

CHAPTER 12 SPECIAL LAND USES

Section 12.1 Description and Purpose.

- (a) A special land use is a use that is permitted within a specified zoning district upon compliance with the applicable requirements of this chapter. Due to unique characteristics of special land uses, special limitations and controls are necessary to insure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses.
- (b) This chapter also describes special approval conditions and regulations applicable to certain uses which are permitted with special land use approval.
- (c) No special land use shall be engaged in unless the required approval has been granted, in accordance with the procedures specified in this chapter.

Section 12.2 Applications for Special Land Uses. A special land use application shall be submitted and processed according to the following procedures:

- (a) An application, on a form provided by the Township, shall be completed by the applicant and submitted to the Zoning Administrator.
- (b) Among other matters, the application shall include the name and address of the applicant; the address of the property involved; the date of the application; and a statement indicating the sections of this Ordinance under which the special land use is sought. The applicant shall also specify the grounds upon which the special land use is requested to be granted.
- (c) A site plan in 10 copies covering the special land use shall be submitted with the application. The site plan shall comply with all of the required contents of a site plan, as stated in Section 13.5 of this Ordinance; provided, however, that the Planning Commission, in its discretion, may waive any element or component otherwise required to be included in a site plan, if such matters are not deemed necessary for review and consideration of the proposed special land use application.
- (d) The fee established for an application for a special land use shall be paid at the time of the filing of the application. The applicant shall also deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Township's zoning escrow account procedures.

Section 12.3 Action on Special Land Use Applications.

- (a) **Initial Review by Planning Commission.** The Zoning Administrator shall determine whether a special land use application is complete. An application deemed to be incomplete by the Zoning Administrator shall be returned to the applicant, and no further action need be taken until the application is completed and resubmitted. In considering a special land use application, the Planning Commission may require the submission of additional reports, studies or information, including an environmental impact assessment, traffic impact study, utility system plan, storm water drainage plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.
- (b) **Public Hearing.** Once the Planning Commission determines that a complete special land use application has been received, the Planning Commission shall hold a public hearing on the proposed special land use. The Planning Commission shall determine the date, time and place for the public hearing. Notice of the public hearing shall be published and delivered in accordance with Section 18.9.
- (c) **Planning Commission Action.** After the public hearing and upon the review of the merits of the special land use application, the Planning Commission shall approve, deny, or approve with conditions the special land use application. The Planning Commission's decision shall be incorporated within a motion or resolution containing conclusions reached relative to the proposed special land use, which specifies the basis for the decision and any conditions imposed.
- (d) **Terms and Conditions of Approval.** In its approval of a special land use, the Planning Commission may impose reasonable terms and conditions. The terms and conditions shall be for the purpose of achieving the following goals and favorable results:
 - (1) To assure that public services and facilities affected by the special land use will be capable of accommodating increased service requirements resulting from the use.
 - (2) To assure that the special land use is reasonable.
 - (3) To assure that the special land use is compatible with adjacent and nearby land uses.
 - (4) To protect natural resources; the health, safety and welfare of those who will utilize the special land use and also residents in the vicinity of the special land use and the Township as a whole.
 - (5) To assure that the special land use is consistent with the intent and purposes of the zoning ordinance.

- (6) To assure compliance with the general special land use standards and the specific standards applying to the special land use under consideration.
- (7) If the special land use is of a temporary nature, or if it involves uses or activities which by their nature will terminate at some point in the future, terms and conditions may be imposed which limit the duration of the special land use.
- (e) **Periodic Review of Approved Special Land Use.** The Planning Commission may periodically review a special land use for the purpose of determining whether the terms and conditions of the use are being complied with. All terms and conditions of a special land use shall remain unchanged unless revoked or amended by the Planning Commission.
- (f) **Special Land Use Permit; Commencement of Approved Use.**
 - (1) A special land use permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. The special land use permit shall include all of the conditions of approval stipulated by the Planning Commission. Alternatively, the special land use resolution adopted by the Planning Commission may serve as the permit, if the resolution includes all of the terms and conditions of the special land use as approved. The Zoning Administrator shall forward a copy of the special land use permit to the applicant and the Township Clerk.
 - (2) A special land use permit for a special land use shall be valid for a period of one year from the date of issuance. If construction or other commencement of the special land use has not substantially occurred by the end of the one-year period, and if it does not proceed diligently to completion, the Zoning Administrator shall notify the applicant in writing of the expiration of the permit; provided, however, that upon request by the applicant the Planning Commission may extend the period of time in which the permit is to expire, upon finding that an extension of time is reasonable under the circumstances. The conducting of some use other than the special land use, even if a permitted use, shall not extend or otherwise affect the one-year period for commencement of the special land use.
 - (3) A site plan approved in conjunction with a special land use shall be processed according to the procedures of Chapter 13.

Section 12.4 Minimum Requirements for Special Land Use. Special land uses shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for all of the aspects and features of the land use for which minimum requirements are so specified, including but not limited to requirements on minimum lot area and minimum lot width, minimum building setbacks, street access, street frontage, sewage disposal and water supply, off-street parking and loading, landscaping and buffering, outdoor lighting, building and structure height, accessory buildings and structures, screening, private roads, public utility service, required

open space, signage, fences and walls, storm water management and facilities and other land use aspects, unless such requirements are modified, as provided in this section.

- (a) In approving a special land use the Planning Commission (1) may modify such minimum requirements; or (2) may impose other or different minimum requirements. The above decisions shall be based on the relevant facts and circumstances, and if the standards for consideration of special land uses stated in Section 13.5 would nevertheless be satisfied.
- (b) Further provided, however, that any such modification of the above-stated minimum requirements, or any such determination that any of such requirements need not be satisfied, shall be based upon findings by the Planning Commission that the following criteria have been met.
- (c) Any such modification of the above-stated minimum requirements, or any such determination that any of such requirements need not be satisfied, shall be based upon findings by the Planning Commission that the following criteria have been met:
 - (1) The modification of such requirements is justified due to the nature, size, density, location or design proposed special land use.
 - (2) The modification of such requirements will not result in serious adverse effects upon the special land use lands or other lands.
 - (3) The modification will nevertheless achieve the land use purposes of the special land use under consideration.
 - (4) Such modification of requirements would not be inconsistent with the general intent and purposes of the zoning ordinance and the Master Plan.
- (d) All special land uses shall be subject to review and approval by the Township fire chief, or the chief's designee, as to safe, convenient and sufficient access for fire department and rescue vehicles, including safe, convenient and sufficient access by fire department and rescue personnel for entry into, and exit from, buildings and other structures. It is a condition of every approved special land use that the owner, operator, employees, agents and other persons associated with the use shall permit fire department and rescue personnel to enter upon the premises and to inspect them at all reasonable times, to verify that the use, as established and operated, is in compliance with all Township, county and state fire protection requirements, and other Township ordinance provisions as to health and safety. In the event that such inspections disclose deficiencies and/or violations under the terms of the Township fire code or other applicable requirements, the owner, operator and others associated with the special land use shall promptly correct all such deficiencies and/or violations, upon receiving notice to do so. In appropriate circumstances, for the assurance of public health and safety, the Township fire chief may take all necessary actions to prevent or avoid imminent harm to persons or damage to property.

Section 12.5 Standards for Considering Special Land Uses. In considering an application for a special land use the Planning Commission shall apply and make findings upon the following general standards, in addition to other standards provided in this chapter for particular special land uses:

- (a) The size, character and nature of buildings and structures comprising the special land use shall not have a substantial adverse effect upon adjoin or nearby lands or the uses thereof.
- (b) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.
- (c) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
- (d) The special land use shall not have a substantial adverse effect on the protection and preservation of natural resources and natural features.
- (e) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.
- (f) Safe and adequate sewage disposal facilities and water supply measures shall be provided in compliance with county and state requirements, and shall be designed for compatibility with existing systems and anticipated future development. Connection with existing sanitary sewer systems and water supply systems may be required.
- (g) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- (h) The special land use shall not create excessive additional demand, at public cost, for public facilities and services.
- (i) The special land use shall be consistent with the intent and purposes of the zoning ordinance and the Township Master Plan.

Section 12.6 Reapplication. No special land use application which has been denied wholly or in part by the Planning Commission shall be resubmitted until at least 12 consecutive months after the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions affecting the proposed special land use, as determined by the Planning Commission. A reapplication shall be processed in the same manner as an original special land use application.

Section 12.7 Amendment of Special Land Use.

