

PART II - SPECIAL EXCEPTION USES – STANDARDS AND CONDITIONS

Sec. 18.08 GENERAL REQUIREMENTS FOR APPROVAL

The request for special exception use approval must meet the following general standards, as well as the more specific requirements for the applicable requested land use in Section 18.09. The Planning Commission shall review and recommend and the Township Board shall approve, approve with conditions or deny each application based upon a determination as to whether the proposed use in the proposed location will adhere to the following general standards.

- a) Be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of Otsego Township.
- b) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
- c) There is a proper relationship between the thoroughfares and proposed service drive, driveways, and parking areas.
- d) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas are such that the adverse affects of such uses will minimize for occupants of that use and the occupants of surrounding areas.
- e) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides.
- f) Natural resources are preserved by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.
- g) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

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- h) Location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
- i) Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
- j) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- k) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, or odors.
- l) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
- m) Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.

Sec. 18.08A PROCEDURE FOR REVIEW-PUBLIC HEARING

Upon receipt of an application for a special exception use (special use permit), the Township Clerk or Secretary to the Planning Commission or such designee shall schedule a public hearing. The notice of public hearing and the requirements for mailing of such notice to property owners or occupants within 300 feet of the subject property shall adhere to the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as may be amended. Following the public hearing, the Planning Commission shall make recommendations to the Township Board. The Township Board shall make the final decision on approval or denial of special exception uses.

Sec. 18.09 CONDITIONS FOR SPECIAL EXCEPTION USE PERMITS (OR PERMITTED USES SUBJECT TO SPECIFIC CONDITIONS)

Those permitted or special exception uses permitted in any given Zoning District and listed below shall be subject to all of the following conditions regarding site development, unless

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otherwise specified by the Planning Commission or Township Board. The Planning Commission or Township Board may also impose conditions beyond those specially listed below:

a) Adult Entertainment/Business (see Definitions)

1) General Requirements. All sexually oriented businesses shall comply with the following:

- a) Five hundred (500) feet setback from any R District, churches, schools as measured from lot line.
- b) No person younger than 18 years of age shall enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open.
- c) No person under the age of 18 shall be employed by a sexually oriented business nor shall a person under the age of 18 be contracted with by a sexually oriented business for the provisions of services to patrons.
- d) No employee of a sexually oriented business shall sell or provide goods, merchandise or services to persons under the age of 18 on the premises.
- e) Any sexually oriented business offering live entertainment shall provide:
 - 1) A dressing room for performers with direct access between said dressing area and the performance area or stage, such that the performer may enter the performance area or stage without entering the area from which patrons will view the performance;
 - 2) That the access, performance area, or stage and dressing room is handicapped accessible to the extent required by the Americans With Disabilities Act and the Elliott Larsen Civil Rights Act;
 - 3) No performer, employee or patron shall be permitted to have any physical contact with any other performer, employee or patron on the premises during any performance and all performances shall occur on a stage elevated at least

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18 inches above the immediate floor level and removed at least six feet from the nearest performer, employee or patron;

4) That the dressing area for performers be separate and not freely accessible from areas of the business accessible to patrons, and that the said dressing area contain hot and cold running water and toilet facilities.

f) All sexually oriented businesses shall be open to inspection by the Township's ordinance enforcement officer, the building inspector, the fire chief or the police department for the purpose of ensuring compliance with the law at any time the establishment is occupied or open for business.

g) The prohibitions of this section shall be posted in a conspicuous place on the business premises.

h) A violation of any of the subsections of this section shall be grounds for criminal prosecution of the underage person and of any licensee, owner, operator, and employees who permitted the violation of the section by the underage person.

