

## ARTICLE 13

### SPECIFIC USE STANDARDS

#### §13.05 - INTENT & PURPOSE

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The intent and purpose of this Article is to:

- (A) Establish supplementary standards for specific uses that may have an impact on adjacent properties, the neighborhood, or the community in general because of characteristics of their use;
- (B) Provide additional location, development, and operation standards to mitigate the impacts of these specific uses;
- (C) Ensure these specific uses will be compatible with surrounding uses;
- (D) Promote orderly development of the Township; and
- (E) Ensure consistency with the Master Plan.

#### §13.10 - GENERAL PROVISIONS

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The following general provisions shall apply to the specific uses in this Article.

- (A) **Multiple Uses:** When there are multiple uses on a lot, each use shall meet the standards outlined in this Article and shall require separate review and approval, unless otherwise stated. Where there are conflicting standards, the stricter standard shall apply, unless otherwise permitted.
- (B) **Other Standards:** The standards for specific uses in this Article are supplementary to other standards of this Ordinance, including, but not limited to: zoning district standards, general provisions, access standards, off-street parking and loading standards, sign standards, landscaping standards, lighting standards, and environmental standards.
- (C) **Administrative Adjustment:** In recognition that alternative designs may equally or better protect and preserve the health, safety, and welfare of adjacent properties, public spaces, and the community in general, the approving authority may reduce the setback standards outlined in this Article, unless otherwise stated, ~~by up to fifty (50) percent~~ or reduce the access standards outlined in this Article, unless otherwise stated, using the process outlined in Article 30: ~~Administrative Adjustments of this Ordinance.~~

## §13.15 - RESIDENTIAL

The following specified residential uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) **Single-family Dwellings:** Single-family dwelling shall meet the additional standards outlined below.

- (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 exclude basement and garage areas.
- (2) *Building Width:* The minimum front, side, and rear building façade width shall be twenty (20) feet at ground level.
- (3) *Foundation:* The building shall be firmly attached or anchored to a permanent foundation.
- (4) *Water & Sewer:* All dwellings shall be connected to a water supply ~~and sewer or septic system~~ approved by the Environmental Health Department.
- ~~(4)(5) *Sewer or Septic:* All dwellings shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority.~~
- ~~(5) *Indoor Storage:* All dwellings shall contain or have access to storage areas in a basement, accessible crawlspace, attic, closets, detached accessory building, and garage areas not intended for parking, or a combination of those equal to at least ten (10) percent of the gross floor area of the dwelling unit. This indoor storage shall be located on the lot.~~

(B) **Two-family Dwellings:** Two-family dwellings shall meet the additional standards outlined below, in order to recognize and protect the primarily single-family nature of the Township, while providing opportunities for additional housing options within 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 exclude basement and garage areas.
- (2) *Building Width:* The front, side, and rear building façade width shall be at least twenty (20) feet at ground level.
- (3) *Foundation:* The building shall be firmly attached or anchored to a permanent foundation.
- (4) *Water & Sewer:* All dwelling units shall be connected to a water supply ~~and sewer or septic system~~ approved by the Environmental Health Department.
- ~~(4)(5) *Sewer or Septic:* All dwellings shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority~~
- ~~(5) *Indoor Storage:* All dwelling units shall contain or have access to storage areas in a basement, accessible crawlspace, attic, closets, detached accessory building, and garage areas not intended for parking, or a combination of those equal to at least ten (10) percent of the gross floor area of the dwelling unit. This indoor 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 street shall have a shared driveway where it accesses the street, unless topography, site lines, or other conditions make a shared driveway impractical.

(C) **Multiple-unit Dwellings:** Multiple-unit dwellings shall meet the additional standards below, in order to recognize and protect the primarily single-family nature of the Township, while providing opportunities for additional housing options within 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 exclude basement and garage areas.
- (2) *Building Width:* The front, side, and rear building façade width shall be at least twenty (20) feet at ground level.
- (3) *Architectural Design:* Multiple-unit dwellings shall meet the architectural design standards of § 12.25: [Architectural Design Standards of this Ordinance](#).
- (4) *Foundation:* The building shall be firmly attached or anchored to a permanent foundation.
- (5) ~~*Water & Sewer:*~~ All dwelling units shall be connected to a water supply ~~and sewer or septic system~~ approved by the Environmental Health Department.
- ~~(5)~~(6) ~~*Sewer or Septic:*~~ [All dwellings shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority](#)
- ~~(6) *Indoor Storage:* All dwelling units shall contain or have access to storage areas in a basement, attic, closets, detached accessory structure, garage areas not intended for parking, or a combination of those equal to at least ten (10) percent of the gross floor area of the dwelling unit. This indoor storage shall be located on the lot.~~
- (7) *Driveways:* All multiple-unit dwellings shall have a shared driveway where it connects with the street, unless topography, site lines, or other conditions make a shared driveway impractical. Driveways shall be at least ten (10) feet from side lot lines.
- (8) *Pedestrian Access:* Concrete sidewalks, paved pathways, or similar shall be provided between building entrances and off-street parking. Pedestrian access shall be designed to be barrier free.
- (9) *Recreation Areas:* Passive or active recreation areas, including, but not limited to, seating areas, playgrounds, swimming pools, or walking paths, shall be provided and shall not be located in any required yard.

(D) **Accessory Dwellings:** Accessory dwelling units shall meet the additional standards outlined below.

- (1) *Floor Area:* The maximum gross floor area for accessory dwelling units shall be thirty-three (33) percent of the gross floor area of the primary dwelling or six hundred (600) square feet, whichever is greater. In no case shall the gross floor area of the accessory dwelling unit be larger than the gross floor area for the primary dwelling.
- (2) *Foundation:* The building shall be firmly attached or anchored to a permanent foundation.
- (3) *Appearance:* Accessory dwelling units shall complement the exterior of the existing primary dwelling.
- (4) ~~*Water & Sewer:*~~ ~~An All~~ accessory dwelling units shall be connected to a water supply ~~and sewer or septic system~~ approved by the Environmental Health Department.
- ~~(4)~~(5) ~~*Sewer or Septic:*~~ [All dwelling units shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority](#)
- ~~(5) *Indoor Storage:* Accessory dwelling units shall contain or have access to storage areas in a basement, attic, accessible crawlspace, closets, detached accessory structure, garage areas not intended for parking, or a combination of those equal to at least ten (10) percent of the gross floor area of the accessory dwelling. This indoor storage shall be located on the lot.~~

- (6) *Types:* Accessory dwelling units may be created 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.
- (7) *Owner Occupied:* Either the principal or accessory dwelling unit shall be occupied by the owner of the lot, unless otherwise permitted in this Ordinance.
- (8) *Number:* There shall be a maximum of one (1) accessory dwelling unit on any lot.

(E) **Temporary Dwellings:** Temporary dwellings units shall meet the additional standards outlined below.

- (1) *Temporary Housing:* Use of a temporary dwelling unit shall be limited to the time when the principal dwelling is being remodeled, repaired, or a new principal dwelling is being erected.
- (2) *Building Standards:* Wiring, plumbing, fire protection, and exits for a temporary dwelling unit shall be approved by the Fire Inspector, Building Official, and relevant county and state agencies.
- ~~(3)~~ *Water & Sewer:* All Temporary-temporary dwellings units shall be supplied with a water supply and sewer facilities approved by the Environmental Health Department.
- ~~(3)~~(4) *Sewer or Septic:* All temporary dwelling units shall be connected to a septic system approved by the Environmental Health Department or a sewer system approved by the operating authority
- ~~(4)~~(5) *Period:* Temporary dwellings units shall be occupied for maximum period of one (1) year. A single, six (6) month extension may be granted if the permanent dwelling is under construction with an anticipated completion date before the expiration of the extension period.
- ~~(5)~~(6) *Removal:* Temporary dwellings units shall be removed from the lot within fifteen days (15) days of the issuance of the certificate of zoning compliance of the permanent dwelling or the expiration of the time period outlined above, whichever comes first.
- ~~(6)~~(7) *Mobile Home:* Temporary dwellings may be a mobile home.
- ~~(7)~~(8) *Performance Guarantee:* A performance guarantee may be required for removal as a condition of approval for a temporary dwelling, as outlined in §24.25. Performance Guarantee-of this Ordinance.