- (a) A special land use may be amended if approved by the Planning Commission, following the same procedure as required for an original special land use application, including the giving of notice and holding of a public hearing by the Planning Commission; provided, however, that minor amendments in a special land use may be approved by the Zoning Administrator as stated in subsection (c) of this section and, provided further, that minor site plan amendments as defined in Section 13.4 may be approved by the Zoning Administrator, without public notice or public hearing.
- (b) An amendment of a special land use may pertain to the site plan, additional or revised terms and conditions or other aspects of the use as originally approved. In considering any such amendment that is not a minor amendment, the Planning Commission may review the entire existing special land use, and all operational and other aspects thereof, in order to determine whether the terms and conditions of the special land use have been complied with. In its recommendation concerning a proposed amendment, the Planning Commission may include, and in its approval of a proposed amendment the Planning Commission may impose, additional terms and conditions for the purpose of achieving compliance with the terms and conditions specified for the original special land use.
- (c) As defined by this subsection, minor amendments to a special land use may be approved by the Zoning Administrator, either prior or subsequent to construction. The Zoning Administrator may, in his or her discretion, refer any decision regarding a proposed amendment to the Planning Commission for review and approval whether or not the change would qualify as a minor amendment under this section. In making a determination as to whether a change is a minor amendment, or whether to refer an amendment to the Planning Commission for approval, the Zoning Administrator may consult with the chairperson of the Planning Commission. Minor amendments to a special land use shall include:
 - (1) Minor site plan amendments as defined in Section 13.12(c).
 - (2) Changes in the nature of the special land use which permanently decrease or mitigate impacts from such use on surrounding properties, the general public or public facilities or service.
 - (3) Minor changes in, and/or minor additions to, the uses included in an approved special land use that (1) do not change the basic type, nature or character of the use; (2) do not alter its basic design; (3) are determined by the Zoning Administrator to be not material or significant in relation to the entire special land use; and (4) would not involve an unrelated use and would not have a significant adverse effect on adjacent or nearby lands or the public interest.

Section 12.8 Revocation of Special Land Uses. The Planning Commission shall have the authority to revoke any special land use permit following a public hearing noticed according to the procedures provided in Section 18.9, if the holder of the permit has failed to comply with any of the applicable conditions specified in the permit.

Section 12.9 Violation of Special Land Use Requirements. A violation of any of the terms and conditions of a special land use shall be a violation of this Ordinance, and all penalties specified herein for violation of the ordinance shall apply, and the Township shall have such other enforcement remedies authorized by law. The Township may also take such other lawful action as may be necessary to remedy and/or moderate the violation, including revocation of the land use permit for the special land use.

Section 12.10 Appeals. Any appeal of a special land use decision or condition shall be made only to the Circuit Court. The Zoning Board of Appeals shall have no jurisdiction to hear appeals from a special land use decision, nor authority to grant a variance or other relief with regard to a special land use or any part or aspect thereof.

Section 12.11 Standards for Particular Special Land Uses. The following provisions are standards and requirements for specific special land uses, which must be satisfied with respect to a specified special land use, in addition to compliance with the general special land use standards set forth in this chapter.

Section 12.12 Adult Foster Care Small Group Home. An adult foster care small group home may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) An adult foster care small group home is an adult foster care facility that is a private dwelling that provides adults with foster care for 24 hours per day, five or more days per week, and for two or more consecutive weeks. It shall have an approved capacity to receive at least seven but not more than 12 adults.
- (b) The special land use shall not be located within 1,500 feet of the property line of any other adult foster care small group home or adult foster care large group home, a substance abuse treatment center which serves seven or more persons, an adult foster care facility licensed for persons received from or assigned to adult correctional institutions, or other state licensed facility for adult or child care.
- (c) The holder of the license for the adult foster care group home shall be a member of the household and an occupant of the dwelling.
- (d) The foster care group home shall have its primary access directly from a paved, all-season street.
- (e) All required state licenses shall be maintained at all times; a failure to maintain proper licensing shall be grounds for revocation of the special land use.

- (f) All parking areas shall have a smooth, dust-free surface.
- (g) There shall be a minimum usable floor area above grade of at least 250 square feet per occupant. No residents of the facility shall be housed in a basement.
- (h) There shall be minimum lot area of 2,000 square feet for each occupant of the foster care group home, but in any event, no such lot shall have less than four acres.
- (i) All signs shall comply with the provisions of Chapter 14.
- (j) All off-street parking shall comply with the provisions of Chapter 15.
- (k) Landscaping and buffering shall be provided in accordance with Section 4.30.
- (l) The property shall be maintained in a manner consistent with the general characteristics of the neighborhood.

Section 12.13 Airplane Landing Fields. Airplane landing fields and landing strips may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The take-off and landing pattern of aircrafts within 1,000 feet of the ends of a runway shall not pass over an occupied building.
- (b) The landing field or landing strip and other areas on which airplanes may taxi shall be at least 200 feet away from any property line, except that this provision shall not apply to any property line of property that is owned or leased by the owner or lessee of an aircraft, utilizing the landing strip and/or taxiing areas.
- (c) Landing fields, landing strips and taxing areas shall have a dustless surface.
- (d) The landing fields and landing strips, and any associated airport, shall be of such size, and the aircraft runways shall be so located, that operations in accordance with the requirements of the Federal Aviation Administration shall not require limitation of heights of structures on adjacent land to less than the height limit prescribed in this ordinance for the district in which such land is located.
- (e) Aircraft hangers not larger than that necessary to house the number of permitted aircraft may be permitted if approved in the special land use.
- (f) The special land use shall be designed and conducted so as not to adversely affect existing development or future development in the vicinity.
- (g) The use and operations of permitted landing fields and landing strips shall be carried out so as not to adversely affect public safety.

Section 12.14 Animal Clinic. An animal clinic may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The special land use for an animal clinic shall be limited to a facility in which animals are given medical care and grooming; the boarding of animals shall be limited to short-term care incidental to clinical use.
- (b) The minimum parcel size shall be two acres.
- (c) All operations and the housing of animals shall be contained in one or more completely enclosed buildings, except that an incidental, fenced area may be included for the temporary keeping of animals out of doors.
- (d) Only small animals, of the type and nature of household pets, shall be treated on the premises.
- (e) Animal remains, wastes, biohazard materials or byproducts shall be disposed of as required by the Medical Waste Law of the State of Michigan and animal clinic operations shall be subject to inspection by the Michigan Department of Public Health as that law requires. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal remains, wastes, biohazard materials or byproducts shall be buried or incinerated on site.
- (f) There shall be sufficient soundproofing to prevent any noise disturbance beyond the property boundaries.
- (g) All signs shall be in accordance with Chapter 14.
- (h) All parking shall be in accordance with Chapter 15.
- (i) Landscaping shall be maintained in all required yards including exercising yards, in accordance with the approved site plan.
- (j) Outdoor lighting shall be in accordance with Section 4.19.
- (k) All required licensing for the facility shall be maintained in force and effect at all times.

Section 12.15 Bed and Breakfast Establishments. A bed and breakfast establishment may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The bed and breakfast establishment shall be located on lands with direct access to a public street.
- (b) The use shall be established only in a detached single family dwelling.

- (c) There shall be adequate off-street parking, so located as to minimize negative impacts upon adjacent lands.
- (d) Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping.
- (e) The establishment shall be located in the principal dwelling on the property, shall be the residence of the operator of the establishment, and shall be occupied by the operator.
- (f) The room or rooms utilized as bedrooms for guests of the establishment shall be a part of the primary residential use of the dwelling, and shall not be specifically constructed, either as an addition or a separate building, for bed and breakfast purposes.
- (g) No cooking facilities shall be permitted in any of the rooms or suites used by guests of the establishment.
- (h) The serving of breakfast shall be only to overnight guests of the establishment and to the operator's family and employees. The establishment shall not be used for public restaurant purposes.
- (i) One freestanding sign for identification purposes shall be permitted. It shall comply with the applicable sign provisions for the R-R District; and may not be illuminated.
- (j) The use shall be generally compatible with adjacent and nearby residential uses in the vicinity; the impact of the establishment as a result of vehicle traffic, off-street parking and the like shall be generally consistent with similar impacts in the case of a private dwelling with overnight guests.

Section 12.16 Campground. A campground may be approved by the Planning Commission as a special land use in the R-R and L-R Districts, upon compliance with the following requirements:

- (a) A campground is a land area under the control of one or more persons or legal entities which offer sites for use by the public or members of an organization, either without charge or for a fee, for the establishment of temporary living quarters for five or more recreational units, including travel trailers, camping trailers, recreational motor homes, tents or other form of temporary shelter (but not including a mobile home or manufactured home used as a permanent dwelling or for living quarters, except as permitted in this section), for outdoor camping and temporary living quarters for recreational, educational, religious or vacation purposes.
- (b) A campground and the owner and/or operator thereof shall be licensed under the terms of the Michigan Public Health Code or other applicable state law, and the applicable state regulations. The owner and/or operator of the campground shall comply with the terms and conditions of the license at all times. Likewise, the owner and/or operator shall comply with the applicable state law and regulations with respect to the campground.