2) Sexually Explicit Performances Prohibited:

a) No person shall dance, entertain, display or otherwise engage in any exhibition or performance in such a manner as to expose to the view of any person within a sexually oriented business, or in any other commercial establishment:

1) Any specified anatomical areas;

2) Any device, costume or covering which gives the appearance of or simulates any specified anatomical areas.

b) No person shall engage in any specified sexual activities on the premises of a sexually oriented business.

b) Agriculture Bulk Collection, Storage, Distribution

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- 1) Each principal agribusiness use shall have frontage upon a thoroughfare having a primary or greater classification and access thereto.
- 2) The minimum lot area shall be 100,000 square feet (2.3 acres) and the minimum lot width shall be 300 feet.
- 3) A bulk collection, storage, distribution, and similar structure shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear property line.
- 4) The total coverage of all main and accessory buildings shall not exceed 30 percent of the lot on which they are located.
- 5) Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond 500 feet of the boundaries of the lot or premises.
- 6) Adequate off-street parking and loading/unloading facilities shall be provided in accordance with Article 19.

c) Airports, Aircraft Landing Fields

- 1) Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
- 2) The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

d) Animal Hospitals

- 1) All principal use activities shall be conducted within a totally enclosed main building.

e) Automobile Service Stations, Public Garages, Filling Stations.

- 1) No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the said date.

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- 2) Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage and twelve thousand (12,000) square feet for a filling station.
 - 3) Minimum lot width shall be one hundred and twenty (120) feet for a public garage or automobile service station and one hundred (100) feet for a filling station.
 - 4) An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
 - 5) Ingress and egress drives shall not be more than thirty (30) feet.
 - 6) No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
 - 7) No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 - 8) A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
 - 9) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- f) **Banks, Savings and Loans, Credit Union (Drive-Thru)**
- 1) Banks, savings and loan, credit unions, and other financial institutions with drive-thru facilities shall have a minimum lot size of 20,0900 square feet, with a minimum lot width of (100) feet abutting the street right-of-way.

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- 2) The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.
- 3) A drive-thru facility or free standing automated teller machine shall be located on the site to accommodate a minimum depth (column) of four vehicles at one time.
- 4) The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
- 5) The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.

g) Campgrounds, Travel Trailer Parks

- 1) Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or gravel trailer park. Each lot shall be provided with at least one (1) public telephone.
- 2) Each site on a lot designated for camping use may accommodate a travel trailer or tent and shall be provided with individual electrical outlets, except primitive campsites.
- 3) Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites).
- 4) Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
- 5) Except for a convenience goods shopping establishment, no commercial enterprises shall be permitted to operate on the lot.
- 6) Each lot shall provide a hard-surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for

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tent camping). Each parking space shall be two hundred (200) square feet in area.

Guest parking shall be provided at the ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.

- 7) Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least fifty (50) feet.
 - 8) A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.
 - 9) All sanitary facilities shall be designed and constructed in strict conformance to all applicable Allegan County health regulations.
 - 10) The development of the entire lot is subject to all applicable requirements of the Michigan Department of Natural Resources.
 - 11) A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
 - 12) Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.
- h) Child Care Centers, Nursery Schools, Day Nurseries**
- 1) No dormitory facilities permitted.
 - 2) Nursery schools and day nurseries for children of preschool age shall provide a lot area of not less than seven hundred (700) square feet for each child enrolled therein.

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- 3) For each child cared for, there shall be provided, equipped and maintained on the premises a minimum of one hundred fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility).
- 4) The outdoor play area shall be fenced in or screened by a heavily planted green belt from any abutting residential uses.

i) Churches

- 1) Minimum lot width shall be one hundred and fifty (150) feet.
- 2) Minimum lot area shall be two (2) acres.
- 3) For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- 4) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
- 5) Adequate off-street parking must be provided in accordance with standards in Article 19.
- 6) Structure will harmonize, blend with and enhances adjoining properties in surrounding neighborhood.

j) Convalescent Homes

- 1) Minimum lot size shall be three (3) acres.
- 2) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
- 3) The main and accessory buildings shall be set back at least twenty-five (25) feet from all property lines.

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- 4) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

k) Drive-In Restaurant

- 1) The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
- 2) Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
- 3) A six (6) foot high masonry obscuring wall shall be provided adjacent to Residential Districts.
- 4) Parking may be located in the front yard in the case of fast-food or carry-out restaurants only.

l) Drive-In Theater

- 1) The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any residential district.
- 2) The premises shall be enclosed with a solid screen fence seven (7) feet in height.
- 3) All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- 4) The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the Township Engineer.
- 5) Space shall be provided on-premises for fifty (50) waiting vehicles to stand at the entrance to the facility.