(F) **Home Occupations:** Home occupations shall meet the additional standards outlined below, in order to allow flexibility for the use of residential property by residents while protecting 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 within 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 structures and the lot shall show no visible evidence of the home occupation other than a permitted sign, as outlined in Article 21: Signs of this Ordinance. One (1) vehicle displaying the home occupation's advertising may 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) *Off-street Parking:* Off-street 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. See also §16.120(G): Commercial Vehicles.
  - (8) *Equipment & Processes:* Equipment or processes that create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot shall not be used in a home occupation. Equipment or processes that create visual or audible interference in any radio or television receivers off the lot or causes fluctuations in line voltage off the lot shall not be used in a home occupation.
  - (9) *Retail Sales:* Limited on-site retail sales may be permitted, as an incidental rather than the principal part of a home occupation.
  - (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 Director of Planning and Zoning after a determination that the above hours of operation do not adequately protect the character of the neighborhood or the use and enjoyment of adjacent properties.
  - (11) *Hazardous Materials:* Home occupations shall not entail the use of explosive, flammable, toxic, or otherwise hazardous materials beyond common household materials.
- (G) Foster Care Facilities:** Foster care facilities, including family foster care, group foster care, and adult foster care, shall meet the additional standards outlined below.
- (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 making a written finding that such reduction 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) *Off-street Parking:* The driveway may be used for off-street parking as long as the required off-street parking spaces are still accessible through the driveway.
  - (4) *Off-street Loading Space:* Foster care facilities serving twelve (12) or more individuals shall provide an off-street loading space of adequate dimensions near a barrier-free entrance to the facility and provide an off-street loading space 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:** Family day care homes shall meet the additional standards outlined below.

- (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) *Outdoor 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) *Licensing:* Family day care homes shall be licensed by the State of Michigan and comply with applicable state standards.

**(I) Group Day Care Homes:** Group day care homes shall meet the additional standards outlined below. These standards shall not apply to group home day cares that were 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, street, or other public thoroughfare, excluding an alley. The Planning Commission may approve a reduced separation distance upon making a written 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. *Group Day Care Home:* Another licensed group day care home.
  - b. *Foster Care Group Home:* An adult foster care large group home licensed by the State of Michigan.
  - c. *Treatment Center:* A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people that is licensed by the State of Michigan.
  - d. *Correctional Facility:* A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- (2) *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.
- (3) *Outdoor 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.
- (4) *Hours of Operation:* The hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
- (5) *Licensing:* Group home day cares shall be licensed by the State of Michigan and comply with applicable state standards.



§13.20 - AGRICULTURE, FISHING, & HUNTING

The following specified agriculture, fishing, and hunting uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) **Commercial Farm Operations:** Commercial farm operations shall meet the additional standards outlined below.

- (1) *New & Expanding:* New and expanding farm operations shall comply with Generally Accepted Agricultural and Management practices adopted by the Department of Agriculture and Rural Development and the Right to Farm Act.
- (2) *Erosion, Weeds, & Shrubs:* Any land kept as idle cropland or non-cropland areas shall be treated or maintained to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.
- (3) *Sod:* 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) *Preemption:* Standards of this Section that conflict with, duplicate, or contravene the Right to Farm Act and Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture shall be pre-empted to the extent mandated by the Right to Farm Act and Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture and Rural Development.

(B) **Commercial Stables:** Commercial stables shall meet the additional standards outlined below.

- (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 outlined in the table below.

**Table 13.20(B)(2): Lot Area for Horses**

a. First Horse	5 acres
b. 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:* Stables and storage of piles of manure or feed shall be at least one hundred (100) feet from any lot line.
- (5) *Vegetative Strip:* A vegetative strip at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any waterbody 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) *Dust & 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.
- (7) *Living Quarters:* A single dwelling unit may be located on the lot for the owner or caretaker.
- (8) *Special Events:* Special events, such as shows, exhibitions, and contests shall require a temporary zoning permit; see §16.135: [Temporary Structures & Uses](#).

(C) **Wineries:** Wineries may include a retail component, standard restaurant, and/or bed and breakfast.

(D) **Farm Labor Housing:** Seasonal farm labor housing shall meet the additional standards outlined below.

- (1) **Setbacks:** Farm labor housing shall be at least seventy-five (75) feet from all lot lines and one hundred fifty (150) feet from dwellings on adjacent lots.
- (2) **Location:** The farm labor housing shall be located on a commercial farm in an Agricultural (AG) District.
- (3) **Occupancy:** The occupants shall be employed for farm labor by the farm on which the farm labor housing is located for at least fifty (50) percent of the time they occupy the housing.

(E) **Roadside Stands:** Roadside stands shall meet the additional standards outlined below.

~~(1) **Temporary Use:** Roadside stands shall be considered temporary uses and shall be in operation for a maximum of nine (9) months in any calendar year.~~

~~(2)~~(1) **Location:** Roadside stands shall be located in a ~~commercial~~Commercial ~~district~~District or on a lot controlled or owned by the operator of the roadside stand in zoning districts where commercial agriculture is a permitted use.

~~(3)~~(2) **Setbacks:** All roadside stands ~~shall be at least thirty-five (35) feet from front lot lines, and roadside stands not located outside of in a commercial a Commercial district-District~~ shall be at least one hundred (100) feet from dwellings on adjacent lots.

~~(4)~~(3) **Number:** There shall be a maximum one (1) roadside stand per lot.

~~(5)~~(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 street.

~~(6)~~(5) **Off-street Parking:** Off-street parking may be located within the required front yard but shall not be located within the street right-of-way and shall be at least twenty-five (25) feet from adjacent properties in residential districts.

~~(7)~~(6) **Structures:** Temporary structures used for roadside stands shall have a total maximum building coverage of five hundred (500) square feet and maximum height of ten (10) feet. 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.

~~(8)~~(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 of the gross revenue of the products sold at roadside stands not located in commercial districts.

~~(9)~~(8) **Hours of Operation:** The 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.

~~(10)~~(9) **Signs:** Signs shall only be displayed two (2) weeks before opening through the end of the seasonal occupancy of the roadside stand.

(F) **Wild Animals:** Wild animals shall not be kept permanently or temporarily in any district within the Township.



(G) **Keeping of Animals:** The keeping of animals, other than domesticated pets and commercial agriculture, shall meet the additional standards outlined below.

(1) **Lot Area:** The raising and keeping of animals, other than domesticated pets, is only permitted ~~for~~ as outlined in the following table. Lot area used for allocation of one animal may not be reused for another animal.