- (c) Not more than one permanent dwelling shall be permitted in a campground, and it shall be occupied only by the owner, manager or an employee of the campground.
- (d) Other than the specific dwelling described in (c), no year-round residency within the campground shall be permitted.
- (e) The minimum land area of a campground shall be three acres.
- (f) There shall be a central water supply, in compliance with County Health Department requirements, which shall provide both hot and cold running water.
- (g) Toilet and bathing facilities shall be provided, to such extent and at such ratio to the number of campsites as is specified in the special land use approval.
- (h) There shall be a fire extinguisher provided at a convenient and reasonable distance from each campsite, or otherwise as may be specified in the special land use approval.
- (i) Sanitary sewage disposal facilities shall be provided in accordance with County Health Department requirements.
- (j) Electrical and other utility connections in use shall be in accordance with plans approved by the local public utility or public agency.
- (k) Motor vehicle access to the campground and to all campsites shall be by means of a roadway suitably maintained to prevent rutting, erosion or other deterioration. All roadways shall be of a minimum width as specified in the special land use. Parking along roadways shall be prohibited, unless permitted in the terms of the special land use.
- (l) At least one adequately sized motor vehicle parking space shall be provided at each campsite; provided, however, that this provision may be modified in the special land use as to those campsites that are designed for a more natural outdoor appearance. In that case, an adequately sized parking space shall be provided for each such campsite at an alternate location within the campground.
- (m) The area of each campsite shall be not less than that specified in the special land use or, if approved in the special land use, the area specified in the applicant's campground plan as approved for the campground license.
- (n) Each building, structure, campsite, and accessory use shall be set back from all property lines of the campground for the distance specified in the special land use.
- (o) There may be a store, structure or other facility for the purpose of selling or providing items customarily incidental to camping, within the campground, but otherwise, the campground shall not be used for the conducting of business unrelated to the campground use.

- (p) In its approval of the special land use, the Planning Commission may include other terms and conditions not inconsistent with those specified in this section.

Section 12.17 Child Care Center. A child care center may be approved by the Planning Commission as a special land use in the C and C-1 Districts, upon compliance with the following requirements:

- (a) A child care center is a commercial establishment, other than a private dwelling, in which one or more children are received for care and supervision for periods of less than 24 hours per day, including such care and supervision for not less than two consecutive weeks.
- (b) The child care center shall not be located within 1,500 feet of the property lines of a substance abuse treatment center which serves seven or more persons, an adult foster care facility licensed for care or treatment of persons released from or assigned to adult correctional institutions, a nursing home or home for the aged or other state licensed facility for adult or child care.
- (c) The minimum lot size for the special land use shall be calculated by multiplying the number of persons approved for capacity of the center by 500 square feet, but in any case, the minimum lot size shall be not less than two acres.
- (d) All required state licensing shall be complied with.
- (e) There shall be adequate outdoor recreation space, sufficient for the number of persons being cared for in the facility and in such location as approved by the Planning Commission.
 - (1) The outdoor recreation space shall be at least 1,200 square feet in area, but in any event it shall not be less than an area equal to 75 square feet for each child for whom the child care center is licensed to care for, or as may otherwise be determined by the Planning Commission in the approval of the special land use.
 - (2) The outdoor recreation space shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor recreation space shall be completely enclosed by a chain link or solid fence and shall be screened from any abutting residential use by vegetation.
- (f) Any dumpsters on site shall be enclosed on four sides with an opaque fence equipped with a lockable gate.
- (g) The child care center shall be provided with a paved and smooth pick-up and drop-off area which shall be adequately removed from any street or driveway area.
- (h) Hours of operation shall not exceed a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities.

- (i) All parking areas shall comply with the provisions of Chapter 15.
- (j) All signs shall comply with Chapter 14.
- (k) Landscaping and buffering shall be provided in accordance with Section 4.30, in addition to the above-stated fencing.

Section 12.18 Church and Other Place of Worship. A church or other house of worship may be approved by the Planning Commission as a special land use in the R-R, MFR, C and C-1 Districts, upon compliance with the following requirements:

- (a) All buildings shall be set back at least 50 feet from all side and rear property lines.
- (b) A church or other house of worship shall be located on a parcel of at least two acres.
- (c) Spires and steeples in excess of the height permitted in the zoning district may be constructed only if approved in the special land use.
- (d) A childcare facility may be operated on church property if approved in the special land use.
- (e) All parking areas shall comply with the provisions of Chapter 15.
- (f) All signs shall comply with Chapter 14.
- (g) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.19 Contractor Yards. A contractor yard may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use generally consists of an area of land, which may include a building, used for the purpose of parking and/or storing heavy equipment or other equipment used for construction, earth moving, lawn maintenance and similar activities, in which such equipment is located either in a completely enclosed building or, if located out of doors, is fully enclosed by fencing or other screening, as may be permitted in the terms of the special land use.
- (b) A principal building shall comply with the minimum required principal building setbacks in the I-1 District, unless greater setbacks are required in the terms of the special land use.
- (c) The contractor yard shall be fenced on all sides with durable fencing at least six feet in height; such fence shall be, in whole or in part, a solid fence, or chain link or similarly durable fencing, in accordance with the terms of the special land use.
- (d) No vehicles, equipment or other items shall be stored out of doors to any height greater than the surrounding fencing or screening.

- (e) Adequate, safe and convenient driveways for the entry and exit of construction equipment and other contractor equipment shall be provided.
- (f) There shall be adequate landscaping, buffering or isolation area so as to avoid adverse effect on other lands by reason of noise, dust, fumes and other adverse effects. Landscaping and screening shall be provided in accordance with Section 4.30.
- (g) A contractor yard shall not be located within 100 feet of a wetland or surface water body.
- (h) Signs shall comply with Chapter 14.
- (i) Off-street parking areas shall comply with the provisions of Chapter 15.

Section 12.20 Engineering Laboratories. Engineering laboratories may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use may authorize a laboratory or similar facility for analysis of materials, components, chemicals or other objects or substances associated with engineering, manufacturing and similar or accessory uses. Such laboratories may be separate facilities or may be located within and as a part of an approved manufacturing plant or facility.
- (b) The minimum lot area and minimum lot width shall be as stated in the I-1 District, unless a greater area or greater width is required in the terms of the special land use.
- (c) If such laboratory facilities involve testing or analysis in such a manner that noise, vibration, fumes or other adverse impacts are likely to result, then buildings or other structures or land used for such purposes shall be situated a sufficient distance away from adjacent and nearby lands and nearby streets so as to avoid adverse impacts arising beyond the property boundaries.
- (d) Adequate off-street parking and loading areas shall be provided.
- (e) Off-street parking areas shall comply with the provisions of Chapter 15.
- (f) Signs shall comply with Chapter 14.
- (g) Exterior light fixtures shall comply with Section 4.19.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.21 Essential Services Buildings. Essential services buildings may be approved by the Planning Commission as a special land use in the R-R, C, C-1 and I-1 Districts, upon compliance with the following requirements:

- (a) This special land use pertains to buildings owned and/or maintained by a municipal corporation, public utility or other entity regulated by franchise or under agreement with a public body. Such buildings are limited to those constructed and used for services in connection with the providing of gas, electricity, communications, water supply, sewage disposal or other utility services for the benefit of the public health, safety or general welfare.
- (b) The setback of any such building shall comply with the minimum building setback requirements of the zone district; provided, however, that in approving the special land use, the Planning Commission may require greater or different building setback distances.
- (c) The design of such buildings and the exterior materials thereof shall be generally compatible with the buildings in the surrounding neighborhood, though it is recognized that by their nature, such essential service buildings have particular requirements which may affect the extent of compatibility with other types of buildings.
- (d) Adequate driveways and off-street parking areas for the vehicles entering and leaving the site shall be provided.
- (e) Fencing of the site and screening and buffering of the buildings may be required.
- (f) If the buildings or the site will involve potentially unsafe utility installations, such as electric generation or transmission equipment, adequate protective measures shall be taken so as to assure a high level of public safety.

Section 12.22 Farm Markets. A farm market may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) A farm market shall be located only on a bona fide farm.
- (b) The structure or structures comprising the farm market shall be located a sufficient distance back from the street right-of-way line so as to avoid hazardous traffic conditions.
- (c) The maximum size of the open-air or other structure used for the farm market shall be as determined by the Planning Commission in its approval of the special land use.
- (d) Adequate off-street parking shall be provided. The location of off-street parking areas and the length of driveways shall be sufficient to avoid the backing up of vehicles into any street right-of-way. In addition, off-street parking areas shall be in accordance with Chapter 15 and shall also comply with the following:
 - (1) All parking shall be off-street parking and shall not utilize any public right-of-way areas.

