accessory use on existing structures.
- f. Construction of related, unmanned equipment structures and a cable bridge is allowed, provided there are no changes to the grade.
- g. Collocation shall not require additional lighting on the tower or structure.
- h. All changes to the tower shall be consistent with these standards, no guy wires may be added.
- i. If there is no existing fencing around the equipment compound, fencing shall be added which meets the standards of this section.
- j. Collocation shall not take place until a Zoning Permit and a Building Permit, if necessary, has been issued.

(5) Standards for Major Collocation: In addition to the standards outlined in Section XXX, all major collocations shall meet the following standards:

(6) Removal of Facilities:

- a. A condition of every approval of a communication tower shall be adequate provision for removal of all or part of the facility ~~when by users and owners upon the occurrence of~~ one or more of the following ~~events occurs~~:
 - 1. ~~When~~ ~~†~~The facility has not been used for one hundred eighty (180) days or more. For purposes of this ~~s~~Section, the removal of antennas or other equipment from the facility; or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - 2. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.
- b. The situations in which removal of a facility is required may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required ~~d~~Demolition ~~or removal p~~Permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Commission.
- d. If the required removal of a facility or a portion thereof has not been lawfully completed within the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- e. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

(7) Additional Application Materials for New Facilities:

- a. Proof that the antenna mount and structure have been reviewed and approved by a professional engineer that the installation is consistent with all applicable codes, including wind loads.
- b. Proof that no feasible collocation opportunity exists for the coverage area and capacity needs.
- c. Written approval of the FAA or FCC, if necessary.
- d. Building plans, stamped and signed by a licensed structural engineer qualified to approve the plan.
- e. All existing and proposed utilities shall be shown on the plans.
- f. A signed acknowledgement and acceptance of all the applicable standards of **THIS SECTION**.

(8) Additional Application Materials for Collocation:

- a. Proof that the antenna mount and structure have been reviewed and approved by a professional engineer that the installation is consistent with all applicable codes, including wind loads.
- b. Written consent to collocate by the facility's owner or designee.
- c. Written approval of the FAA or FCC, if necessary.
- d. Building plans, stamped and signed by a licensed structural engineer qualified to approve the plan.
- e. All existing and proposed utilities shall be shown on the plans.
- f. A signed acknowledgement and acceptance of all the applicable standards of **THIS SECTION**.
- g.

~~(2)~~ **(9)** Towers shall be located so that they do not interfere with reception in nearby residential areas. **(VERIFY THIS SECTION IS NOT PRE-EMPTED)**

~~(3)~~ **(10)** 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. **(VERIFY THIS SECTION IS NOT PRE-EMPTED)**

~~(4)~~ **(11)** Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the 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. **(VERIFY THIS SECTION IS NOT PRE-EMPTED)**

(B) ELECTRICAL SUBSTATIONS {New Section}

(1) Storage: Storage of materials, equipment, vehicles, or supplies shall be prohibited at the substation, except as required during periods of maintenance and servicing.

(2) Living Quarters: There shall be no living quarters in the substation.

(3) Appearance: Structures or buildings visible from adjacent properties or public streets shall be located, designed, constructed, and landscaped in a manner consistent with the surrounding area.

(4) **Fencing:** Substations may have barbwire topped fencing if it is determined such fencing will not constitute a safety hazard.

(C) GAS SUBSTATIONS {New Section}

(1) **Storage:** Storage of materials, equipment, vehicles, or supplies shall be prohibited at the substation, except as required during periods of maintenance and servicing.

(2) **Living Quarters:** There shall be no living quarters in the substation.

(3) **Appearance:** Structures or buildings visible from adjacent properties or public streets shall be located, designed, constructed, and landscaped in a manner consistent with the surrounding area.

(4) **Fencing:** Substations may have barbwire topped fencing if it is determined such fencing will not constitute a safety hazard.

(D) POWER GENERATION PLANTS {New Section}

(E) BIOFUEL PRODUCTION FACILITY, SMALL {New Section- Required by MCL §125.3513}

(1) **Location:** The facility shall be located on a farm.

(2) **Setbacks:** The facility shall be at least one hundred (100) feet from all lot lines and shall meet all other district setbacks.

(F) BIOFUEL PRODUCTION FACILITY, LARGE {New Section- Required by MCL §125.3513}

(1) **Location:** The facility shall be located on a farm.

(2) **Setbacks:** The facility shall be at least one hundred (100) feet from all lot lines and shall meet all other district setbacks.

(3) **Additional Application Materials:** The application shall contain the following additional materials:

a. A description of the process to be used to produce biofuel;

b. The number of gallons of biofuel anticipated to be produced annually;

c. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments;

d. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 22 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33, USC 1251 to 1387;

e. Proof that the owner or operator of the facility has received all necessary approvals from the Department of Environmental Quality and other state and federal agencies involved in permitting any of the following aspects of biofuel production:

1. Air Pollution emissions;

2. Transportation of biofuel or additional products resulting from biofuel production;

3. Use or reuse of additional products resulting from biofuel production; and

4. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.