<b>Table 13.20(G)(1): Keeping of Animals</b>				
<b>Animal</b>	<b>Minimum Lot Area for First Animal</b>	<b>Maximum Density per Animal</b>	<b>Maximum Number of Animals<sup>(b)</sup></b>	<b>Permitted Zoning Districts</b>
a. Chickens <sup>(ab)</sup> , turkeys, rabbits, other fowl	0.5 acres	n/a	10	<u>AG, RR, LR, RC, PL, PI</u>
b. <del>Pygmy or nigerian</del> <u>Nigeria</u> goats <del>;</del>	1.5 acres	0.25 acres	6	<u>AG, RR, LR, RC, PL, PI</u>
c. Sheep, goats, alpacas, <del>or</del> llamas, <u>or Vietnamese potbelly pigs</u>	2 acres	<u>0.25</u> acres	6	<u>AG, RR, RC, PL, PI</u>
<del>d. Swine or ostriches</del>	<del>2 acres</del>	<del>0.5 acres</del>	<del>6</del>	
<del>e.d.</del> <u>Horses, ponies, mules, burros, ostriches, or reindeer</u>	2.5 acres	1 acre	4	<u>AG, RR, RC, PL, PI</u>
<del>f.e.</del> <u>Cattle, bison, <del>swine,</del> or elk</u>	<del>3-10</del> acres	<u>1.25</u> acres	<del>4</del>	<u>AG, RR, RC, PL, PI</u>

~~a. **Roosters & Peacocks:** Roosters and peacocks shall only be permitted in Agricultural (AG) Districts on lots with a lot area of five (5) acres or more.~~

a. **Not Applicable:** The maximum number of animals standards in **Table 13.20(G)(1): Keeping of Animals** ~~above~~ does not apply to lots greater than ten (10) acres in Agricultural (AG) Districts.

b. **Roosters & Peacocks:** Roosters and peacocks shall only be permitted in Agricultural (AG) Districts on lots with a lot area of five (5) acres or more.

- (2) *Manure Piles:* Manure piles shall be stored, removed, and/or applied to the soil in accordance with the Generally Accepted Agricultural and 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:* Buildings housing animals;
  - b. *Manure, Odor, & Dust:* Storage of manure or other odor or dust-producing materials or use; and
  - c. *Bare Ground:* Soil areas unable to support or hold a vegetative cover due to an outdoor animal confinement area.
- (4) *Chicken Coops:* Chicken coops shall be at least fifteen (15) feet from lot lines and at least twenty-five (25) feet from dwellings on adjacent lots. This may not be adjusted through administrative adjustment.
- (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.
- (7) *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.

(H) *Firewood Sales:* Firewood sales shall be limited to firewood harvested from that lot. This shall not apply to firewood sold in a Commercial (C) District as part of a commercial business operation.

### §13.25 - COMMERCIAL & RETAIL

The following specified commercial and retail uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) *Shopping Centers:* Shopping centers shall meet the additional standards outlined below.
  - (1) *Center Layout:* The center shall be designed to ensure that circulation patterns will minimize conflicts between vehicular and non-motorized circulation systems.
  - (2) *Outlot Access:* All outlots shall have access, circulation, and parking designed to complement the entire site.
- (B) *Veterinary Clinics:* Veterinary clinics shall meet the additional standards outlined below.
  - (1) *Setbacks:* Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall be at least one hundred feet (100) from any adjacent residential district and any building used by the general public.
  - (2) *Boarding Location:* Keeping or boarding of animals shall be inside a fully-enclosed building.
  - (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.
  - (4) *Hours of Operation:* Animals shall not be permitted in open run areas between the hours of 10:00 pm and 7:00 am.

(C) **Drive-in/through Establishments:** Drive in/through establishments shall meet the additional standards outlined below.

- (1) *Access:* Access shall only be from a paved major or minor thoroughfare.
- (2) *Location:* The drive in/through window shall be located on the side or rear façade of the building and shall be at least seventy-five (75) feet from adjacent residential districts.

(D) **Open-air Businesses:** Open-air business and portions of business that are considered open-air shall meet the additional standards outlined below.

- (1) *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 screened or shall be at least fifty (50) feet from all lot lines.
- (3) *Storage Yard Screening:* Storage yards associated with home and garden centers, lumber yards, and nurseries shall be completely screened from view from streets, residential districts, and waterbodies.
- (4) *Storage Location:* Goods and materials shall not be stored or displayed within the required setbacks.
- (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 be no sound or noise amplification audible off the lot between the hours of 10:00 pm and 8:00 am.
- (7) *Hours of Operation:* The hours of operation may be limited when the use is located near [a](#) residential districts.

(E) **Adult-related Businesses:** Adult-related business shall meet the additional standards outlined below in order to mitigate objectionable impacts of these uses when concentrated in a location and cause deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult-related businesses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas. Adult-regulated businesses shall meet the additional standards outlined below.

- (1) *Location:* The lot shall be at least one thousand (1,000) feet from any existing adult-related business and at least five hundred (500) feet from a residential zoning district, religious institution, or school.
- (2) *Activity Screening:* All activities shall be located completely within a building and shall not be visible from the outside.

### §13.30 - MOTOR VEHICLE SERVICE, REPAIR, & SALES

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The following specified motor vehicle service, repair, and sales uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) Service Stations:** Service stations shall meet the additional standards outlined below.

- (1) *Access:* Access shall only be from a paved major or minor thoroughfare.
- (2) *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 thirty (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.
- (3) *Vehicle Area:* The entire area used for vehicles shall be paved and adequately drained. All stormwater shall be treated to remove any contamination before leaving the site or entering the ground.

**(B) Motor Vehicle Repair & Maintenance:** Motor vehicle repair and maintenance shall meet the additional standards outlined below.

- (1) *Access:* Primary access shall be from a paved major or minor thoroughfare.
- (2) *Vehicle Area:* The entire area used for vehicles shall be paved and adequately drained.
- (3) *Stormwater:* All stormwater 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 completely screened with a solid fence at least six (6) feet high.

**(C) Car Washes:** Car washes shall meet the additional standards outlined below.

- (1) *Access:* Access shall only be from a paved major or minor thoroughfare.
- (2) *Washing Facilities:* All washing facilities shall be located in a building. Hand-drying may take place outdoors.
- (3) *Fencing:* Car washes sharing a common side or rear lot line with residential districts shall have and maintain a solid, six (6) foot-high fence or evergreen screening along the shared lot line to conceal and minimize the impact of activities from residential properties.
- (4) *Vacuuming & 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.
- (6) *Stormwater:* All stormwater shall be treated to remove any contamination before leaving the site or entering the ground.

**(D) Storage of Disabled Vehicles:** Commercial storage of disabled vehicles shall meet the additional standards outlined below.

- (1) *Location:* The lot shall be at least two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, religious institution, or other institution.
- (2) *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 or required yard.
- (3) *Screening:* Outdoor storage areas shall be completely screened with a solid fence at least six (6) feet high and evergreen screening.

**(E) Motor Vehicle Sales or Rental:** Commercial motor vehicle sales or rental shall meet the additional standards outlined below.

- (1) *Vehicle Area:* The entire area used for vehicles shall be paved and adequately drained. All stormwater 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, limited to checking and adding fluids, checking and filling tires, and replacing wipers.
- (3) *Parking & Display Areas:* Areas used for the parking or storage of vehicles shall be at least fifty (50) feet from all lot lines.

## §13.35 - LODGING

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The following specified lodging uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) Bed & Breakfasts:** Bed and breakfasts shall meet the additional standards outlined below.

- (1) *Parking:* Parking shall be arranged so as not to pose negative impacts on adjacent properties.
- (2) *Appearance:* The exterior appearance of the structure and lot shall not be altered from its single-family character, except for a permitted sign, as outlined in Article 21: Signs of this Ordinance.
- (3) *Owner-Occupied:* The bed and breakfast facility shall be a single-family dwelling which is operated and occupied by the owner of the dwelling.
- (4) *Meals:* Meals may be served to overnight guests only. Meals shall not be served to the public at large.
- (5) *Retail:* Retail sales are not permitted beyond those activities serving overnight patrons.
- (6) *Events:* Receptions, private parties, or events shall be limited to guests of the bed and breakfast. The number of events may be limited based on the size of the lot and the potential impact on the adjacent properties.
- (7) *Trash Facilities:* Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling, such as dumpsters, shall be prohibited.