- (2) No parking areas shall be located less than 20 feet from any property line.
- (3) Each area or section in the farm market designed for individual proprietors shall have a minimum of 400 square feet of loading/unloading space.
- (4) There shall be a minimum of two parking spaces per individual sales area within the market.
- (e) Signs shall comply with Chapter 14.
- (f) Exterior light fixtures shall comply with Section 4.19.
- (g) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.23 Farm Related Recreational Use.

- (a) The purpose of this subsection is to establish minimum requirements and other provisions for the farm-related recreational special land use authorized for consideration and approval by the Planning Commission on lands in the R-R District. The provisions herein would permit certain recreational uses related to farms and farming activities to take place on farms, under various terms and conditions. Such uses could be permitted in addition to farm operations and, in appropriate cases, could serve as permitted enhancements of current farm uses, for the benefit of farm owners and operators and the interested public. This section does not apply to farm markets, to greenhouses or nurseries or to roadside stands, all of which are regulated by other provisions in this Ordinance.
- (b) Farm-related recreational use as described in this section and as referred to as a special land use in the R-R District.
- (c) **Permitted Uses.**
 - (1) Hay rides.
 - (2) Cider mills.
 - (3) Corn mazes.
 - (4) Preservation and tours of historic farm buildings and/or display of historic farm tools and equipment.
 - (5) Horticultural and livestock displays and competitions.
 - (6) Programs and educational classes about farming and farm land.

- (7) Other limited recreational uses (1) associated with farm living, the raising of crops and livestock and the use and preservation of farm land, or other aspects of the use of land for productive agricultural purposes; and (2) determined by the Planning Commission to be substantially similar in character, nature and land use effects to the other permitted uses stated in this subsection (c).
- (8) Accessory uses customarily incidental to the permitted farm-related recreational uses, as follows:
 - (i) The sale and serving of cider and other refreshments to cider-mill customers.
 - (ii) The sale of apples and other produce to cider-mill customers.
 - (iii) Tours of cider mills and apple storage warehouses.
 - (iv) Sale of books, brochures and other printed material about farms and farming, preservation of historic farm buildings and equipment and other written materials about farming and farm life.
 - (v) Sale or distribution of literature about corn mazes and the establishing thereof.
 - (vi) Off-street parking area for customers of permitted recreational uses.
 - (vii) Meetings of farm-related organizations.
 - (viii) Other accessory uses customarily incidental to and dependent on any of the permitted principal uses.
- (d) A site plan in compliance with Section 13.5 shall be submitted. The special land use shall comply with the site plan as approved by the Planning Commission.
- (e) Any building or other improvement shall have such size, height and location as are approved by the Planning Commission. All buildings and other facilities shall be subject to the approval of the Township fire chief with respect to matters of fire protection and public safety, and they shall be designed, constructed and operated only in full compliance with applicable Township fire code, building codes and other fire protection requirements.
- (f) Safe and convenient motor vehicle access to the special land use shall be established and maintained as required by the Planning Commission in its approval of the special land use.

- (g) The special land use shall be subject to such operational and other conditions as may be required by the Planning Commission, including hours and days of operation; extent of off-street parking; convenience of motor vehicle access; distance of recreational activities from adjacent lands; prohibition of adverse effects on other lands; and other regulations pertaining to the operation of the use and the prevention or avoidance of adverse effects on other lands and land uses.
- (h) Off-street parking shall be provided in compliance with Chapter 15 or as otherwise required by the Planning Commission in its approval of the special land use. At all times, Township and other emergency vehicles shall be provided convenient and safe access to all buildings and other portions of the special land use.
- (i) Provisions for sanitary sewage disposal and control and management of storm water drainage shall be as required by the Planning Commission and in compliance with applicable Township ordinances.
- (j) Landscaping, if required, shall comply with applicable provisions of Section 4.30, or shall be as otherwise required by the Planning Commission. Effective landscaped screening, by means of trees and other vegetation, shall be established and maintained on lands as to which there are dwellings on abutting properties that are within 100 feet of any property line of lands used in the special land use. Such tree plantings or other visual screening shall be so located so as to substantially obscure the view of special land use operations from such dwellings on abutting lands.
- (k) Exterior lighting, if permitted by the Planning Commission, shall be designed so that it is deflected away from other lands and adjacent streets; such lighting shall otherwise comply with Planning Commission requirements.
- (l) Signs identifying the special land use shall comply with the non-residential sign requirements in the R-R District or shall comply with such other sign requirements as may be determined by the Planning Commission.
- (m) Motor vehicle traffic on the site, the location and configuration of vehicle entrances and other aspects of motor vehicle traffic volume and circulation shall be as required by the Planning Commission. A traffic impact study may be required.
- (n) If any of the activities comprising the special land use are subject to state or other licensing, all of such licenses shall be complied with and copies thereof shall be submitted to the Township prior to the commencement of the use.
- (o) The providing, serving or consumption of beer, wine, spirits or other alcoholic beverage shall be prohibited unless authorized for the premises under applicable state license.
- (p) The days and hours during which the permitted uses and activities may occur may be determined by the Planning Commission in its approval of the special land use.

- (q) The following land uses are prohibited: Restaurant; retail store; any commercial or business activity not specifically authorized by the terms hereof.
- (r) Standards for approval of the special land use. In considering whether the special land use shall be approved, the Planning Commission shall consider the following standards, in addition to the standards of Section 12.5:
 - (1) The location of the use, in relation to residential, agricultural and other adjacent and nearby land uses.
 - (2) The effects and impact of the special land use on adjacent or nearby lands or land uses.
 - (3) The extent to which potential adverse effects of the special land use will be prevented, avoided or moderated by the conditions imposed in the approval of the use.
 - (4) The extent to which the use would be consistent with the intent and purposes of the R-R District.
 - (5) The extent to which the special land use would be consistent with the goals and objectives of the Township Master Plan.
 - (6) Other considerations relevant to the location and nature of the special land use and effects resulting from its operation.

Section 12.24 Farm Supply Business. A farm supply business may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) A farm supply business may include a building and other installations, for the purpose of offering for sale supplies and related items that are incidental to farming, including crop seed, fertilizers, pesticides, herbicides and other farm supplies.
- (b) The building and other structures comprising the farm supply business shall comply with the minimum building setbacks in the R-R District, unless lesser building setbacks are permitted in the terms of the special land use.
- (c) Adequate off-street parking shall be provided in accordance with Chapter 15, or as otherwise specified in the special land use.
- (d) Bulk materials to be offered for sale in connection with farm operations may be stored out of doors only if sufficiently screened and otherwise contained in accordance with requirements specified in the special land use.
- (e) Signs shall comply with Chapter 14.
- (f) Exterior light fixtures shall comply with Section 4.19.

Section 12.25 Gasoline Service Station. A gasoline service station may be approved by the Planning Commission as a special land use in the C-1 District, upon compliance with the following requirements:

- (a) A gasoline service station special land use may include a building and other premises where operating fuels, lubrication oils and similar items for motor vehicles are offered for sale at retail to the public; a service station may also include the sale of motor vehicle accessories.
- (b) Minimum street frontage of 200 feet shall be required, unless otherwise specified in the special land use.
- (c) Minimum lot area shall be increased 500 square feet for each fuel pump unit in excess of four, and 1,000 square feet for each service bay in excess of two.
- (d) All buildings and accessory structures including gasoline pumps shall be set back 50 feet from any lot line and 75 feet from any street right-of-way line.
- (e) All equipment, including automobile washing, shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.
- (f) All activities, except those required to be performed at the fuel pump and except those involving the use of outdoor air-supply equipment, shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.
- (g) There shall be no above-ground tanks on the premises, other than propane tanks.
- (h) All signs shall be in compliance with the provisions of Chapter 14.
- (i) All off-street parking shall be in compliance with Chapter 15.
- (j) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.26 Group Child Care Home. A group child care home, as defined in Chapter 2, may be approved by the Planning Commission as a special land use in the zoning districts where provided for upon compliance with the following requirements:

- (a) All required state licensing for a group child care home shall be maintained at all times.
- (b) All outdoor areas used for the care and supervision of children shall be fully enclosed with a privacy fence at least six feet high along the side or sides of the outdoor areas that adjoin another dwelling. Such outdoor areas shall be fenced with a minimum four-foot-high fence along the sides thereof facing areas that do not include another dwelling.

- (c) The group child care home shall be located at least 1,500 feet away from any one of the following:
 - (1) A licensed or pre-existing operating group child care home.
 - (2) A facility offering substance abuse treatment and rehabilitation service to seven or more people.
 - (3) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
- (d) The group child care home shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (e) Hours of operation shall not exceed 16 hours in a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities.
- (f) All parking areas shall comply with the provisions of Chapter 15.
- (g) All signs shall comply with Chapter 14.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30, in addition to the above-stated fencing.