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- 6) The theater screen shall not face, directly or obliquely, by less than seventy- five (75) degrees, a major thoroughfare or any residential zoning district.

m) Fraternal Clubs and Lodges

- 1) Minimum lot size shall be two acres.
- 2) The main and accessory buildings shall be set back at least twenty-five (25) feet from all property lines.
- 3) Adequate off-street parking, as identified in Article 21 shall be provided.

n) Golf Courses, Country Clubs

- 1) Minimum lot size shall be forty (40) acres.
- 2) A shelter building with toilet facilities shall be provided which meets all requirements of the Allegan County Health Department and the Township Building code.
- 3) The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

o) Guest House

- 1) Guest houses may be located only on a residential lot and will be considered as accessory buildings.
- 2) No more than one guest house may be located on a residential lot.
- 3) The guest house must conform to the requirements of Section 4.13 Accessory Buildings.
- 4) The guest house shall contain, at a minimum, sleeping quarters and have a minimum floor area of 144 square feet.
- 5) The guest house shall not exceed 50% of the total floor area of the main residence.
- 6) The structure shall meet all applicable local building codes.

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- 7) Occupancy for any person, family, or two or more unrelated individuals shall be limited to a total of six months or less in any 12 month period. This does not prevent a guest house from being occupied throughout the year by different sets of persons, families or unrelated individuals.

p) Home Occupations

- 1) No more than 25 percent of the gross floor area of the dwelling unit shall be utilized.
- 2) The activities and facilities associated with the home occupation shall not change the residential character of the property or the immediate neighborhood and shall not endanger the health, safety and welfare of any other person or household living in the general or immediate area by reason of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and/or other such negative impacts.
- 3) Only those articles produced on the premises by such occupation may be sold or offered for sale.
- 4) No home occupation shall require outdoor storage of equipment, machinery or signs not customary in a residential location.
- 5) No more than one non-illuminated nameplate, attached to the building and not larger than two (2) square feet in area, containing the name and occupation of the resident, will be allowed.
- 6) A home occupation that will attract an average of more than two customer vehicles at all times during operating hours, shall provide off-street parking facilities in accordance with Article 19. The parking requirements associated with the use or activity in Article 19 most similar to the home occupation shall be applied.

q) Hospitals/Medical Centers

- 1) Minimum lot area shall be two acres.

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- 2) The lot location shall be such that at least 50 percent of the property line abuts a paved county primary road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said county primary road.
- 3) Minimum main and accessory building setback shall be fifty (50) feet.
- 4) No power plant or laundry shall be located nearer than two hundred (200) feet to any adjacent residential district.

r) Hotel, Motel, Motor Court

- 1) Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
- 2) When the front yard is used to provide access, a greenbelt shall be provided along the front property line, except at drive openings.
- 3) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
- 4) When adjacent to a Residential District, a chain link fence or masonry wall, four (4) to six (6) feet in height, shall be erected on the common property line, plus a greenbelt planted and continually maintained parallel to and inside of such fence or wall.

s) Housing for the Elderly

- 1) Minimum lot size shall be five (5) acres.
- 2) Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
- 3) Each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.

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t) Junk Yards

- 1) Minimum lot size shall be five (5) acres.
- 2) The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
- 3) The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
- 4) All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.

u) Kennels

- 1) All kennels shall be operated in conformance with all applicable County regulations, license being valid no longer than one (1) year.
- 2) Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than fifty (50) feet to any adjacent property line, and shall not be located in any required front, rear or side yard setback area.
- 3) Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

v) Livestock Feedlots (Intensive)