- f. The facility shall include sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use; and
- g. Additional information necessary to determine consistency with local, state, and federal standards.

(4) *Other Standards:* Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with local, state, and federal laws.

(G) WIND ENERGY CONVERSION SYSTEMS, MICRO {New section}

It is the intent of this section to create standards to allow for Micro Wind Energy Conversion Systems (WECS) while protecting the health, safety, and welfare of adjacent properties, neighbors, and the community in general.

(1) *Zoning:* Micro WECS shall be a permitted use in all zoning districts.

(2) *Setbacks:*

- a. Setbacks shall be measured horizontally from the center of the base of the tower for tower-mounted Micro WECS and from the edge of the swept area for building-mounted Micro WECS.
- b. Tower-mounted Micro WECS shall meet the required setback for an accessory building in the zoning district in which it is located. Setback shall be from non-participating lot lines.
- c. Tower-mounted Micro WECS shall be at least one point one (1.1) times the total height from any buildings, parking areas, or commonly used outdoor areas on non-participating properties, public road right-of-ways, and overhead utilities.
- d. The fall zone shall be located entirely within participating lots.
- e. Experimental Micro WECS shall be setback twice the distance required for non-experimental Micro WECS.
- f. Guy wires shall meet the minimum setback for an accessory building in the zoning district in which it is located or ten (10) feet, whichever is less.
- g. Setbacks may be reduced without requiring a variance if the following conditions are met:
 - 1. Such reduction will better serve the intent of this Ordinance; &
 - 2. Written, notarized permission is granted by the affected properties and recorded with the County Recorder's Office.

(3) *Height:*

- a. Building-mounted Micro WECS shall not extend more than fifteen (15) feet above the highest point of the structure to which it is attached.
- b. Tower-mounted Micro WECS shall have a total height not taller than the tallest permitted primary building height for the zoning district in which it is located.

(4) *Standards:*

a. Towers.

- 1. A tower-mounted Micro WECS may be mounted on guyed, lattice, freestanding, or monopole towers.

2. A tower-mounted Micro WECS in a Lake Residential District shall only be mounted on a monopole tower only.

3. An engineering analysis may be required for building-mounted Micro WECS.

b. Appearance.

1. Micro WECS shall be a non-obtrusive, non-reflective color.

2. Alternative color schemes may be approved without requiring a variance, if the following conditions are met:

i. The proposed color scheme is consistent with FAA guidelines;

ii. Darker colored blades may be allowed to reduce icing concerns; &

iii. The proposed color scheme will better serve the intent of this Ordinance.

3. The system shall be maintained in good condition and appearance at all times, consistent with industry standards.

4. Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.

c. Wiring.

1. All exterior wiring connections to the Micro WECS shall be installed underground.

2. Wiring may be above ground if the following conditions are met:

i. It will not create an undue safety hazard;

ii. Burying of wires will cause an excessive hardship; &

iii. Above ground wiring will better serve the intent of this Ordinance.

d. Lighting.

1. Tower lighting shall be the lowest intensity allowable by the FAA.

2. Tower lighting shall not be strobe or pulsating unless required by the FAA.

3. Strobe lighting shall be preferred to pulsating lighting.

4. Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

e. Number.

1. There shall be a maximum of two (2) Micro WECS per acre.

2. There shall be a maximum of five (5) Micro WECS on any lot.

(5) Safety:

a. Access.

1. The tower shall not be climbable for a height of eight (8) feet above the ground unless the applicant proves it would not be a public hazard.

2. All access doors to the tower and exterior electrical equipment shall be locked when not attended.

b. Operation.

1. The operator shall keep a maintenance record, which shall be produced in a timely manner upon request for inspection by the Township. Such request may be made up to one (1) time per year.
2. All Micro WECS shall be equipped with both automatic and manual overspeed controls.

c. Clearance.

1. Horizontal-axis Micro WECS shall have a ground clearance of at least twelve (12) feet.
2. Vertical-axis Micro WECS shall have a ground clearance necessary to not be a hazard.
3. Building-mounted Micro WECS shall have a building clearance from the swept area at least equal to the blade length.

d. All Micro WECS shall display appropriate warning signs, such as electrical warnings and emergency contact information.

e. All guy wires shall be clearly visible to a height of at least six (6) feet above ground level

(6) Sound:

a. Sound shall be measured at non-participating lot lines and road right-of-ways.

b. All Micro WECS shall comply with the Township noise standards, as defined in Section 10.07 of this Ordinance, except for during short-term events, such as severe wind storms and utility outages.

c. If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB

d. Sound standards may be reduced without requiring a variance if the following conditions are met:

1. Such reduction will better serve the intent of this Ordinance; &
2. Written, notarized permission is granted by the affected properties and recorded with the County Recorder's Office.