**(8)** *Guest Rooms:* Sleeping rooms for a bed and breakfast facility shall be as follows:

**a.** *Rural Residential & Agricultural:* ~~shall be part of the principal residential structure.~~

Sleeping rooms may be part of an accessory building or buildings in ~~the~~ Rural Residential (RR) and Agricultural (AG) Districts if the lot area is at least five (5) acres and there is adequate screening between the adjacent properties and the buildings.

~~a.b.~~ *All Others:* Sleeping rooms for all other bed and breakfast facilities shall be a part of the principal residential structure.

~~(8)~~**(9)** *Occupancy:* Guests shall not reside at the bed and breakfast for more than fourteen (14) consecutive days or more than thirty (30) days in any one (1) year.

~~(9)~~**(10)** *Kitchen Facilities:* Separate or additional kitchen facilities shall not be provided for guests.

### §13.40 - ARTS, ENTERTAINMENT, & RECREATION

The following specified arts, entertainment, and recreation uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) Outdoor Shooting Ranges:** Outdoor shooting ranges shall meet the additional standards outlined below.

- (1) Lot Area:** The lot area shall be at least twenty (20) acres. 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 danger from a projectile leaving the lot.
- (2) Setbacks:** Outdoor shooting ranges shall be at least two hundred fifty (250) feet from all lot lines and four hundred (400) feet from adjacent dwellings.
- (3) Fencing & Warning Signs:** A fence at least four (4) feet tall shall enclose the area devoted to or used for the outdoor shooting to ensure that individuals will not unknowingly enter the area. Clearly visible signs shall be posted and maintained along or on the fence warning of the potential danger from projectiles.
- (4) Activities & Storage:** All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most-recently published standards and guidelines of the National Rifle Association.
- (5) Hours of Operation:** Outdoor shooting range use shall be limited to the hours between 8:00 am and sunset. This shall not apply to facilities operated by law enforcement agencies.
- (6) Additional Application Materials:** The site plan, whether an indoor or outdoor range, shall clearly indicate all safety provisions to assure that any projectile fired within the confines of the shooting range shall not carry into or over an adjacent district, area, lot, or public space.
- (7) Law Enforcement Review:** The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment.



**(B) Campgrounds:** Campgrounds shall meet the additional standards outlined below.

- (1) *Access:* Primary access shall be from a minor or major thoroughfare.
- (2) *Lot Area:* The lot area shall be at least ten (10) acres.
- (3) *Setbacks:* Each campsite shall be at least one hundred (100) feet from any lot line.
- (4) *Storage:* There shall be no permanent storage of tents, campers, travel trailers, or mobile home units in the campground unless specifically approved to do so by the Planning Commission during site plan review. If permitted, outdoor storage shall be at least one hundred (100) feet from residential districts and off-site dwellings and shall be fully-screened.
- (5) *Public Phone:* There shall be at least one (1) telephone available for public use.
- (6) *Fire Pits:* All fires shall be limited to designated fire pits, in locations approved by the Fire Inspector.
- (7) *Cabins:* Rental cabins may be located in a campground. A maximum of twenty-five (25) percent of the campsites may be rental cabins.
- (8) *Storm Shelter:* Campgrounds shall provide an adequate storm shelter.
- (9) *Floodway:* Permanent structures and campsites shall be located outside of floodways.
- (10) *Living Quarters:* A single, permanent dwelling may be located in the campground for use by the owner or caretaker.
- (11) *Accessory Uses:* Limited retail services, such as a general store, cafeteria, or laundry, may be provided in a campground, provided the services are available only to campground uses, staff, and camper visitors. Such retail services shall only be accessible from within the campground.

**(C) Golf Courses & Country Clubs:** Golf courses and country clubs shall meet the additional standards outlined below.

- (1) *Access:* Primary access shall be from a paved minor or major thoroughfare.
- (2) *Setbacks:* Principal and accessory buildings shall be at least one hundred (100) feet from any lot line.
- (3) *Buffer:* A buffer zone at least fifty (50) feet wide shall be maintained between turf areas and natural waterbodies, watercourses, and wetlands. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
- (4) *Safety:* All golf balls shall be contained within the lot. If the golf course is developed with residential lots, golf balls may enter those lots.
- (5) *Accessory Uses:* Accessory uses may include: standard restaurant and drinking establishment, clubhouse/pro shop, managerial facilities, maintenance facilities, toilets, lockers, tennis, racket sport, swimming facilities, and a driving range.
- (6) *Driving Range:* Additional acreage for a driving range associated with a golf course/country club is not required beyond what is necessary for the golf course/country club.

**(D) Driving Ranges:** Driving ranges shall meet the additional standards outlined below.

- (1) *Access:* Primary access shall be from a paved minor or major thoroughfare.
- (2) *Lot Area:* The lot area shall be at least ten (10) acres.
- (3) *Lot Width:* The lot width and frontage shall be at least three hundred thirty (330) feet.
- (4) *Setbacks:* The driving range shall be at least seventy-five (75) feet from front lot lines and at least one hundred (100) feet from side and rear lot lines.
- (5) *Buffering:* The driving range shall be buffered by fencing and vegetation to reduce the impacts on adjacent properties.
- (6) *Safety:* All golf balls shall be contained within the lot.
- (7) *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 properties. The maximum range of hours shall be limited to 7:00 am to 10:00 pm.

**(E) Special Event Facilities:** Special event facilities shall meet the additional standards outlined below.

- (1) *Access:* Access shall only be from a paved major or minor thoroughfare.
- (2) *Lot Area:* The lot area shall be at least twenty (20) acres.
- (3) *Frontage:* The frontage shall be at least six hundred (600) feet.
- (4) *Farm Operation:* The special event facility shall include a commercial farm operation.
- (5) *Outdoor Dining & Entertainment:* Outdoor dining and entertainment areas shall be at least one hundred (100) feet from any lot line.

~~(6) *Parking:* Parking areas for special event 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.~~

~~(7)~~(6) *Temporary Zoning Permit:* A temporary zoning permit, [as outlined in §16.135: Temporary Structures & Uses](#), shall be required for each special event requiring a temporary structure or where the expected number of guests is as follows:

<b>Table 13.40(FE)(76): Temporary Zoning Permit</b>	
<b>Lot size</b>	<b>Anticipated Number of Guests</b>
a. Less than 22 acres	250 or more people
b. 22 acres or more but less than 25 acres	300 or more people
c. 25 acres or more	350 or more people

~~(8)~~(7) *Accessory Uses:* Accessory uses to the special event facility may include managerial facilities, maintenance facilities, educational facilities, a standard restaurant that may serve alcohol, and lodging of guests that are using the facility.

~~(9)~~(8) *Living Quarters:* A single, permanent dwelling may be located at the special event facility for use by the owner or caretaker.

~~(10)~~(9) *Appearance*: The design of structures shall be of an agricultural or residential character complementary to the historic rural character of the surrounding district.

~~(11)~~(10) *Hours of Operation*: The hours of operation for outdoor events shall be subject to Planning Commission approval with consideration of the impact on the safety, health, and welfare of surrounding properties and the area.

(F) *Marinas*: Marinas shall meet the additional standards outlined below.

(1) *State Marina Permit*: Marinas shall have marina permit from the State of Michigan.