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- 1) All structures and confined lots designed to house or contain livestock shall be setback at least five hundred (500) feet from any existing family residence except that of the confined feeding operator.
- 2) All structures of confined lots designed to house or contain livestock shall be setback at least one thousand (1,000) feet from any existing church, business, school, recreational area or any public buildings; and one thousand three hundred (1,300) feet from any zoned residential or any area that has a recorded residential plat.
- 3) All such structures shall be setback at least thirty (30) feet from the road right-of-way.
- 4) If the waste handling facility of an operation is an open earthen pit, the minimum setback distance of structure and lots should be increased to: 1,000 feet from any existing family residence (except that of the feedlot operator); 1,500 feet from any church, business, school, recreation area, public buildings; 2,000 feet from a residential zone or recorded plat and 50 feet from the road right-of-way.
- 5) The owner of any animal feedlot shall be responsible for the storage, transportation and disposal of all animal manure generated in a manner consistent with the following provisions:
 - a) All manure from confinement manure storage pits or holding area, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner taking into account the season of the year and wind direction; each feedlot shall have sufficient area to permit proper incorporation or disposed of manure.
 - b) No animal manure shall be disposed of within the right-of-way of any public road or street.
 - c) All vehicles used to transport animal manure on township, county, state and interstate highways or through municipalities shall be leak proof.
- 6) No feedlot shall be located within a floodplain.

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- 7) Agricultural products, such as but not limited to, grain, bedding plants, livestock, etc., that are not raised on the owner's or operator's property are prohibited from being transported to the feedlot site for commercial processing and/or shipping.

w) **Mortuaries/Funeral Homes**

- 1) Minimum lot area shall be a minimum of 1.0 acres.
- 2) Off-street parking shall be provided in accordance with Article 19.
- 3) Outdoor signage shall conform to the requirements Article 20.
- 4) Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

x) **Open-Air Business**

- 1) Minimum lot area shall be ten thousand (10,000) square feet.
- 2) Minimum lot width shall be one hundred (100) feet.
- 3) Unless specifically waived by the Board of Appeals, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business.
- 4) The Building Inspector may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open-air business use, require the permitted to furnish a Surety Bond executed by a reputable surety company authorized to do business in the State of Michigan, in an amount determined by the Building Inspector to be reasonably necessary to insure compliance hereunder. In fixing the amount of such Surety Bond, the Building Inspector shall take into account the size and scope of the proposed open-air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

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- 5) Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- 6) In the case of car sales lots:
 - a) All areas subject to vehicular use shall be paved with a durable dust free surfacing, with appropriate bumper guards where needed.
 - b) The use of pennants or flags, and the use of parking areas lighted at night, shall be carried out without creating a nuisance for nearby properties, as determined by the Board of Appeals, who shall have the authority to require the termination of those uses not in conformance with this paragraph.
 - c) The entire premises shall be graded so that the surface water run-off does not drain across public right-of-way.
- 7) In the case of a plant materials nursery:
 - a) The storage or materials display areas shall meet all yard setback requirements applicable to any building in the district.
 - b) All loading activities and parking areas shall be provided on the same premises (off-street).
 - c) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- 8) Deleted 1/8/01. Added Section 4.13(d)
 - y) **Parks (Public or Private)**

A privately owned park used as a commercial recreation facility shall adhere to the following standards:

 - 1) Minimum lot size shall be one (1) acre.

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- 2) Activities within the park shall be separated from adjoining residentially zoned parcels by a 20 feet wide greenbelt with natural plantings on at least three sides of the perimeter of the site. The minimum average height of such plantings shall be 12 feet and the vegetation shall be of a density that will screen out at least 90% visibility from adjoining properties.
- 3) Hours of operation of the park shall be limited from 8 a.m. to 10 p.m.
- 4) Off-street parking shall be provided in accordance with the requirements of Article 19.
- 5) Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

z) Private Swimming Pools.

- 1) No swimming pool (referred to as “pool” in this section) shall be constructed, erected or installed on any lands in the Township unless a building permit has first been obtained.
- 2) The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.
- 3) Any pool constructed of poured concrete shall have a bottom not less than six (6) inches thick and walls not less than eight (8) inches thick, such walls and bottom to be reinforced with metal reinforcing rods. Liner-type pools may be constructed or installed if (1) the liner used is made and furnished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic rubber, fiberglass, steel or any other type produce; and (2) the bottom and walls of such liner-type pool are constructed in accordance with the specifications of the manufacturer of the liner.