(7) Interference: The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals

(8) Additional Application Materials: An applicant shall submit the following additional materials:

a. A WECS Zoning Permit Application.

b. Plot Plan, with the following additional information:

1. Location of the Micro WECS;
2. Structures within a distance of 2 times the total height;
3. All overhead utilities within a distance of 2 times the total height; and
4. Location of exterior wiring associated with Micro WECS.

c. A copy of the interconnection agreement for grid-connected systems.

d. Letters:

1. Letters from affected properties granting waiver of setback or sound requirements, if applicable.

2. Letter of non-objection or similar from the FAA, if applicable.
- e. A maintenance plan.
- f. System Specifications:
 1. Manufacturer and model;
 2. Total system height, rotor size, ground or building clearance;
 3. Tower and tower foundation blueprints or drawings for tower-mounted systems; and
 4. One or three line electrical diagram.
- g. Other materials deemed necessary by the Plan Director to ensure compliance with this Ordinance.
- h. Expiration. The Zoning Permit shall expire if:
 1. The Micro WECS is not installed within one (1) year. A one (1) year extension may be granted;
 2. The Micro WECS is declared abandoned; or
 3. The Micro WECS is declared unsafe.

(9) Decommissioning/Removal:

- a. Any Micro WECS which has not produced electricity for a period of twelve (12) months shall be considered abandoned.
 - b. Abandoned Micro WECS shall be removed or reconditioned at the owner's expense within three (3) months notice to take action.
 - c. Unsafe Micro WECS shall be removed or made safe within a reasonable time as determined by the Director of Planning and Zoning.
- The Township may remove any abandoned or unsafe Micro WECS not removed or reconditioned by the owner within the allowed time at the owner's expense.

(H) SMALL WIND ENERGY CONVERSION SYSTEMS and MET TOWERS {New section}

It is the intent of this section to create standards to allow for Small Wind Energy Conversion Systems (WECS) and MET Towers while protecting the health, safety, and welfare of adjacent properties, neighbors, and the community in general.

(1) Zoning:

- a. Small WECS and MET Towers shall be a permitted use in the following zoning districts: **list districts.**
- b. Small WECS shall be a special land use in the following zoning districts: **list districts.**

(2) Setbacks:

- a. Setbacks shall be measured horizontally from the center of the base of the tower.
- b. Small WECS shall meet the setback for a primary building for the zoning district in which it is located. Setback is from non-participating lot lines.

- c. Small WECS shall be at least one point one (1.1) times the total height from any structures, parking areas, or commonly used outdoor areas on non-participating properties, right-of-ways, overhead utilities, lakes, rivers, and wetlands.
- d. The fall zone for Small WECS shall be not extend into the the buildable area for a primary building on non-participating properties.
- e. Experimental Small WECS shall be setback twice the distance required for non-experimental Small WECS.
- f. MET Towers shall be at least one point one (1.1) times the fall zone from habitable structures, non-participating properties, and right-of-ways.
- g. Guy wires shall meet the minimum setback for an accessory building in the zoning district in which it is located or ten (10) feet, whichever is less.
- h. Setbacks may be reduced without requiring a variance if the following conditions are met:
 - 1. Such reduction will better serve the intent of this Ordinance; &
 - 2. Written, notarized permission is granted by the affected properties and recorded with the County Recorder's Office.

(3) Height:

- a. Small WECS and MET Towers on lots less than two (2) acres in size shall have a total height of less than one hundred (100) feet or forty (40) feet above any tree lines within a distance of two (2) times the total height, whichever is greater.
- b. Small WECS and MET Towers on lots two (2) acres and larger shall have a total height of less than two hundred (200) feet.
- c. Small WECS and MET Towers shall comply with all applicable FAA rules and regulations.

(4) Standards:

a. Towers

- 1. A Small WECS or MET Tower may be mounted on guyed, lattice, freestanding, or monopole towers.
- 2. A Small WECS located in a Lake Residential OTHER District shall be mounted on a monopole tower only.

b. Appearance

- 1. Small WECS or MET Towers shall be a non-obtrusive, non-reflective color.
- 2. Alternative color schemes may be approved without requiring a variance, if the following conditions are met:
 - i. The proposed color scheme is consistent with FAA guidelines;
 - ii. Darker colored blades may be allowed to reduce icing concerns; &
 - iii. The proposed color scheme will better serve the intent of this Ordinance.
- 3. The system shall be maintained in good condition and appearance at all times, consistent or better than industry standards.
- 4. Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.