~~(1)~~(2) *Setbacks*: Buildings used for fiberglass repair and engine maintenance shall be at least forty (40) feet from all lot lines.

~~(2)~~(3) *Drydock Screening*: Areas used for the outdoor storage of boats shall be screened from adjacent residential districts, streets, and waterbodies.

(G) *Common Use Access Lots*: The intent of common use access lots is to provide for the shared use of private riparian or littoral lots by residents of a development, to discourage the funneling of lake or river access for multiple lots or residences through narrow access points, establish a balanced and orderly relationship between development and the amount of shoreline available for use by residents, and to assure responsible access for lakefront and riverfront developments. Common use access lots shall meet the additional standards outlined below.

(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*: Common use 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*: Common use access lots shall have a depth of at least one hundred (100) feet.

(4) *Number of Dwelling Units*: The maximum number of dwelling units that may use a common use access lot shall not exceed the table below. Shoreline length shall not include any artificially created shoreline, such as harbors, boat wells, or canals.

Table 13.40(HG)(4) - Number of Dwelling Units	
Number of Dwelling Units	Length of Shoreline
a. First unit	60 feet
b. Each additional unit	25 feet per additional dwelling unit

(5) *Watercraft Mooring*: The maximum number of watercraft moorings for the common use access lot, including, but not limited to, motorboats, sailboats, or jet skis, shall be approved by the Planning Commission in consideration of the characteristics of the common use access lot and the potential negative impacts on the surrounding area. There shall be no more than two (2) watercraft moorings per dwelling unit.

~~(5)~~(6) *State Marina Permit*: Common use access lots that provide watercraft mooring or installation of a dock shall have a state marina permit.

~~(6)~~(7) *Dedication*: The common use 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 common use access lot and moor, store, or launch boats.

## §13.45 - FOOD SERVICES

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The following specified food service uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Drive-through Restaurants:** Drive-through restaurants shall meet the additional standards outlined below.
- (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) *Escape Lane:* There shall be an escape lane to allow other vehicles to pass those waiting to be served.
- (B) **Taverns & Bars:** All music, entertainment, and dancing shall be located within a building.
- (C) **Outdoor Cafes & Dining Areas:** Outdoor cafes and dining areas shall meet the additional standards outlined below.
- (1) *Accessory Uses:* Outdoor cafes and dining areas shall be accessory and incidental to a principal restaurant or similar food or beverage use.
  - (2) *Hours of Operation:* The hours of operation for outdoor seating areas may be limited by the Planning Commission based on the potential negative impacts on the use and enjoyment of adjacent properties.
- (D) **Food Carts:** Food carts shall meet the additional standards outlined below.
- (1) *Location:* Food carts shall not be located within required side or rear yards or within clear vision zones. Food carts and support furniture may be located in parking areas, provided the location does not interfere with pedestrian or vehicular access or conflict with the parking spaces.
  - (2) *Trash Receptacles:* Trash receptacles shall be available to patrons and located within fifteen (15) feet of the food cart.
  - (3) *State License:* Food carts shall have and maintain a valid license from the State of Michigan.
- (E) **Entrepreneurial Kitchens:** Entrepreneurial kitchens, for operating a food-related business in a certified commercial kitchen of an existing business or religious institution, shall meet the additional standards outlined below.
- (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 by the approving authority, 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 district.

- (6) *Additional Application Materials:* An application for an entrepreneurial kitchen shall include the following, additional information:
  - a. *Kitchen Inspections:* Copy of kitchen inspections for at least the previous two (2) years;
  - b. *Permission:* Confirmation from the kitchen's owner granting permission for the proposed use; and
  - c. *Other Information:* Other information necessary to determine compliance with standards of this Ordinance.

### §13.50 - HEALTH & MEDICAL SERVICES

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The following specified health and medical service uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) *Assisted-living Facilities:* Nursing homes, skilled nursing facilities, hospice, and other assisted-living facilities shall meet the additional standards outlined below.
  - (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) *Off-street Parking:* Off-street parking areas shall be at least fifty (50) feet from residential districts.
  - (4) *Additional Services:* Nursing homes may include on-site services, such as cafes, entertainment, laundry, salon/barber shop, but those services shall only be available to residents, staff, and visitors.

### §13.~~50~~55 - OTHER SERVICES

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The following specified other service uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) *Kennels:* Commercial kennels shall meet the additional standards outlined below.
  - (1) *Lot Area:* The lot area shall be at least five (5) acres.
  - (2) *Location:* Commercial 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 residential, conservation, or public district lot line. Runs and/or exercise areas and accessory buildings where the animals are kept shall only be located in the rear yard.
  - (4) *Lot Maintenance:* The lot shall be kept in a clean and sanitary condition to prevent the accumulation of flies, the spread of disease, offensive odor, dust, and off-site drainage.
  - (5) *License & Care:* All animals must be licensed and maintained in a healthful and careful manner.
  - (6) *Noise:* The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized. More than the occasional barking or unusual noise from the kennel that results in a nuisance to neighboring property owners or residents shall be prohibited.

- (7) *Exercise Yard Use:* Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
  - (8) *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.
- (B) Day Care Centers:** Day care centers shall meet the additional standards outlined below.
- (1) *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.
  - (2) *Licensing:* Day care centers shall be licensed by the State of Michigan and comply with applicable state standards.

### §13.60 - INSTITUTIONAL & PUBLIC FACILITIES

The following specified institutional and public facility uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) Religious Institutions:** Religious institutions shall meet the additional standards outlined below.
- (1) *Access:* Primary access shall be from a major or minor thoroughfare.
  - (2) *Setbacks:* Building and parking areas shall be at least fifty (50) feet from any lot line.
  - (3) *Height:* The maximum building height shall be what is permitted in the district in which the 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. The highest point of the roof shall be no more than forty-five (45) feet high.
  - (4) *Accessory Uses:* Day care centers, schools, or other uses requiring special approval may be operated as part of a religious institution but shall require a separate approval for each use.
- (B) Cemeteries:** Cemeteries shall meet the additional standards outlined below.
- (1) *Location:* The location shall not disrupt the convenient provision of utilities to adjacent properties nor disrupt the continuity of the public street system.
  - (2) *Lot Area:* The lot area shall be at least ten (10) acres.
  - (3) *Setbacks:* All crypts, mausoleums, or other similar structures shall be at least one hundred (100) feet from all lot lines.
- (C) Public Facilities:** Public facilities shall meet the additional standards outlined below.
- (1) *Setbacks:* Buildings and outdoor storage areas shall be at least fifty (50) feet from properties in residential districts.
- (D) Schools:** Schools shall meet the additional standards outlined below.
- (1) *Access:* Access shall only be from a paved major or minor thoroughfare.
  - (2) *Setbacks:* The principal building shall be at least seventy-five (75) feet from any lot line.
  - (3) *Service Areas:* Service areas and facilities shall be at least one hundred (100) feet from a residential district.
  - (4) *Parking Areas:* Parking areas shall be at least fifty (50) feet from the front lot line ~~or~~ properties in residential districts.



(E) **Recreational Facilities:** Outdoor sports fields and athletic facilities shall be at least one hundred (100) feet from residential districts and two hundred (200) feet from existing dwellings. This shall not apply to private, residential recreational facilities.

## §13.65 - UTILITY, WASTE, & CONSTRUCTION

The following specified utility, waste, and construction uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) **Wireless Communication Facilities:** Wireless communication facilities shall meet the additional standards outlined below.