Section 12.27 Home Occupations Involving Two Employees not Residing on the Premises. A home occupation involving two (but not more than two) employees who do not reside on the premises may be approved by the Planning Commission as a special land use in the R-R and MFR Districts, upon compliance with the following requirements:

- (a) All of the terms and conditions for a permitted home occupation as stated in Section 4.16 shall be fully complied with.
- (b) Not more than two employees who do not reside on the premises shall be included in the home occupation.
- (c) Adequate off-street parking area shall be provided for the permitted employees of the home occupation.

Section 12.28 Hotel and Motel. A hotel or motel may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) This special land use covers hotels and motels that offer transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms and the like.
- (b) The use shall be generally compatible with other permitted commercial uses in the vicinity.

- (c) The minimum required principal building setbacks in the C District shall be complied with; provided, however, that in approving the special land use, the Planning Commission may require greater setbacks.
- (d) All off-street parking areas shall comply with the provisions of Chapter 15.
- (e) Signs shall comply with Chapter 14.
- (f) Landscaping and buffering shall be provided in accordance with Section 4.30.
- (g) Driveways shall be located a sufficient distance away from street intersections to avoid unsafe traffic conditions.
- (h) Trash and refuse receptacles shall be fully enclosed and screened.
- (i) Exterior light fixtures shall comply with Section 4.19.

Section 12.29 Kennels. A dog kennel may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) A kennel consists of a commercial or non-commercial establishment in which dogs are housed, groomed, bred, boarded, trained or sold.
- (b) Not more than three adult, household dogs, six months of age or older, shall be kept or housed on any parcel of land unless a kennel special land use is approved for such use, in accordance with the provisions of this section.
- (c) The use shall be located on not less than two acres of land. All operations and the housing of animals shall be in one or more completely enclosed buildings.
- (d) Kennel areas shall be a minimum of one hundred (100) feet from any property line and 50 feet from any wetland or surface water body.
- (e) A county kennel license, if required, shall be in force at all times.
- (f) There shall be sufficient soundproofing to prevent any noise disturbance beyond the property boundaries.
- (g) All outdoor exercise areas for animals shall be adequately fenced to prevent both escape and entry by other animals into the facility.
- (h) Only dogs that are household pets or which kept for hunting or other lawful purposes shall be boarded on the premises.
- (i) Animal wastes, bio-hazard materials or byproducts shall be disposed of as required by Michigan law. Kennel operations shall be subject to inspection by the county health department. All other wastes shall be contained in leak-proof and odor-proof containers that are removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.

- (j) All signs shall be in accordance with Chapter 12 of this zoning ordinance.
- (k) All parking shall be in accordance with Chapter 15 of this zoning ordinance.
- (l) Outdoor lighting shall be in accordance with Section 4.19.

Section 12.30 Landscaping, Commercial. Commercial landscaping facilities may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) Retail sales shall be permitted only as an incidental and secondary use.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Outdoor storage of landscape supplies and materials shall be adequately screened from view from adjacent and nearby lands. Other screening and buffering shall be provided in accordance with Section 4.30.
- (d) Outdoor storage of mulch, dirt and other gardening commodities shall be suitably contained so as not to become unsightly or be tracked into areas used for motor vehicle traffic or pedestrian routes.
- (e) Adequate and safe locations shall be established for the picking up and loading of plants, shrubs and trees and other landscape supplies and materials in customers' motor vehicles, situated so as not to interfere with vehicle circulation areas on the site or pedestrian routes.
- (f) Signs shall comply with Chapter 14.
- (g) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.

Section 12.31 Libraries, Museums, and Similar Facilities, all Public. Libraries, museums and other similar facilities may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) All buildings shall be set back at least 50 feet from all side and rear property lines.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) There shall be adequate and convenient water supply and sanitary sewage disposal.
- (d) Off-street parking areas shall be designed and constructed to facilitate the convenient circulation and parking of motor vehicles, without interference with pedestrians or other persons engaged in recreational activities on the site.
- (e) Signs shall comply with Chapter 14.

- (f) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (g) Exterior light fixtures shall comply with Section 4.19.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.32 Light Manufacturing. Light manufacturing may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use consists of light manufacturing, including processes of grinding, pressing, extruding, bending or otherwise processing or finishing raw materials for wholesale or assembly. Heavy industrial uses, such as those which may cause excessive noise, vibration, odors, visual blight or potentially hazardous processes are not included in the special land use.
- (b) The minimum lot area shall be two acres; the minimum lot width shall be 300 feet.
- (c) Buildings use for light manufacturing shall be a sufficient distance away from adjacent and nearby lands and the nearby streets so as to avoid adverse impacts by reason of noise, vibration, fumes and other adverse effects.
- (d) Adequate off-street parking, delivery and loading areas shall be provided. Driveways shall be of sufficient width for large-size trucks and other motor vehicles. There shall be a sufficient distance between driveways and intersecting streets so as to avoid adverse traffic conditions. Other off-street parking requirements shall comply with Chapter 15.
- (e) Outdoor storage areas shall be screened so as to obscure the view of the materials being stored. Landscaping, screening and buffering shall be provided in accordance with Section 4.30.
- (f) All signs shall be in accordance with Chapter 14.
- (g) All outdoor lighting shall comply with Section 4.19.

Section 12.33 Medical Facilities, Out-Patient. Out-patient medical facilities may be approved by the Planning Commission as a special land use in the C, C-1 and R-R Districts, upon compliance with the following requirements:

- (a) The special land use shall provide medical and health services on only an out-patient basis, for medical or surgical care of sick or injured persons. The use may include facilities related to such out-patient care, including laboratories and specialized medical facilities for out-patient services only.
- (b) Locations for the dropping off and picking up of patients and others shall be located a sufficient distance back from the adjacent streets so as to avoid motor vehicle conflicts and unsafe conditions.

- (c) Driveways shall be located a sufficient distance away from street intersections to avoid unsafe traffic conditions.
- (d) Convenient and prominently marked access for ambulances and other emergency vehicles shall be provided.
- (e) Adequate driveways and parking areas for the delivery of goods and supplies and for service vehicles shall be provided and, if required by the Planning Commission, they shall be separated from driveways and parking areas used by the public.
- (f) Trash and refuse receptacles shall be fully enclosed and screened.
- (g) Signs shall comply with Chapter 14.
- (h) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (i) Exterior light fixtures shall comply with Section 4.19.
- (j) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.34 Motor Vehicle Repair Shop. A motor vehicle repair shop may be approved by the Planning Commission as a special land use in the C-1 District, upon compliance with the following requirements:

- (a) This special land use may include a garage, building and associated area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment.
- (b) All vehicles, parts, material and equipment shall be stored within enclosed buildings or within an area completely enclosed by an opaque fence eight feet in height, or which is otherwise screened as required in the terms of the special land use.
- (c) All storage tanks or other facilities used to store hazardous, toxic, explosive or flammable substances shall be equipped with appropriate containment structures or equipment to prevent any migration of such substances into the groundwater or surface waters of the Township.
- (d) The use shall comply with the required minimum principal building setbacks for the C-1 District, except that the Planning Commission may require greater building setbacks in the approval of the special land use.
- (e) Adequate, safe and convenient driveways for the entry and exit of motor vehicles shall be provided.
- (f) Outdoor lighting shall be in accordance with Section 4.19.
- (g) All signs shall be in compliance with the provisions of Chapter 14 of this Ordinance.
- (h) All off-street parking shall be in compliance with Chapter 15 of this Ordinance.

- (i) Landscaping and buffering shall be provided in accordance with Section 4.30 of this zoning ordinance.

Section 12.35 Motor Vehicle Wash Establishment. A motor vehicle wash establishment may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) This special land use covers a building and equipment used for the commercial washing, waxing and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities may include self-wash, automated-wash facilities and similar installations.
- (b) All washing activities shall be carried on within a building.
- (c) No vacuum equipment shall be located closer than 100 feet from any property line, which abuts a property zoned or used for residential purposes.
- (d) Noise generated on site from any source shall not exceed 50 decibels measured at any property line.
- (e) All parking areas shall comply with the provisions of Chapter 15.
- (f) All signs shall comply with Chapter 14.
- (g) The use shall comply with the required minimum building setbacks in the C District, unless greater setbacks are required in the special land use.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.36 Open Air Business. An open air business may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use consists of an area of land, and may include a building, with associated driveways and parking areas, used for the display and sale of merchandise and other goods and commodities out of doors, on a retail basis. The use may include sales at auction.
- (b) The area of the site used for parking, display or storage shall be paved or shall have such other hard surface that is sufficient to avoid excessive accumulation of dust.
- (c) The parking area shall be so graded and drained as to dispose of all surface water in a safe and effective manner, without causing ponding on the property or adverse effects upon adjacent or nearby lands.
- (d) A landscape buffer or greenbelt shall be provided in the case of lands that are adjacent to residential uses.