c. Wiring

1. All exterior wiring connections to the Small WECS or MET Tower shall be installed underground.
2. Wiring shall be located at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles.
3. Wiring may be above ground if the following conditions are met:
 - i. It will not create an undue safety hazard;
 - ii. Burying of wires will cause an excessive hardship; &
 - iii. Above ground wiring will better serve the intent of this Ordinance.

d. Lighting

1. Small WECS or MET Towers shall have no lighting unless required by the FAA
2. Tower lighting shall be the lowest intensity allowable by the FAA.
3. Tower lighting shall not be strobe or pulsating unless required by the FAA.
4. Strobe lighting shall be preferred to pulsating lighting.
5. Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

e. Number

1. There shall be no more than one (1) Small WECS or MET Tower per acre.
2. There shall be a maximum three (3) Small WECS or MET Towers on any lot.

(5) Safety:**a. Access**

1. The tower shall not be climbable for a height of ten (10) feet above the ground unless the applicant proves it would not be a public hazard.
2. All access doors to the tower and exterior electrical equipment shall be locked when not attended.

b. Operation

1. The operator shall keep a maintenance record which shall be produced in a timely manner upon request for inspection by the Township. Such request may be made up to one (1) time per year.
2. All Small WECS shall be equipped with both automatic and manual overspeed controls.

c. Clearance

1. Horizontal-axis Small WECS shall have a ground clearance of at least twelve (12) feet.
2. Vertical-axis Small WECS shall have a ground clearance necessary to not be a hazard.

d. All Small WECS shall display appropriate warning signs, such as electrical warnings and emergency contact information.

e. All guy wires shall be clearly visible to a height of at least six (6) feet above ground level.

(6) Sound:

- a. Sound shall be measured at non-participating lot lines and road right-of-ways.
- b. All Small WECS shall comply with the Township noise Standards, as defined in Section xx of this Ordinance, except for during short term events, such as severe wind storms and utility outages.
- c. If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB.
- d. Sound standards may be reduced without requiring a variance if the following conditions are met:
 - 1. Such reduction will better serve the intent of this Ordinance; &
 - 2. Written, notarized permission is granted by the affected properties and recorded with the County Recorder's Office.

(7) **Interference:** The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals.

(8) **Additional Application Materials:** An applicant shall submit the following materials:

- a. A WECS Zoning Permit Application;
- b. **Plot Plan**, with the following additional information:
 - 1. Location of the Small WECS or MET Tower,
 - 2. Structures within a distance of 2 times the total height,
 - 3. All overhead utilities within a distance of 2 times the total height, &
 - 4. Location of exterior wiring associated with Small WECS or MET Tower.
- c. GIS Mapping and Addressing Form;
- d. A copy of the interconnection agreement for grid-connected systems;
- e. Letters:
 - 1. Letters from affected properties granting waiver of setback or sound requirements, if applicable.
 - 2. Letter of non-objection or similar from the FAA, if applicable.
- f. A maintenance plan;
- g. A sound-level analysis;
- h. System Specifications:
 - 1. Manufacturer and model,
 - 2. Total system height, rotor size, ground clearance,
 - 3. Tower and tower foundation blueprints or drawings, &
 - 4. One or three line electrical diagram.
- i. Other materials deemed necessary to ensure compliance with this Ordinance
- j. Expiration. The Zoning Permit shall expire if:

1. The Small WECS or MET Tower is not installed within one (1) year. A one (1) year extension may be granted;
2. The Small WECS or MET Tower is declared abandoned; or
3. The Small WECS or MET Tower is declared unsafe.

(9) Decommissioning/Removal:

- a. Any Small WECS which has not produced electricity for a period of twelve (12) months shall be considered abandoned.
- b. Abandoned Small WECS or MET Towers shall be removed or reconditioned at the owner's expense within three (3) months notice to take action
- c. Unsafe Small WECS or MET Towers shall be removed or made safe within a reasonable time as determined by the Director of Planning and Zoning.
- d. The Township may remove any abandoned or unsafe Small WECS or MET Towers not removed or reconditioned by the owner within the allowed time at the owner's expense.

(G)(I) ACCESSORY SOLAR ENERGY SYSTEMS {New Section}

- (1) Design and Installation: The design and installation shall comply with applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with building code standards.
- (2) Location: Accessory solar energy systems shall not be located within or above any front yard or along any street frontage.
- (3) Setbacks: Accessory solar energy systems shall meet the setbacks for accessory buildings.
- (4) Height: Building or roof-mounted accessory solar energy systems shall meet the height standards for primary buildings. Ground or pole-mounted accessory solar energy systems shall meet the height standards for accessory buildings.
- (5) Wiring or Piping: Wiring or piping shall be buried and placed inside a conduit for ground or pole-mounted accessory solar energy systems.(NON VARIANCE CHANGE)
- (6) Orientation: Accessory solar energy systems shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties, rights-of-way, or public places.
- (7) Additional Application Materials: An application shall contain the following, additional materials:
 - a. Manufacturer specifications for the proposed accessory solar energy system.
 - b. For utility-connected systems, proof that the utility provider has approved the solar energy system.