(1) **Intent & Purpose:** The intent of this Section is to establish standards for the siting of wireless communication facilities and colocation of wireless communication facilities. The intent and purpose of these standards is to:

- a. **Reduce Impacts:** Locate wireless communication towers in areas where adverse impacts on the community are minimized;
- b. **Joint Use:** Encourage the joint use of new and existing wireless communication facilities;
- c. **Reduce Number of Towers:** Minimize the overall number of newly-established towers within the community necessary to provide appropriate wireless services within the Township;
- d. **Visual Impacts:** Encourage the design, construction, and placement of wireless communication towers to minimize adverse visual impacts;
- e. **Communication Services:** Enhance the ability of the providers of wireless communication services to deliver such services effectively and efficiently;
- f. **Blight & Safety:** Ensure that unused facilities are removed and do not become a blight or safety hazard; and
- g. **State & Federal Regulations:** Harmonize with regulations promulgated by the state and federal governments.

(2) **Standards for All Facilities:** All wireless communication facilities shall meet the standards outlined below.

- a. **Setbacks:** All structures, excluding fencing, shall be at least two hundred (200) feet from any dwelling. Towers and equipment buildings shall be at least fifty (50) feet from all lot lines or meet the district setbacks, whichever is greater.
- b. **Fall Zone:** The tower fall zone shall be located entirely within the lot.
- c. **Equipment Compound:** The tower and associated equipment shall be located within a fenced equipment compound.
- d. **Fencing:** Facilities may have barbwire-topped fencing.
- e. **Equipment Buildings:** The related, unmanned equipment buildings shall have a maximum gross floor area of three hundred and sixty (360) square feet per user and a maximum height of twelve (12) feet. 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. *Compound Layout:* Towers and other structures shall be located so there is room for maintenance and emergency vehicles to maneuver. Towers and compound yards shall be designed and constructed to allow for colocation.
  - g. *Anti-Climb:* Towers shall be equipped with an anti-climb device or be of an anti-climb design.
  - h. *Lighting:* Towers shall not be artificially lighted, unless required by the Federal Aviation Administration. If lighting is required, it shall be the minimum lighting necessary to satisfy Federal Aviation Administration standards.
  - i. *FAA & FCC:* Wireless communication facilities shall meet the standards of the Federal Aviation Administration and the Federal Communication Commission.
  - j. *Tower Spacing:* 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 or if an existing structure shall serve as a tower.
  - k. *Advertising:* There shall be no advertising or identification of other kind visible from the ground or other structures.
  - l. *Cable Bridge:* Horizontal cable bridges and signal conductors between a tower and an equipment structure or other towers shall be at least fifteen (15) feet above the ground, unless it is buried underground or within the fenced equipment compound.
- (3) *Standards for New Wireless Communication Facilities:* In addition to the general standards outlined above, all new wireless communication facilities shall meet the standards outlined below.
- a. *Lot Area:* The lot area shall be at least one (1) acre, regardless of the minimum lot area for the zoning district.
  - b. *Tower Height:* Towers shall be less than two hundred (200) feet high. Height shall be measured from the base of the tower to the highest point of the tower or attachments.
  - c. *Tower Type:* Towers shall be of monopole construction.
  - d. *Tower Appearance:* Towers shall be designed and treated so as to minimize their visual appearance to the greatest extent feasible.
  - e. *Colocation:* The tower and facilities shall be designed to allow for colocation, and the applicant shall acknowledge that colocation will be permitted in the future.
  - f. *No Colocation Available:* Feasible colocation is not available on existing or approved structures that would provide appropriate wireless service.
- (4) *Standards for Minor Colocation:* In addition to the general standards outlined above, all minor colocations shall meet the standards outlined below.
- a. *Feasibility of Minor Colocation:* Minor colocation shall be considered feasible for the purpose of this Ordinance where all of the following conditions are met:
    - 1. *Compensation:* The provider considering minor colocation will pay market rent or other market compensation for colocation.
    - 2. *Structural Support:* The structure on which the minor colocation is being considered, taking into consideration reasonable modification, is able to provide structural support.

3. *Technically Feasible:* The minor colocation being considered is technologically reasonable, e.g. for example-, the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  4. *Height:* The height of the structure to be used for colocation shall not be increased by more than twenty (20) feet or ten (10) percent from the original structure height.
  - b. *Tower Height:* The tower or structure height shall not increase by more than twenty (20) feet or ten (10) percent from the original tower height.
  - c. *Previous Conditions:* The minor colocation shall comply with the terms and conditions of any previously approved site plan.
  - d. *Additional Structures:* Construction of related, unmanned equipment structures and a cable bridge is allowed, provided there are no changes to the grade.
  - e. *Lighting:* Colocation shall not require additional lighting on the tower or structure.
  - f. *Guy Wires:* Additional guy wires shall not be added.
  - g. *Fencing:* If there is no existing fencing around the equipment compound, fencing shall be added which meets the standards of this Section.
- (5) *Standards for Major Colocation:* In addition to the general standards outlined above, all major colocations shall meet the standards outlined below.
- a. *Feasibility of Colocation:* Major colocation shall be considered feasible for the purpose of this Ordinance where all of the following conditions are met:
    1. *Market Rate:* The provider considering colocation will pay market rent or other market compensation for colocation.
    2. *Structural Support:* The structure on which the major colocation is being considered, taking into consideration reasonable modification, is able to provide structural support.
    3. *Feasible Use:* The major colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - b. *Tower Height:* The tower or structure height may be increased by more than twenty (20) feet or ten (10) percent from the original tower height.
  - c. *Previous Conditions:* The terms and conditions of previously approved site plans may be amended.
  - d. *Additional Structures:* Construction of related, unmanned equipment structures and a cable bridge is allowed, provided there are no changes to the grade.
  - e. *Lighting:* Major colocation shall not require additional lighting on the tower or structure.
  - f. *Tower Changes:* All changes to the tower shall be consistent with these standards; no guy wires may be added.
  - g. *Fencing:* If there is no existing fencing around the equipment compound, fencing shall be added which meets the standards of this Section.

- (6) *Removal of Wireless Communication Facilities:* Wireless communication facilities shall be removed as outlined below.
- a. *Removal Condition:* A condition of approval for every wireless communication facility shall be adequate provision for removal of all or a portion of the facility when one or more of the following occurs:
    1. *Discontinuation:* The facility has not been used for one hundred eighty (180) days or more. For purposes of this Section, the removal of antennas or other equipment from the facility or the cessation of operations, transmission and/or reception of radio ~~signals,~~ shall signals, shall be considered as the beginning of the period of non-use.
    2. *New Technology:* 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 that is lower and/or more compatible with the area.
  - b. *Partial Removal:* The situations in which removal of a facility are required may be applied to and limited to portions of a facility.
  - c. *Immediate Removal:* Upon the occurrence of one or more of the events requiring removal, ~~the owner~~ the owner or facility user shall immediately apply or secure the application for any required demolition permit, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Commission.
  - d. *Township Removal:* 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 of the facility, 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. *Notification:* The owner or operator of the wireless communication facility shall immediately notify the Director of Planning and Zoning in writing if use of a facility or a portion of the facility ceases.
- (7) *Additional Application Materials for New Wireless Communication Facilities:* An application for new wireless communication facilities shall include the following additional materials:
- a. *Engineering Certification:* 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 and soil conditions;
  - b. *No Collocation Available:* Evidence that no feasible collocation opportunity exists for the coverage area and capacity needs;
  - c. *FAA & FCC:* Written approval of the Federal Aviation Authority or Federal Communications Commission, if necessary;
  - d. *Building Plans:* Building plans, stamped and signed by a licensed structural engineer qualified to approve the plans;
  - e. *Utilities:* All existing and proposed utilities shall be shown on the plans; and
  - f. *Acknowledgement:* A signed acknowledgement and acceptance of all the applicable standards of this Section and any conditions of approval.