- (e) Any materials displayed or equipment stored outside of an enclosed building shall not extend into any required yard, nor occupy any required parking area or maneuvering space for motor vehicles.
- (f) Any outdoor storage shall be screened by a solid fence or substantial landscaping so as to obscure the view of the stored materials from other lands or the public streets.
- (g) Adequate stacking area for motor vehicles on the site shall be provided, so as to avoid the backing up of parked vehicles into an adjacent street.
- (h) Off-street parking shall be in compliance with Chapter 15, except as to other off-street parking requirements as may be included in the special land use.
- (i) All signs shall be in compliance with Chapter 14.

Section 12.37 Parks, Playgrounds, Athletic Fields, Golf Courses. Parks, playgrounds, athletic fields and golf courses may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The minimum parcel area shall be five acres; all building shall be set back at least 50 feet from side and rear property lines.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Those portions of the use involving public assembly, or having other characteristics which may cause noise or other adverse impact shall be located a sufficient distance away from other lands, or shall be adequately buffered, to avoid the transmission of noise or other adverse impacts onto other lands.
- (d) There shall be adequate and convenient water supply and sanitary sewage disposal.
- (e) Off-street parking areas shall be designed and constructed to facilitate the convenient circulation and parking of motor vehicles, without interference with pedestrians or other persons engaged in recreational activities on the site.
- (f) Signs shall comply with Chapter 14.
- (g) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.

Section 12.38 Personal Storage Building Across Street from Dwelling. A personal storage building located on a parcel of land across the street from a lawful dwelling may be approved by the Planning Commission as a special land use in the L-R District, upon compliance with the following requirements:

- (a) The personal storage building may not be devoted to a principal use. It may not be accessory to a principal building located on the same parcel of land.

- (b) The personal storage building shall be constructed and used only for the storage of personal vehicles and personal goods and equipment owned by the owner of the dwelling and the parcel of land across the street from the parcel on which the personal storage building is located.
- (c) The personal storage building shall comply with the minimum principal building setbacks in the L-R District, unless otherwise permitted in the terms of the special land use.
- (d) Not more than one personal storage building authorized in the special land use shall be located on a parcel of land.
- (e) The size of the personal storage building and other characteristics thereof may be limited by the terms of the special land use.
- (f) The personal storage building shall not be used for dwelling or similar purposes.
- (g) The personal storage building shall be accessory to the owner's dwelling and parcel of land across the street from the parcel on which the personal storage building is located. A restrictive covenant or similar instrument shall be prepared and recorded against both properties, prohibiting their separate sale, use or transfer unless the personal storage building is removed, or unless the parcel on which the accessory building is located is subsequently improved by a principal dwelling that fully complies with this Ordinance. Such restrictive covenant shall include the terms and conditions of the special land use; it shall be subject to Township approval prior to recording. It shall be recorded with the register of deeds prior to issuance of a building permit for the personal storage building.

Section 12.39 Removal and Processing of Sand, Gravel and Similar Mineral Resources. The removal and processing of sand, gravel and similar mineral resources may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) **Purpose.** The purpose of the mineral removal special land use is to regulate the appropriate excavation and removal of mineral resources, but, to authorize such activity only if it can be accomplished without serious adverse consequences to other land uses in the vicinity and elsewhere in the Township. The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from serious adverse consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance.

- (b) **Exempt Activity; Zoning Administrator Approval Required for Certain Excavation and Removals.**
- (1) The provisions of this section shall not apply to the extraction or removal of mineral material of 1,000 cubic yards or less; provided, however, that such mineral removal activity involving 1,000 cubic yards or less shall not result in hazardous or unsafe conditions nor have serious adverse consequences to adjacent or nearby lands.
 - (2) The excavation and removal of sand, gravel, soil and other mineral resources in a quantity from 1,000 cubic yards up to and including 5,000 cubic yards shall be subject to the issuance of a mineral removal permit by the Zoning Administrator under the terms of subsection (k) of this section.
- (c) **Special Land Use Required for Excavation and Removal of More than 5,000 Cubic Yards of Mineral Material.** The excavation and removal of sand, gravel, soil and other mineral resources of more than 5,000 cubic yards shall take place only upon the granting of a special land use by the Planning Commission. An application for a special land use for mineral removal shall include the following:
- (1) A written legal description of all of the lands proposed for the use.
 - (2) Thirteen copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
 - (i) A north arrow, scale and date.
 - (ii) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
 - (iii) The location, width and grade of all easements or rights-of-way on or abutting the lands.
 - (iv) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
 - (v) Existing elevations of the lands at intervals of not more than five feet.
 - (vi) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
 - (vii) Mineral conveying, screening and stockpiling areas.
 - (viii) Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs and other features of the proposed use.
 - (ix) Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, other areas to be used for

movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.

- (x) A map showing access routes between the subject lands and the nearest county primary road.
 - (xi) Areas, if any, to be used for ponding.
- (3) **Narrative to be Submitted.** The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities, which shall include the following:
- (i) The date of commencement of operations.
 - (ii) The proposed hours and days of operations.
 - (iii) An estimate of the type and quantity of mineral material to be removed.
 - (iv) A detailed description of the extraction and removal methods, including proposed excavation, crushing, screening and removal equipment and vehicles.
 - (v) A map or drawing of the parcel to be used for mineral removal operations, showing buildings, if any, all adjacent streets, drainage areas and facilities and other significant natural features.
 - (vi) A current aerial photograph, or other accurate drawing or plan, showing the lands covered in the application, and all other lands within 990 feet thereof, and also showing the location of current land uses; types and extent of existing natural features; topography; soils; vegetation; wild life habitat; and other significant land features.
 - (vii) A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment, including both the lands proposed for rezoning and surrounding lands.
- (4) **Site Rehabilitation Plan.** Once rehabilitated, mineral removal lands may be used for purposes permitted under the terms of the Zoning Ordinance. The applicant shall submit a site rehabilitation plan. It shall include the following:
- (i) A description of the planned site rehabilitation, including methods of accomplishment, phasing and timing.

- (ii) A plan showing the final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; and also including water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill.
 - (iii) A description of the proposed methods or features which will insure that the end uses are feasible and will comply with the Township Master Plan and the requirements of this Ordinance; provided, however, that this requirement may be deferred until such time as the Planning Commission may require it.
- (5) **Environmental Impact Statement.** The Planning Commission may require an environmental impact statement, engineering data, traffic impact study, economic analysis or other studies or information concerning the need for and consequences of the proposed mineral extraction and removal.
- (d) **Review by Planning Commission.** Upon submission of a complete application and following the public hearing required by the terms of this chapter, the Planning Commission shall review the application and determine whether to approve it, to disapprove it or to approve it with conditions. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this section and the Zoning Ordinance.
- (e) **Operating Conditions.** All mineral extraction and removal activities shall comply with all of the following operational and other conditions:
 - (1) Mineral removal operations shall be approved for a total duration determined by the Planning Commission, but such approval may be given in increments of a stated number of years, but not less than one year each. In such cases, Planning Commission approval for each successive increment shall be required, after public notice and hearing, in the same manner as required for original approval, unless the Planning Commission determines that the notice and hearing are not necessary under the circumstances.
 - (2) Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.
 - (3) Routes for truck movements to and from the removal site may be restricted by the Planning Commission.
 - (4) The entry road or roads to and from a removal area shall be hard surfaced for such distance as may be required by the terms of the special land use.
 - (5) No machinery shall be located or used within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.

- (6) No removal area, storage area, structure, access drive or loading area shall be closer than 150 feet to a principal structure on adjoining or nearby lands, unless a public street is located between the removal operation and the adjoining lands.
- (7) All areas of excavation and removal, including areas in which excavation or earth moving activities are taking place in order to prepare the land for removal of mineral material, shall be fenced and gated at all times, so as to avoid hazards to persons who may enter the removal area. Such fencing shall completely enclose all excavation, removal and preparation areas. The fencing shall be at least four feet high, and shall be constructed of wire or other substantial material extending throughout the fence, from the top to the bottom thereof. Gates shall be at least four feet in height and they shall be locked when operations are not occurring.
- (8) Mineral removal, crushing, screening and transport operations and activities shall occur during such daily hours and on such days of the week as shall be determined by the Planning Commission in its approval of the special land use.
- (9) Equipment for the excavation, crushing, screening and removal of mineral material, and other mineral excavation and removal activities, shall not emit noise louder than that permitted under the terms of the Township's Noise Ordinance provisions.
- (10) All roads, trails or other areas used by vehicles in connection with mineral removal operations or activities shall have gates at specified locations, and any dust arising therefrom shall be controlled by such measures as may be required by the Planning Commission as a part of the special land use. Required dust control measures may include the application of dust inhibiting solvents or similar surface treatments that produce no potential pollution hazard to surface or ground waters, and other special road surfacing intended to control dust.
- (11) Drainage on the mineral removal site shall be maintained in a manner which most closely approximates the natural drainage patterns. The mineral removal site shall be contoured and graded so as to avoid the unintentional impoundment of water, except where the impoundment of water in one or more locations is included as a part of the approved site rehabilitation plan.
- (12) The type, nature and quantity of equipment to be used at the removal site, and the type and nature of vehicles used to remove mineral material from the site, shall be specified in the special land use and such requirements shall be fully complied with.
- (13) Temporary stockpiling of excavated material shall be permitted within the removal site, at such locations and upon such terms as may be specified in the special land use.