(H)(J) SEWAGE TREATMENT {New Section}

- (1) Setbacks: Sewage treatment equipment and ponds shall be at least three hundred (300) feet from all lot lines.

(I)(K) COMPOSTING CENTER {New Section}

This section shall not apply to composting of common household materials generated by residential uses or agricultural uses. The following standards apply to operations of commercial composting and/or conversion of sewage or sludge into useable or saleable products.

- (1) **Setbacks:** The area used for composting shall be at least five hundred (500) feet from properties in residential districts and existing residential uses.
- (2) **Screening:** The area used for composting shall be screened from lots in residential districts, existing residential uses, and road right-of-ways, with a landscaped berm, evergreens, a solid fence, or similar.
- (3) **Location:** The site shall be designed to prevent composting materials from running off the site.
- (4) **Additional Application Materials.** The following additional materials shall be submitted:

~~(D)~~**(L) JUNKYARDS {Currently § 16.17}**

- (1) **Lot Area:** The ~~minimum lot size~~lot shall be at least ten (10) acres.
- (2) **Access:** ~~Ingress and egress to the facility~~Access shall only be from a paved major thoroughfare. ~~The Planning Commission may approve a~~Access to a ~~from a~~ minor thoroughfare if the Commission finds that such ~~may be granted if the Planning Commission determines that such an~~ access point will further minimize impacts on other properties.
- (3) **Activity Location:** All activities shall be enclosed by a wall, fence, or berm, including any: ~~storage of equipment, storage of materials, stockpiling of materials, disassembly of materials, parts, and vehicles, and the storage or parking of all operative and inoperative vehicles.~~ There shall be no stocking of material above the height of the fence, wall, or berm ~~enclosure wall, fence or berm~~, except that moveable equipment used on the site may exceed that height. ~~No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.~~
- (4) **Setbacks:** The enclosed area shall be at least one hundred (100) feet from all lot lines and at least two hundred (200) feet from ~~residentially zoned properties~~residential districts, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
- (5) **Parking:** Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- (6) **Enclosed Area Wall, Fence, or Berm:** A solid fence ~~wall, wall~~ or earthen berm at least ~~eight~~six (6) feet high ~~in height~~but no more than eight (8) feet high shall be provided around all sides of the enclosed area and suitably landscaped. ~~Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall,~~ ~~fence,~~ or berm shall be of permanent finish and construction. **MAXIMUM HEIGHT.**
- (7) **Open Burning:** Open burning shall not be permitted.
- (7)(8) **Enclosed Processes:** ~~and a~~All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (8)(9) **Dust:** All roads, driveways, parking lots, and loading and unloading areas ~~within any junkyard~~ shall be paved, watered, or ~~chemically~~ or treated to prevent dust.
- (9)(10) **Vehicles or Vehicle Parts:** The operation shall be licensed by the Michigan Secretary of State if it handles vehicles or vehicle parts.
- (10)(11) **Critical Materials Register:** Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.
- (12) **Hours of Operation:** The ~~H~~hours of operation shall be limited to the hours between 7:00 am and 6:00 pm.

(M)TEMPORARY CONCRETE or ASPHALT BATCH PLANTS {New Section}

- (1) *Temporary Use:* Plants are considered temporary uses and shall operate for a maximum of one (1) year. A single extension of up to one (1) year may be granted if the related project continues to progress as approved and work will conclude by the end of the extension.
- (2) *Setbacks:* Plants shall be at least fifty (50) feet from all lot lines.
- (3) *Use:* Plants shall only supply concrete and/or asphalt to the specific development or construction project to which the plant is a temporary, accessory use.
- (4) *Dust, Noise, Odor:* The plant, all trucks, and related equipment shall be maintained and operated in a manner that minimizes dust, noise, and odor.
- (5) *Removal:* Plants shall be removed from the lot within thirty (30) days of project completion. All public improvements damaged during operation of the plant shall be repaired or replaced within thirty (30) days of project completion.
- (6) *Performance Guarantee:* A performance guarantee may be required by the plant owner or operator sufficient to ensure restoration of the lot and repair or replacement of damaged public improvements.

~~(J)~~(N) **CONTRACTOR YARD (??) {New Section}**

SECTION 16.60-65 - TRANSPORTATION and STORAGE

The following standards shall apply for the following transportation and storage uses.