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- 4) Each pool shall be enclosed by a fence or wall of a height of not less than four (4) feet which is constructed in such manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated; provided, however, that no fence may be erected closer to a street than a building may be erected in the Zoning District in which the pool is located.
- 5) All gates and doors which permit access to the pool area shall be capable of being locked and shall be locked at all times when no person is present on the lot on which the pool is located.

aa) Commercial Television, Radio and Micro-Wave Transmission, Receiving and Relay Towers

- 1) The setback for each tower from adjacent rights-of-way and/or property lines shall be not less than one hundred percent (100%) of the height of each tower above the ground. Accessory buildings or other accessory structures shall comply with the general setback requirements of the zoning classification in which they are located.
- 2) When the tower(s) ceases to operate, it shall be removed within eighteen (18) months. Ceasing to operate shall include a determination that the structure has no existing carriers and that the structure is no longer able to support such antennas as determined by a structural engineer's report related to co-location.
- 3) The Township Board shall have the authority to require the applicant to file with the Township Clerk prior to the time of establishment of the tower(s) on the subject property a cash deposit, certified check, irrevocable bank letter of credit or surety bond in such amount as the Township Board determines necessary to cover the estimated cost of removal of the tower(s). Such amount shall be not less than \$5,000 and a record of such surety shall be shown on the tax record for the subject parcel. If the tower(s) are not removed as required by subparagraph 2, above, then the Township Board shall take appropriate legal steps to ensure removal of the tower(s)

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using as much of the security deposit as is necessary for that purpose. This security requirements shall continue in effect until the tower(s) are removed.

- 4) A party receiving a special land use permit hereunder shall be required to carry and maintain personal injury and property damage liability insurance for the subject site in the amount of not less than five hundred thousand dollars (\$500,000) for each person or property injured or damaged and not less than one million dollars (\$1,000,000) for injury or damage to more than one person or one person's property arising out of one occurrence. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained pursuant to this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance.
- 5) Unless specifically waived by the Planning Commission, an open-air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.
- 6) Co-location
 - a) Co-location of additional antennas on existing transmission towers:
 - 1) Permitted Use: Co-location of an additional antenna on an existing transmission tower shall be considered a permitted use if the transmission tower is in a zoning district which permits such a use and a special use permit was previously granted by the Planning Commission for the transmission tower. An amendment to the approved site plan shall be subject to review by the Zoning Administrator.
 - 2) Special Use: Co-location of an additional antenna on an existing transmission tower shall require a special use permit if the transmission tower is located in a zoning district which permits such a use and a special use permit was not previously granted by the Planning Commission for the transmission tower.

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- b) Co-location of Antennas on Existing Buildings, Light Poles, Utility Poles and Water towers:
 - 1) In addition to co-location on an existing transmission tower, an antenna may be collocated on existing buildings, light poles, utility poles and water towers.
 - 2) Special Use: Such co-location on a building, light pole, utility pole, or water tower shall require a special use permit if property is zoned Ag, C or I. Said antenna(s) shall not exceed the building height allowed in the zone, or 18 feet above the structure, whichever is less. Said antenna(s) shall project no more than two (2) feet away from the existing structure, and the color of the antenna(s) shall blend in with the existing structure and surroundings. Antennas may be located on residential structures subject only to a building permit, provided such height does not exceed the height limitations within that zoning district.
- c) New transmission towers shall be designed to accommodate co-location of additional providers:
 - 1) New transmission towers of a height of one hundred (100) feet or more shall be designed to accommodate co-location of a minimum of two additional providers either outright or through future modification to the transmission tower.
 - 2) New transmission towers of a height of at least sixty (60) feet AND no more than one hundred (100) feet shall be designed to accommodate co-location of a minimum of one additional provider either outright or through future modification to the transmission tower.

bb) Roadside Stand

- 1) The gross floor area of the temporary building shall be not less than one hundred fifty (150) square feet but not more than eight hundred (800) square feet.