- (8) *Additional Application Materials for Colocation:* An application for colocation shall include the following additional materials:
- Engineering Certification:* 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 and soil conditions;
  - Consent:* Written consent to collocate by the wireless communication facility's owner or designee;
  - FAA & FCC:* Written approval of the Federal Aviation Administration or Federal Communications Commission, if necessary;
  - Building Plans:* Building plans, stamped and signed by a licensed structural engineer qualified to approve the plans;
  - Utilities:* All existing and proposed utilities shall be shown on the plans; and
  - Acknowledgement:* A signed acknowledgement and acceptance of all the applicable standards of **this Section** and any conditions of approval.

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

(10) *Grounding:* 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)

(11) *Electromagnetic Radiation:* 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 or Gas Substations or Gate Valve Station:* Electrical and gas substations shall meet the additional standards outlined below.

- (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.

(C) *Biofuel Production Facilities, Small:* Small biofuel production facilities shall meet the additional standards outlined below.

- (1) *Location:* The facility shall be located on a commercial farm or in an industrial district.
- (2) *Setbacks:* The facility shall be at least one hundred (100) feet from all lot lines and shall meet all other district setbacks.
- (3) *Feedstock:* At least seventy-five (75) percent of the feedstock for facilities located on a farm, on an annual basis, shall be produced on the farm where the facility is located or from other farms owned or controlled by the operator.

- (4) *Use:* At least seventy-five (75) percent of the biofuel, other products, or byproducts produced by facilities located on a farm, on an annual basis, shall be used on the farm where the facility is located or on other farms owned or controlled by the operator.

**(D) Biofuel Production Facilities, Large:** Large biofuel production facilities shall meet the additional standards outlined below.

- (1) *Location:* The facility shall be located on a commercial farm or in an industrial district.
- (2) *Setbacks:* The facility shall be at least one hundred (100) feet from all lot lines and shall meet all other district setbacks.
- (3) *Other Standards:* Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with local, state, and federal laws.
- (4) *Additional Application Materials:* The application for a large biofuel facility shall contain the following additional materials:
  - a. *Process:* A description of the process to be used to produce biofuel;
  - b. *Output:* The number of gallons of biofuel anticipated to be produced annually;
  - c. *Emergency Plan:* An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments;
  - d. *Federal Approvals:* 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)) 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. *DEQ Approvals:* 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. *Emissions:* Air Pollution emissions;
    2. *Transportation:* Transportation of biofuel or additional products resulting from biofuel production;
    3. *Product Use:* Use or reuse of additional products resulting from biofuel production; and
    4. *Storage:* Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
  - f. *Storage:* 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:* Additional information necessary to determine consistency with local, state, and federal standards.

**(E) Sewage Treatment:** Sewage treatment shall meet the additional standards outlined below.

- (1) *Setbacks:* Sewage treatment equipment, such as lagoons, aeration pools, ponds, and infiltration beds shall be at least three hundred (300) feet from all lot lines.



(F) **Composting Center:** Commercial composting or the conversion of sewage or sludge into useable or saleable products shall meet the additional standards outlined below. This shall not apply to composting of common household materials generated by residential or agricultural uses.

- (1) *Setbacks:* The area used for composting shall be at least three hundred (300) feet from residential districts and adjacent, existing residential uses.
- (2) *Screening:* The area used for composting shall be screened from lots in residential districts, existing residential uses, and street 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.

(G) **Junkyards:** Junkyards shall meet the additional standards outlined below.

- (1) *Lot Area:* The lot area shall be at least ten (10) acres.
- (2) *Access:* Access shall only be from a paved major thoroughfare.
- (3) *Activity Location:* All activities shall be enclosed by a wall, fence, or berm, including: 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 enclosure wall, fence or berm, except that moveable equipment used on the site may exceed that height.
- (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 residential districts, schools, day care facilities, religious institutions, and assisted-living facilities.
- (5) *Enclosed Area Wall, Fence, or Berm:* A solid wall, fence, or berm at least six (6) feet high, but no more than eight (8) feet high, shall be provided around all sides of the enclosed area and shall be suitably landscaped. Such wall, fence, or berm shall be of permanent finish and construction.
- (6) *Off-street Parking:* Adequate off-street parking and unloading facilities shall be provided on the lot so that no loaded vehicle stands on a public right-of-way waiting for entrance to the facility at any time.
- (7) *Open Burning:* Open burning shall not be permitted.
- (8) *Enclosed Processes:* All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (9) *Dust:* All streets, driveways, off-street parking, and off-street loading areas shall be paved or treated to prevent dust.
- (10) *Vehicles or Vehicle Parts:* The operation shall be licensed by the Michigan Secretary of State if it handles vehicles or vehicle parts.
- (11) *Critical Materials Register:* Any materials listed on the Michigan Critical Materials ~~Register~~ Register shall require secondary containment and a Pollution Incident Protection Plan filed with the Department of Natural Resources.
- (12) *Hours of Operation:* The hours of operation shall be limited to the hours between 7:00 am and 6:00 pm.

**(H) Temporary Concrete or Asphalt Batch Plants:** Temporary concrete or asphalt batch plants shall meet the additional standards outlined below.

- (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 one hundred (100) feet from all exterior lot lines and at least three hundred (300) feet from occupied dwellings.
- (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, as outlined in §24.25: [Performance Guarantee of this Ordinance](#).

## §13.70 - TRANSPORTATION & STORAGE

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The following specified transportation and storage uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) Private Landing Strip:** Private landing strips shall meet the additional standards outlined below.

- (1) *Lot Area:* The lot area shall be at least twenty (20) acres.
- (2) *Length:* The landing strip shall be at least one thousand two hundred (1,200) feet in length and shall be free of obstructions for a distance of fifty (50) feet 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 twenty to one (20:1).
- (3) *Clear Zones:* All clear zones shall be located within the lot or within areas with an easement for the clear zones.
- (4) *Setbacks:* All runways and hangars shall be at least one hundred (100) feet from [adjacent dwellings on adjacent properties](#).
- (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.
- (6) *FAA Approval:* Approval of landing strips shall not be made before the Federal Aviation Authority's review and approval, if applicable.

**(B) Private Heliport:** Private heliports shall meet the additional standards outlined below.

- (1) *Setbacks:* Landing areas shall be at least two-hundred (200) feet from all lot lines.
- (2) *Screening:* Landing areas shall be screened or located to prevent dust and other debris leaving the property due to typical flight activities.
- (3) *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.
- (4) *FAA Approval:* Approval of heliports shall not be made before the Federal Aviation Authority's review and approval, if applicable.

**(C) Self-Storage:** Self-storage facilities shall meet the addition standards outlined below.

- (1) *Lot Area:* The lot area shall be at least five (5) acres.
- (2) *Access:* Access shall only be from a paved minor or major thoroughfare.
- (3) *Off-street Parking & Storage Surface:* The area used for off-street parking and access shall be paved. This standard shall not apply to outdoor storage areas.
- (4) *Uses:* The self-storage facility shall only be used for storage. Retail, wholesale, fabrication, manufacturing, service, or residential activities shall not be conducted.
- (5) *Outdoor Storage:* Outdoor storage shall be limited to motor vehicles, recreational vehicles, and utility trailers.
  - a. *Location:* All outdoor storage areas shall be within a rear yard and shall meet the setbacks for principal buildings.
  - b. *Screening:* All outdoor storage areas shall be screened from public streets and adjacent lots with a solid wall at least six (6) feet high or evergreens planted in a manner to fully screen the storage areas or a similar, all-season natural screening.
- (6) *Building Appearance:* The exterior of mini/self-storage buildings shall be of finished quality and maintained in good condition.
- (7) *Security:* The self-storage facility shall have perimeter fencing and lighting.
- (8) *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.
- (9) *Dwelling Unit:* A dwelling unit may be located on the lot for the use by the owner or caretaker of the self-storage facility.