(A) PRIVATE LANDING STRIP {Currently § 16.03}

- (1) *Lot size/area:* The lot shall be ~~at least~~at least twenty (20) acres.
- (2) *Length:* The landing strip shall be ~~a minimum of~~at least one thousand two hundred (1,200) feet in length and shall be free of obstructions for a distance of fifty (50) on both sides of the landing strip, measured from the edge of the landing strip, and for a distance at the ends of the landing strip to allow a clear approach slope of 20:1.
- (3) *Clear Zones:* All clear zones shall be located within the lot or within areas with an easement for the clear zones.
- ~~(2)~~(4) *Setbacks:* All runways and hangars shall be at least one hundred (100) feet from adjacent dwellings.
- ~~(3)~~(5) *Use:* Landing strips shall be for the primary use of the owner of the lot for the operation and maintenance of personal aircraft. No economic gain shall result from the operation of a private landing strip.
- ~~(4)~~(6) *FAA Approval:* Approval of landing strips shall not be made prior to the ~~submission by the applicant of the~~ Federal Aviation Authority's review and approval. ~~of the proposed landing strip and approval.~~

(B) PRIVATE HELIPORT {New Section}

- (1) *Use:* Heliports shall be for the primary use of the owner of the lot for the operation and maintenance of personal aircraft. No economic gain shall result from the operation of a private heliport.
- (2) *Setbacks:* Landing areas shall be at least two-hundred (200) feet from all lot lines.
- (3) *Screening:* Landing areas shall be screened or located to prevent dust or other debris leaving the property due to typical flight activities.

(4) FAA Approval: Approval of heliports shall not be made prior to the Federal Aviation Authority's review and approval

(C) MINI/SELF-STORAGE {Currently § 16.14}

(1) ~~Lot size~~Area:- The ~~minimum~~ lot shall be at least five (5) acres.

(2) ~~Access~~:- ~~The lot shall only have access~~Access shall only be from a paved minor or major thoroughfare.

(3) Building Setbacks. Buildings shall be at least ten (10) feet from adjacent storage buildings and internal circulation driveways.

(3)(4) There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

(4)(5) PARKING

(5)(6) Parking and Storage Surface: The ~~lot~~ area used for parking and access shall be paved ~~and shall be graded and drained so as to dispose of all surface water.~~ This ~~provision standard~~ shall not apply to outdoor storage areas.

(6)(7) Uses: The facility shall only be used for storage. Retail, wholesale, fabrication, manufacturing, ~~or service,~~ or residential activities shall not be conducted ~~from the storage units.~~

(7)(8) Outdoor Storage: Outdoor storage shall be limited to motor vehicles and recreational vehicles, including watercraft. All outdoor storage areas shall be within a rear yard, ~~conform to meet the~~ setbacks for principal buildings, and be screened from public roads and adjacent properties with evergreens planted no more than ten (10) feet on center or similar, all-season natural screening.

(9) Building Appearance: The exterior of mini/self-storage buildings shall be of finished quality and maintained in good condition.

(8)(10) Fencing: The lot shall have perimeter fencing, lighting consistent with Section xx, and a security gate consistent with Section xx.

(9)(11) Dangerous Materials: Storage of hazardous, toxic, or explosive materials shall not be permitted at the facility. Signs shall be posted at the facility describing such limitations.

(10)(12) Allow for caretaker for certain sizes. Require caretaker for certain sizesAccessory Dwelling: A dwelling may be located on the lot for the use by the owner or caretaker of the facility. A dwelling for use by the owner or caretaker of the facility shall be required for facilities larger than...-

(13) FENCED YARD.

(D) COMMERCIAL GRAIN ELEVATOR {New Section}

(1) Lot Area: The lot shall be at least three (3) acres.

(2) Setbacks: Elevator structures shall be at least one hundred (100) feet from all lot lines.

(3) Additional Application Materials: Safety/rescue. (??)

SECTION 16.65-70 - MINING and MINERAL EXTRACTION

The following standards shall apply for the specified ~~residential~~ mining and mineral extraction uses.

(A) NON-FERROUS METALLIC MINING

The following standards shall apply to non-ferrous metallic mining uses. While this Ordinance recognizes significant preemption by the State in setting standards for non-ferrous metallic mining, the nature of some of the Township's relatively-dense residential areas, limited transportation systems, and significant water resources, there are many places where such operations are likely to result in very serious consequences. The following standards are intended to allow for non-ferrous metallic mining while preventing very serious consequences.