- (14) The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.
- (15) The Planning Commission may reasonably limit the total duration of all mineral excavation and removal activities.
- (f) **Review of Site Rehabilitation Plan.** Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
 - (1) Topsoil shall be replaced on the site to a depth sufficient to establish vegetation, except where the end-use activities or features do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area.
 - (2) Final slopes shall have a ratio of not greater than one foot of elevation to each five feet of horizontal distance.
 - (3) Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to constitute the least possible deviation from the original surface water drainage patterns and surface water retention areas.
 - (4) Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, screen less attractive areas or end-uses and enhance the natural beauty of the site as rehabilitated.
 - (5) The creation or enlargement of a lake, in connection with rehabilitation of the site, shall be permitted only where the applicant demonstrates from engineering and hydrogeological studies that the waters of the lake will not become polluted or stagnant. Any such lake shall be approved by the state and county agencies having jurisdiction.
 - (6) The end-use or end-uses provided for in the site rehabilitation plan shall conform to the uses designated for the lands by the Township Master Plan.
- (g) **No Serious Adverse Consequences.** The Planning Commission shall not approve any special land use for mineral removal unless the application sufficiently demonstrates that the proposed mineral removal operations and activities will not

create any serious adverse consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.

- (h) **Letter of Credit or Performance Bond.** An applicant for a mineral removal special land use shall submit a letter of credit or performance bond, in the amount specified in the special land use, before commencing any operations. The letter of credit or performance bond shall name the Township as the benefited party and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. If a performance bond, it shall be executed by a surety acceptable to the Township. The letter of credit or performance bond shall have such other terms and shall be in such form as may be required by the Planning Commission, consistent with this section.
 - (1) The letter of credit or performance bond shall not be refunded, reduced or transferred until all mineral removal operations, site rehabilitation or restoration and all other required or permitted activities have received final inspection and approval by the Zoning Administrator and until the Planning Commission has determined that the applicant has fully complied with all of the terms and conditions of the special land use, including all required site rehabilitation.
 - (2) The timely and faithful compliance with all of the provisions of the letter of credit or performance bond shall be a condition of the special land use.
- (i) The special land use authorized by this section may be renewed in the discretion of the Planning Commission for periods of time not exceeding any maximum duration specified in the special land use. Such renewal shall be subject to the terms of this subsection.
 - (1) The applicant or operator shall file an application for renewal of the special land use.
 - (2) Prior to consideration of an application for renewal, the Zoning Administrator or other designated Township official shall inspect the land, shall review the mineral excavation and removal activities to date and other matters pertaining to the special land use, all payments to the Township of any required mineral removal surveillance or administration fee, and shall submit a report thereon to the Planning Commission. To assist the Zoning Administrator or other designated official in preparing the report, the applicant shall, if requested, furnish load tickets or other proof of the quantity of mineral material removed and the quantity, if any, of natural off-site material brought to the removal site. The report of the Zoning Administrator or other designated official shall be a part of the application for renewal.
 - (3) Upon receiving the completed application for renewal, including the report of the Zoning Administrator, the Planning Commission shall approve, disapprove or approve with conditions the requested renewal.

- (4) In determining whether to approve a renewal, the Planning Commission may consider whether, as stated in the report of the Zoning Administrator or otherwise, the applicant or other operator has complied with the terms and conditions of the special land use. If there have been violations thereof, the report of the building inspector shall describe the same.
 - (5) In determining whether to approve a renewal of the special land use, the Planning Commission shall apply the standards and conditions for approval that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity.
 - (6) In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.
- (j) **Fee for Administration of Special Land Use.** As a condition of any such special land use, the applicant shall pay to the Township such fee as determined by the Township Board, for the purpose of defraying the Township's cost of administration, surveillance and enforcement of the special land use, including but not limited to, consideration of applications and renewals, testing, monitoring, sampling, surveying, engineering fees, legal fees and other consultant fees and other related costs and expenses. Such fee shall be calculated and paid as required by resolution of the Township Board. In its discretion, the Board may provide for the advance payment into escrow, by the applicant, of all of the Township's costs and expenses with respect to the consideration of the special land use, in accordance with the Township Board resolution concerning such escrowed fees. In addition, the applicant shall pay such application fee or renewal fee as may be established by the Board.
- (k) **Zoning Administrator Permit for Removal of Certain Quantities under 5,000 Cubic Yards.** The excavation for and removal of sand, gravel, soil and other mineral resources may be authorized upon the issuance of a mineral removal permit by the Zoning Administrator, where the total quantity of mineral material to be removed will be from 1,000 cubic yards up to 5,000 cubic yards, in accordance with the provisions of this subsection. Any such mineral removal operation shall comply with all of the following requirements:
- (1) The removal shall not cause serious adverse effects upon adjacent or nearby lands.
 - (2) The removal operation shall be subject to all of the operating terms and conditions stated in the permit issued by the Zoning Administrator.
 - (3) An applicant for such mineral removal operation of from 1,000 cubic yards up to 5,000 cubic yards shall submit an application to the Zoning Administrator, for a permit for such operation. The application shall include the legal description of the lands; a description of the nature and intent of the proposed removal activity; a list of equipment to be used in the operation; a

description of the measures to be taken to ensure that there will be no serious adverse effects upon other lands or persons; a description of the proposed route or routes to be used in transporting the removed material; proposed reclamation measures; and a topographic map showing existing and proposed final contour lines, unless such map is waived by the Zoning Administrator.

- (4) In considering whether to approve a mineral removal permit, the Zoning Administrator shall consider the following matters:
 - (i) The land area involved and the quantity of earth material to be removed.
 - (ii) The effects of the removal activity on adjoining and nearby lands.
 - (iii) The possibility that the removal operation may cause or create safety hazards, erosion of lands or other adverse effects.
 - (iv) Potential traffic congestion and adverse traffic effects which may result from the removal and hauling of mineral material.
 - (v) The proposed nature and extent of reclamation of the land after completion of the removal operations.
- (5) Any mineral removal permit issued by the Zoning Administrator shall include the following matters:
 - (i) The duration of the permit and its expiration date;
 - (ii) A description of the lands covered and the removal routes authorized;
 - (iii) A list of the permitted equipment;
 - (iv) A listing of all required precautionary measures, including any requirements involving driveways, isolation distances, fencing, maximum grades of slopes, hours and days of operation, maximum depth of excavations, final required contours, upon reclamation of the lands, and other requirements.
- (6) The permit issued by the Zoning Administrator shall terminate as of its stated expiration date, but the permit may be renewed, in the discretion of the Zoning Administrator, upon the filing of a subsequent application and if requirements under the previously-issued permit have been complied with.
- (7) An applicant for a mineral removal permit shall, upon filing the application, pay the required fee as established by the Township Board.

Section 12.40 Restaurant with Drive-In or Drive-Through Facilities. A restaurant with drive-in or drive-through facilities may be approved by the Planning Commission as a special land use in the C-1 District, upon compliance with the following requirements:

- (a) This special land use covers a restaurant which has an associated vehicle driving aisle, signage, food-ordering mechanism and service window whereby customers may order meals, pay for them and receive the meals ordered while remaining in their motor vehicles.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, so as to avoid adverse traffic conditions.
- (c) Sufficient stacking capacity for the drive-through portion of the use shall be provided, so as to assure that motor vehicles do not back up into or otherwise occupy the public right-of-way. At least ten stacking spaces for the service-ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicle circulation and egress from the property, nor interfere with the use of parking spaces by vehicles not utilizing the drive-through portion of the use.
- (d) In addition to adequate off-street parking space being provided, at least three parking spaces shall be provided in close proximity to the entrance of the drive-through portion of the use, so as to provide space for vehicles of customers waiting for delivery of orders.
- (e) Any trash receptacle shall be fully screened and enclosed so as to prevent trash, paper and other debris from blowing onto adjacent properties, and to prevent the site from becoming unsightly.
- (f) The use shall comply with the minimum required principal building setbacks in the C-1 District, except that the Planning Commission may require greater setbacks in its approval of the special land use.
- (g) Signs shall comply with Chapter 14.
- (h) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (i) Exterior light fixtures shall comply with Section 4.19.
- (j) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.41 Retirement Housing, Assisted Living and Similar Facilities. Retirement housing, assisted living and similar facilities may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The minimum parcel area shall be five acres.