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- 2) Suitable containers for rubbish shall be placed on the premises for public use.
- 3) Any stand located within two hundred (200) feet of any adjacent dwelling shall close at 10:00 p.m.
- 4) The temporary building shall be located not less than fifty (50) feet from the nearest public road pavement. Its height shall be no more than one (1) story.

cc) Stables (Private)

- 1) For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be 5.1 acres, except that up to three saddle horses or ponies may be housed and reared on lots of two to five acres.
- 2) An accessory building used as a stable shall not be located nearer than fifty (50) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- 3) Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than thirty (30) feet to any dwelling on adjacent premises.
- 4) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- 5) Appropriate off-street parking, as identified in Article 19 shall be provided.

dd) Schools, Civic Building, Post Office, Fire Station Museums, Libraries and Other Similar Public Uses

- 1) Adequate off-street parking must be provided in accordance with the standards in Article 19.
- 2) Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
- 3) The minimum setbacks for main and accessory school structures shall be fifty (50) feet.

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- 4) The minimum distance between main and accessory school structures and residential property or residential districts shall be three hundred (300) feet.
- 5) Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
- 6) Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.
- 7) The proposed use shall harmonize, blend with, and enhance adjoining properties and surrounding neighborhood.
- 8) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress and egress to the lot shall be through said thoroughfare.

ee) **Shopping Center**

- 1) No building or structure of less than five thousand (5,000) square feet shall be nearer than fifty (50) feet to the right-of-way line of any street; all buildings or structures of more than five thousand (5,000) square feet shall be at least one hundred fifty (150) feet from any street right-of-way line. No building or structure shall be nearer than fifty (50) feet to the side and rear lines of the property on which it is located. All buildings shall also be subject to other setback requirements contained in this Ordinance not inconsistent herewith.
- 2) Minimum lot size shall be five (5) acres.
- 3) Off-street parking shall conform to the requirements of this Ordinance.
- 4) Every shopping center shall have a twenty-five (25) foot planting area separating the parking and shopping district from all adjoining districts of a higher classification. These planting areas shall be landscaped with shrubs or evergreens of a height of four (4) to six (6) feet or more to act as a screening hedge; all unpaved areas shall be maintained in a park-like manner.

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- 5) Any lighting in such areas shall be adequately screened from any adjoining residences.

ff) Slaughter Houses

- 1) All slaughtering and butchering activities must occur within an enclosed building.
- 2) The facility and all operations must be approved by the appropriate State of Michigan and/or U.S. Government approved agency.
- 3) The minimum allowable land area for all buildings and accessory activities shall be five (5) acres.
- 4) Holding pens shall cover no more than fifty (50) percent of the entire parcel, up to a maximum area of five (5) acres.
- 5) All holding pens and main and accessory buildings shall be set back a minimum of three hundred (300) feet from the nearest residentially zoned parcel.
- 6) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining properties.
- 7) The applicable off-street parking requirements of Article 19 shall be met.
- 8) On-premises landscaping shall be provided.

gg) Strip Mall

- 1) Minimum lot area shall be 80,000 square feet.
- 2) Minimum side and rear setbacks from adjoining property shall be twenty-five (25) feet
- 3) All commercial loading/unloading shall occur at the rear or side of the building.
- 4) All on-premises lighting shall not negatively impact adjoining properties.
- 5) On-premises signs shall conform to the requirements of Article 20.