- (1) Setbacks:** Extraction activities shall be at least one hundred (100) feet from all lot lines, water bodies, and wetlands. Buildings and other structures shall meet the setback standards for buildings and structures in the zoning district in which it is located.
- (2) Equipment Setbacks:** Equipment that generates dust shall be at least three hundred (300) from all lot lines.
- (3) Landscaping Buffer:** A landscape buffer shall be provided and shall have a minimum depth of fifty (50) feet, in order to prevent dust and noise from impacting adjacent properties.
- (4) Dust Control:** Access roads, driveways, and parking areas shall be treated to prevent dust nuisance.
- (5) Traffic:** Haul routes shall be reviewed and approved in order to ensure safety on roads throughout the Township and ensure the roads are able to handle the loads.
- (6) Blasting Hours:** Blasting hours shall be limited to the hours between xx and xx.
- (7) Hours of Operation:** The hours of operation shall be limited to the hours between xx and xx.
- (8) Additional Materials.**

(A) ~~(B)~~ MINING- {Currently § 16.23}

The following standards shall apply to all mining activities not addressed in Section 16.65(A) of this Ordinance. While this Ordinance recognizes significant preemption by the State in setting standards for mining, the nature of some of the Township's relatively-dense residential areas, limited transportation system, and significant water resources, there are many places where such operations are likely to result in very serious consequences. The following standards are intended to allow for mining while preventing very serious consequences.

- (1) Lot ~~Size Area~~:** The ~~minimum~~ lot area shall be at least forty (40) acres.
- (2) Lot Width and Frontage:** The ~~minimum~~ lot width and frontage shall be at least six hundred sixty (660) feet.
- (3) Setbacks:** ~~Notwithstanding any other minimum setbacks required by this Ordinance, extraction~~ Extraction activities shall be ~~set back~~ at least one hundred (100) feet from all lot lines, ~~and any watercourse, waterbodies, or and wetlands.~~ Buildings, structures, and stationary equipment associated with extraction activities shall be located at least 300 feet from all lot lines, in order to prevent dust and noise from impacting adjacent properties.
- (4) Landscaping Buffer:** A perimeter landscape buffer zone, which may consist of naturally occurring vegetation, shall be provided and shall have a minimum width of fifty (50) feet, in order to prevent dust and noise from impacting adjacent properties.
- (5) Roads:** Public ~~streets~~ road within 1,500 feet, as measured along the road, of the extraction activity access point(s) shall be kept clear of mud, dirt, and debris from vehicles ~~using the lot~~ associated with the extraction activities.

- (6) **Water: Operations-Extraction activities** shall not be conducted in a manner so as to raise or lower the water table on surrounding properties, except as ~~may be~~ authorized by a Department of Natural Resources permit.
- (7) **Safety Fencing:** The area of extraction activities shall be enclosed by a chain link or similar fence at least eight (8) feet high if the Planning Commission determines the extractive ~~use-operation~~activities might present a dangerous condition if left unprotected.
- (8) **Erosion and Dust:** Topsoil stockpiles shall be seeded or covered to prevent wind and water erosion ~~and dust~~.
- (9) **Erosion and Sedimentation:** All extraction activities shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
- (10) **Grading:** Disturbed areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
- (11) **Vegetation Removal:** Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, ~~or~~ onto public or private roads, or to create a nuisance.
- (12) **Pollution, Noise, and Vibration:** Air pollution, noise, and vibrations shall be minimized from any effect upon adjacent properties by adequately soundproofed equipment and buildings ~~designed to accomplish such minimization~~ and by the proper use of berms, walls, and natural planting screens.
- (13) **Hours of Operation.:** The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Friday from 7:00 a.m. to 6:00 p.m., and from 7:00 a.m. to 12:00 p.m. (noon) on Saturday, and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for a public emergency or for an operator who must repair equipment that does not require the operation of a motor for such repairs.
- (14) **Haul Routes:** Incoming and outgoing truck or heavy vehicle traffic related to extraction operations shall be limited to those thoroughfares designated as haul routes in the approved site plan. The applicant shall submit to the Planning Commission a letter from the Road Commission regarding the Road Commission's comments on the proposed haul routes.
- (15) **Equipment and Machinery:** Equipment or machinery for the operations shall not be permitted unless specifically applied for in the application and covered by the ~~Zoning permit~~ Permit issued.
- (16) **Reclamation.:** All reclamation activities shall ~~be initiated~~ begin at the earliest possible date. Reclamation of the ~~site-lot~~ concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will not damage the reclaimed areas. However, no extraction work can extend more than ten (10) acres ~~in-area~~ until reclamation of all previously excavated areas is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to a phasing plan approved by the Planning Commission and shall comply with the following standards:
 - a. Vegetation shall be restored by the appropriate application of topsoil and seeding of grasses, and/or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.

- b. When extraction ~~operations-activities~~ are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-vertical).
- c. Extraction which has created or extended lakes, ponds, or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resource Conservation Service, and shall be approved by that agency.
- d. Where extraction operations result in a body of water, the owner or operator shall place appropriate "Keep Out-Danger" signs around ~~said premises~~the lot not more than one hundred fifty (150) feet apart.
- e. Backfill and grading materials shall not be noxious, flammable or toxic, and subject to review and approval.
- f. Fill and soils shall not be overly compacted and be of sufficient quality to be ~~well-well-drained,-~~ and non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
- g. All temporary structures shall be removed from the lot upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
- h. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Department of Natural Resources.