**(D) Commercial Grain Elevator:** Commercial grain elevators shall meet the additional standards below.

- (1) *Lot Area:* The lot area shall be at least three (3) acres.
- (2) *Setbacks:* Elevator structures shall be at least two hundred (200) feet from all lot lines.

## §13.75 - MINING & MINERAL EXTRACTION OPERATIONS

The following specified mining and mineral extraction operation uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) *Non-ferrous Metallic Mining/Mineral Extraction Operation:*** 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 means there are many locations 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 streets, 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 streets throughout the Township and ensure the streets are able to handle the loads.
- (6) *Blasting Hours:* Blasting hours shall be limited to the hours between 9:00 am and 3:00 pm on weekdays.
- (7) *Hours of Operation:* The hours of operation shall be limited to the hours between 8:00 am and 6:00 pm on weekdays and Saturdays.

**(B) *Mining/Mineral Extraction Operation:*** The following standards shall apply to all extraction activities not addressed in [§13.75\(A\): Non-ferrous Metallic Mining/Mineral Extraction 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 results in many locations 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 Area:* The lot area shall be at least forty (40) acres.
- (2) *Lot Width & Frontage:* The lot width and frontage shall be at least six hundred sixty (660) feet.
- (3) *Setbacks:* Extraction activities shall be at least one hundred (100) feet from all lot lines, waterbodies, 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) *Streets:* Public streets within one thousand five hundred (1,500) feet, as measured along the street, of the extraction activity access point(s) shall be kept clear of mud, dirt, and debris from vehicles associated with the extraction activities.
- (6) *Water Table:* Extraction activities shall be conducted in a manner that does not raise or lower the water table on surrounding properties, except as 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 activities might present a dangerous condition if left unprotected.
- (8) *Erosion & Dust:* Topsoil stockpiles shall be seeded or covered to prevent wind and water erosion and dust.
- (9) *Erosion & 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 that 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, onto public or private streets, or to create a nuisance.
- (12) *Pollution, Noise, & Vibration:* Air pollution, noise, and vibrations shall be minimized from any effect upon adjacent properties by adequately soundproofed equipment and buildings 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 shall be Monday through Friday from 7:00 am to 6:00 pm, and from 7:00 am to 12:00 noon on Saturday, and shall be prohibited on legal holidays and Sundays. The Director of Planning and Zoning 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.
- (15) *Equipment & Machinery:* Equipment or machinery for the operations shall not be permitted unless specifically applied for in the application and covered by the zoning permit issued.
- (16) *Restoration:* All restoration activities shall begin at the earliest possible date. Restoration of the lot concurrent with extraction activities shall be undertaken to the extent that the restoration 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 until restoration 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 standards outlined below.
  - a. *Vegetation:* 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. *Slope:* When extraction 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. *Waterbodies*: Extraction which has created or extended lakes, ponds, or other waterbodies shall meet standards and specifications, particularly with respect to underwater slopes and drop-offs, promulgated by the US Department of Agriculture, Natural Resource Conservation Service, and shall be approved by that agency.
  - d. *Dangerous Waterbody*: Where extraction operations result in a waterbody, the owner or operator shall place appropriate "Keep Out-Danger" signs around the lot no more than one hundred fifty (150) feet apart.
  - e. *Fill Materials Type*: Backfill and grading materials shall not be noxious, flammable or toxic, and subject to review and approval.
  - f. *Fill Materials Compaction*: Fill and soils shall not be overly compacted and be of sufficient quality to be 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. *Temporary Structures*: 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. *Recreational or Wildlife Facility*: 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~~ Guarantee*: The excavator shall be required to post a performance bond, as outlined in §24.25: [Performance Guarantee of this Ordinance](#), in an amount of up to [one hundred \(100\)](#) 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*: In addition to the data requirements of §27.50: [Site Plan Information of this Ordinance](#), each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- a. *Owners*: Name and address of surface owner and/or mineral rights owner of land from which extraction activities will take place;
  - b. *Operator*: Name, address, and telephone number of operator (person, firm or corporation who will be conducting the actual extraction activities);
  - c. *Excavation Area*: Location, size, and legal description of the total site area to be excavated;
  - d. *Insurance*: Proof of liability insurance from the operator;
  - e. *Topography*: 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;
  - f. *Hydrogeological Report*: A hydrogeological report of the proposed extraction site. Such a report shall, at a minimum, provide:
    - 1. *Subsurface Conditions*: A detailed description of subsurface conditions;
    - 2. *Water Table*: Depth of water table throughout the planned extraction area;
    - 3. *Material Depth*: A map depicting the thickness and depths of material to be excavated;

4. *Environmental Impacts:* 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; and
  5. *Monitoring Wells:* A recommendation of the necessity to install monitoring wells.
  - g. *Extraction Methods:* A discussion of the proposed method of extraction, including:
    1. *Excavation:* The area and amount of material to be excavated in cubic yards;
    2. *Slopes & Depths:* Proposed side slopes and depths for all portions of the excavated area;
    3. *Drainage:* Proposed drainage system, settling ponds, and retention ponds, as appropriate;
    4. *Schedule:* The time, duration, phasing, and proposed work schedule of the total project;
    5. *Layout:* The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
    6. *Extraction Areas:* Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
  - h. *Access Points & Haul Routes:* The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
  - i. *Haul Route Approval:* Letter of approval from the Road Commission for the haul routes;
  - j. *Reclamation Plan:* 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 shall include:
    1. *Phasing:* Physical descriptions of the location of each phase of the extraction activities, the 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.
    2. *Stabilization:* Depiction of finished, stabilized, side slopes, including proposed methods and plant materials.
    3. *Landscape Plan:* Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
    4. *Materials:* The materials to be used for backfilling and grading; and
    5. *Reuse Plan:* A reuse plan for the site once extraction is complete.
  - k. *Performance Standard Compliance:* Site plan and associated background reports shall document the proposed method(s) of compliance with the performance standards of this Section.
- (19) *Other Conditions:* The conditions of any zoning permit issued under this Section shall apply to the owner 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. *Transfer:* When an operator disposes of his interest in extraction area by sale, lease, assignment, termination of lease, or otherwise before final reclamation, the Director of Planning and Zoning 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 permit may be transferred.



- b. *Inspection:* Extraction activities authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued.
  - c. *Cessation:* When extraction activities on or use of the area subject to extraction activities, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned, and a new zoning permit shall be necessary before additional extraction activities can occur. Cessation shall be determined by any of the following events:
    - 1. *Completion:* The completion of the extraction activity according to the approved site plan;
    - 2. *Notification:* The Township has received notification from the owner or operator that extraction activities are complete; or
    - 3. *Expiration:* A zoning permit for the extraction activity has expired.
- (20) *Existing Extraction Areas:* All commercial extraction 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.
- (21) *Two Year Review Required:* Upon receipt of a zoning permit for extraction activities, the applicant shall submit to the Planning Commission, at intervals of two (2) years or less, plans and/or other materials documenting that the applicant has been in full compliance with the provisions and standards of this Ordinance and the zoning permit issued. Failure to submit such evidence, in the discretion of the Planning Commission, shall be grounds for the voiding of the extraction zoning permit.

*End of Article 13.*

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