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- 6) Accessory buildings shall not be allowed.
- 7) Off-street parking shall conform to the requirements of Article 19.
- 8) On-premises landscaping shall be required.
- 9) Vehicle ingress/egress shall be provided in accordance with MDOT design standards.

hh) Vehicle Wash Establishments

- 1) Minimum lot area shall be fifteen thousand (15,000) square feet.
- 2) Minimum lot width shall be one hundred (100) feet.
- 3) The drive-through or self-serve washing structure shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residential property.
- 4) A wood fence or concrete block wall (minimum height of 6 feet) shall separate the vehicle wash establishment from adjacent residential property.
- 5) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- 6) Curb cuts shall be located no closer than twenty-five (25) feet from any intersection or adjacent property line. Drives associated with the facility shall be separated along the front property line by a distance of at least twenty-five (25) feet. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, it may produce a safety hazard to pedestrian or vehicular traffic
- 7) Adequate lane maneuvering area shall be provided on the premises, with enough distance to allow for a minimum of four vehicles waiting in line.
- 8) Adequate on-premises landscaping shall be provided.

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- 9) On-site lighting shall be so located and designed as to have minimum impact upon surrounding properties
- 10) On-site signage shall conform to the requirements of Article 20.
- 11) All washing activities must be carried on within a building.
- 12) Vacuuming activities at least twenty-five (25) feet distant from any adjoining residential use.
- 13) The building entrances and exists of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility.
- 14) An adequate on-site area for waiting vehicles shall be provided to prevent the lining up of said vehicles on public streets.

ii) Wind Energy Conversion Systems

- 1) The regulation of wind energy conversion systems, including the height and required setbacks for such systems (including tower, rotors, guy wires and related equipment) is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents. In addition to the requirements of Section 18.03, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within 300 feet of the WECS.
- 2) Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - A) A standard foundation and anchor design or specifications for normal soil conditions;

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- B) Detailed instructions for operation and maintenance of the WECS on site;
- C) A copy of all warnings and/or documents provided by the manufacturer of the WECS;
- D) Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters);
- E) Underwriters label, where appropriate; and
- F) Proof of Insurance.
- G) Labeling:
 - 1) The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 - a) The name, address, and telephone number of the owner of the tower subsystem;
 - b) Manufacturer's name and address;
 - c) Model number;
 - d) Serial number;
 - e) Emergency and normal shutdown procedures.
 - f) The survival wind speed in miles per hour and meters per second.
 - g) Name of installer.
 - h) Name of person responsible for maintenance
 - i) Emergency telephone number in force for the installer and the person responsible for maintenance.
 - 2) The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location.

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- a) Maximum power input (KW); rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
 - b) Manufacturer's name and address;
 - c) Model number;
 - d) Serial number;
 - e) Underwriter's label where appropriate.
- 3) Electromagnetic Interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).
- 4) Noise: The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.
- 5) Lot Area / Setbacks / Separation Distances: No WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to utility lines and / or property lines than one hundred percent (100%) of the height of the tower and rotor combined. If more than one tower, or an array of towers is proposed, the separation distance between towers shall be no less than 100% of the height of the tower and rotor combined. Roof-mounted systems or towers that do not exceed the height requirements within the underlying zoning district shall be a permitted use subject to the setback requirements for the principal building, if roof-mounted, or one hundred percent (100%) of the combined tower and rotor blade height and shall be subject to the noise standards under (4) above.

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- 6) Height: The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be sixty feet (60) feet for parcels on one (1) to less than five (5) acres, ninety (90) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and twenty (120) feet for parcels of ten (10) acres or more. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed use is for a community facility serving no less than fifty (50) dwelling units or for the generation needs of a commercial or industrial user.
- 7) Ground Clearance: For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet. The Planning Commission may waive this ground clearance height based upon use of alternative designs that do not include blades.
- 8) Accessibility: Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
- 9) Interconnected WECS: In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
- 10) Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
- 11) Other Studies or Requirements: The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to other issues that may be considered a nuisance. Such studies may include avian

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and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.

- 12) Decommission Plan/ Site reclamation: The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.

jj) Solar Energy Systems

- 1) The regulation of solar energy systems, including the height, required setbacks and lot coverage for such systems is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents. Such developments shall be a special use unless in compliance with the following (in which case it shall be a permitted use):
 - (A) Roof-mounted applications shall not exceed the height requirements within the underlying zoning district.
 - (B) Ground-mounted applications shall not exceed the height requirements and setback requirements for accessory buildings and shall not exceed the overall lot coverage requirements within the underlying zoning district.