(17) **Performance Bond.** The excavator shall be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in ~~the-an~~ amount of up to 100 percent of the estimated reclamation costs for each ten (10) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond has been posted for that area of the site.

(18) **Additional Application Materials** ~~to be Submitted for Special Land Use Review:~~ In addition to the data requirements of Section 6.03, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

- a. Name and address of surface owner and/or mineral rights owner of land from which extraction activities will take place.
- b. Name, address, and telephone number of operator (person, firm or corporation who will be conducting the actual extraction).
- c. Location, size, and legal description of the total site area to be excavated, ~~including.~~ Include legend showing a north point, scale, and date.
- d. Location, width, and grade of all easements or rights-of-way on or abutting the area subject to extraction.
- e. A statement from the applicant identifying all other federal, state, and local permits required, if any.
- f. Proof of liability insurance from the operator.
- g. Notification of any deed restrictions on the property.

- h. Provisions for buffer zone, landscaping, and screening.
- i. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of extraction.
- j. A hydrogeologic report of the proposed extraction site. Such a report shall, at a minimum, provide:
 1. A detailed description of subsurface conditions.
 2. Depth of water table throughout the planned extraction area.
 3. A map depicting the thickness and depths of material to be excavated.
 4. A discussion of the environmental impacts of the proposed extraction, including but not limited to the impact of the proposed extraction upon existing area wells.
 5. A recommendation of the necessity to install monitoring wells.
- k. A discussion of the proposed method of extraction, including:
 1. The area and amount of material to be excavated in cubic yards.
 2. Proposed side slopes and depths for all portions of the excavated area.
 3. Proposed drainage system, settling ponds, and retention ponds, as appropriate.
 4. The time, duration, phasing and proposed work schedule of the total project.
 5. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 6. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
- l. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
- ~~l.~~ m. Letter of approval from the Road Commission for the haul routes.
- ~~m.~~ n. Proposed plans for fencing, and signs.
- ~~n.~~ o. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the reclamation plan ~~of reclamation~~ shall include:

 1. Physical descriptions of the location of each phase of the extraction activities, the ~~number~~ number of acres included in each phase, and the estimated length of time to complete each phase. No phase shall be more than twenty (20) acres ~~in area~~.
 2. Depiction of finished, stabilized, side slopes, including proposed methods and plant materials ~~proposed for use~~.
 3. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - ~~3.~~ 4. Materials to be used for backfilling and grading.
 4. 5. A reuse plan for the site once extraction is complete.
- ~~o.~~ p. Site plan and associated background reports shall document the proposed method(s) of compliance with the performance standards of this ~~section~~ Section.

~~(19)~~ **Other conditions:** The conditions of any Zoning Permit issued under this section shall apply not only to the owner but also and to the operator, who is either an owner or lessee of mineral rights, or any other person engaged in or preparing to engage in extraction.

- a. When an operator disposes of his interest in extraction area by sale, lease, assignment, termination of lease, or otherwise prior to before final reclamation ~~by sale, lease, assignment, termination of lease, or otherwise~~, the Zoning Administrator may release the operator from the duties and obligations imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time, the ~~zoning Zoning permit Permit~~ may be transferred.
- b. Extraction ~~operations activities~~ authorized by the ~~zoning Zoning permit Permit~~ shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued ~~pursuant to this Ordinance~~.
- c. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight.
- d. When activities on or use of the area subject~~ed~~ to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned, and a new ~~permit Zoning Permit shall be~~ necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
 1. The completion of the extraction according to the ~~current approved~~ site plan.
 2. The Township has received notification from the owner or operator that ~~operations extraction activities~~ are complete.
 3. A ~~zoning Zoning permit Permit~~ for the extraction has expired.

E. Existing Extraction Areas: All commercial extraction ~~operations activities~~ existing on the effective date of this Ordinance shall be subject to the above standards with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, ~~and shall require special approval~~.

F. Two Year Review Required: Upon receipt of a ~~zoning Zoning permit Permit~~ for extraction ~~operations activities~~, the applicant shall submit to the Planning Commission, at intervals of no greater than two years, plans and/or other materials documenting that the applicant has been in full conformance with the provisions and standards of this Ordinance and the ~~zoning Zoning permit Permit~~ issued. Failure to submit such evidence, in the discretion of the Planning Commission, shall be grounds for the voiding of the extraction ~~zoning Zoning permit Permit~~.

~~SECTION 16.10 OTHER USES (For Everything Else)~~

~~The following standards shall apply for the specified OTHER uses:~~

- ~~A) THING 1~~
- ~~B) THING 2~~