- (b) Adequate off-street parking areas shall be provided. Access driveways shall be located a sufficient distance from the nearest intersecting street so as to avoid adverse traffic impacts.
- (c) If the use is required to be state-licensed, any such license shall be maintained in full force and effect, and all of its terms and conditions shall be fully complied with.
- (d) All signs shall comply with the provisions of Chapter 14.
- (e) All off-street parking areas shall comply with the provisions of Chapter 15.
- (f) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.42 Riding Stable, Commercial. A commercial riding stable may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The minimum parcel area shall be 10 acres.
- (b) All buildings shall be located at least 100 feet away from a property line adjacent to residentially zoned or residentially used land.
- (c) Adequate off-street parking area shall be provided. Driveways shall be placed a sufficient distance from street intersections to avoid adverse traffic impacts.
- (d) All signs shall comply with the provisions of Chapter 14.

Section 12.43 Sexually Oriented Business. A sexually oriented business may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) It is not the intent of this special land use to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to insure the integrity of the Township's residential and agricultural areas; and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and

playgrounds, and other areas where persons congregate. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

In addition to the provisions of this section, the special land use shall also be subject to review and approval under Chapter 13, Site Plan Review.

- (b) A sexually oriented business includes, but is not limited to, an adult bookstore or adult video store; an adult nightclub or cabaret, bar or restaurant; an adult motel; an adult motion picture theater; and other establishments catering to adult patrons and which may involve the actual or depiction of specified anatomical areas and/or specified sexual activities, as those terms are commonly understood, or by means of video, motion pictures, photographic reproductions or other visual media, or in which a person or persons may appear in a state of nudity or in live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
- (c) A sexually oriented business shall not be located or operated within 800 feet of another sexually oriented business, a church or other place of worship, a park, playground, school or licensed day-care facility, a dwelling or dwelling unit, or an agricultural or residential zoning district. For purposes of determining the above-stated distance, measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other of the above-stated land uses or zone districts.
- (d) Entrances to the sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
 - (1) "Persons under the age of 18 are not permitted to enter the premises."
 - (2) "No alcoholic beverages of any type are permitted within the premises."
- (e) Alcoholic beverages of any type shall not be sold, consumed, or permitted on the premise of any sexually oriented business.
- (f) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
- (g) Hours of operation shall be limited to 10:00 A.M. to 10:00 P.M., Mondays through Saturdays.
- (h) All signs shall be in accordance with Chapter 14; provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any specified anatomical areas or specified sexual activities.
- (i) All parking shall be in accordance with Chapter 15; provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually

oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.

- (j) Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas or specified sexual activities shall:
 - (1) Be handicap accessible to the extent required by the Americans with Disabilities Act.
 - (2) Be unobstructed by any door, lock or other entrance and exit control device.
 - (3) Have at least one side totally open to a public; lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - (4) Be illuminated by a light bulb of wattage not less than 25 watts.
 - (5) Have no holes or openings, other than doorways, in any side or rear walls.
- (k) In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:
 - (1) A floor plan of the premises showing the following:
 - (i) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from a least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - (ii) Location of all overhead lighting fixtures.
 - (iii) Identification of any portion of the premises in which patrons will not be permitted.
 - (iv) The location of any stage.
 - (v) Identification of the use of each room or other area of the premises.
 - (l) A straight-line drawing depicting the property lines of the site of the sexually oriented business and the property lines of any other sexually oriented business, church or other house of worship, park, playground, school, licensed daycare facility, dwelling or dwelling unit or agricultural or residential zoning district, within 800 feet of the nearest property line of the site on which the business will be located.
- (m) The special land use shall not be approved if the Planning Commission determines that one or more of the following is true:

- (1) An applicant is under 18 years of age.
 - (2) An applicant has failed to provide information required by the zoning ordinance or has knowingly answered a question or request for information falsely.
 - (3) The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
 - (4) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
 - (5) The applicant is not in good standing or authorized to do business in Michigan.
 - (6) The application fee has not been paid.
 - (7) An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.
- (n) The applicant or owner shall permit all representatives of the Township, the County and the State of Michigan to inspect the premises for the purpose of insuring compliance with this Ordinance, any County ordinance and applicable state law.
- (o) The following interior structural requirements shall be complied with:
- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment.
 - (2) A manager's station shall not exceed 32 square feet of floor area.
 - (3) No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.
- (p) The following requirements as to registration of managers, entertainers and employees shall be complied with:
- (1) No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.
 - (2) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address,

telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.

- (3) The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

Section 12.44 Shared-Access Property on a Body of Water. A parcel of land fronting on a body of water may be established and used for the purpose of shared-access to that body of water, if approved by the Planning Commission as a special land use in the L-R District, upon compliance with the following requirements:

- (a) A shared-access property is a parcel of land abutting a lake or stream and used or intended to be used for providing access by pedestrian or vehicular traffic to and from other property to a lake or stream, but only in accordance with the terms of this special land use.
- (b) A parcel of land abutting a lake or stream and proposed to be used as a shared-access property from non-waterfront lands to the lake or stream, shall have frontage on the body of water of at least 150 feet, measured along the water's edge at the normal high water mark of the lake or stream.
- (c) A shared-access property, as defined in this section, shall have a lot area of at least 22,500 square feet for each dwelling unit using the parcel as access property.
- (d) Water frontage in areas consisting of wetlands as defined by the Michigan Natural Resources and Environmental Protection Act, or successor statute, shall not be included in the measurement of frontage and land area as described above.
- (e) The special land use shall be required for such shared-access property, regardless of whether access to the body of water is gained by easement, common fee ownership, single fee ownership, lease, invitation or any other form of dedication, conveyance or consent.
- (f) This special land use shall not be construed to limit access to lakes or other bodies of water by the general public through public parks or public access sites provided or maintained by any governmental unit, nor shall this provision be construed as depriving any lawful riparian owner on any natural body of water of any lawfully applicable riparian rights.

Section 12.45 Trade, Vocational and Technical School. A trade, vocational and technical school may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use includes trade, technical and vocational schools, for the purpose of training or apprenticeship in a trade, craft or similar vocation. Such schools may include the use of industrial machinery or equipment for the purpose of instruction of students.
- (b) Primary access to the use shall be directly from a paved, all-season street.
- (c) All required state or other licenses, charters or permits shall be maintained in force at all times.
- (d) All parking areas shall comply with the provisions of Chapter 15, except that the Planning Commission may specify greater off-street parking areas, in view of the expected number of students who may attend the facility.
- (e) Signs shall comply with Chapter 14.
- (f) Outdoor lighting shall comply with Section 4.19.

Section 12.46 Transportation Terminal. A transportation terminal may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use includes a building or area serving as a transportation terminal, in which freight brought by truck is assembled or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Access driveways shall be of sufficient width so as to accommodate the trucks and other transportation vehicles that utilize the site.
- (d) Any trucks and trailers to be parked overnight on the site shall be set back from the front lot line at least 100 feet, or such other distance as may be required by the Planning Commission in its approval of the special land use.
- (e) A principal building and other structures shall be located at least 200 feet away from any residential use or residential district, or such other distance as may be required by the Planning Commission.
- (f) The off-street parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding or adverse impacts on other lands or the public streets.

- (g) No outside storage shall be permitted.
- (h) Signs shall comply with Chapter 14.
- (i) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (j) Exterior light fixtures shall comply with Section 4.19.
- (k) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.47 Warehousing and Storage Facilities. Warehousing and storage facilities may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use for warehousing and storage facilities includes a building and the use thereof primarily for the storage of goods, materials, and commodities, and including necessary site improvements. A wholesale warehouse includes the storage of goods, materials, and commodities prior to their distribution for retail sale.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Driveways on the site shall be of sufficient length so that there shall be adequate stacking capacity for motor vehicles making deliveries to the site or removing stored goods or materials from the site.
- (d) No toxic, hazardous, flammable or explosive materials shall be stored or otherwise permitted on the site.
- (e) Outdoor storage shall not be permitted.
- (f) All off-street parking areas and vehicle circulation aisles shall comply with Chapter 15, except that the Planning Commission may require other or greater such requirements in its approval of the special land use.
- (g) Signs shall comply with Chapter 14.
- (h) Exterior light fixtures shall comply with Section 4.19.
- (i) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.48 Welding and Machine Shop. A welding and machine shop may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) All welding, machining of parts and similar uses shall take place only within a fully enclosed building.

- (b) The storage of goods and materials, and vehicles or equipment that are on the premises for future work, shall be located only within a fully enclosed building.
- (c) Any storage tanks or other facilities used for storing hazardous, toxic, or flammable substances shall be equipped with appropriate containment structures or equipment, to prevent any migration of such substances into groundwater or surface waters.
- (d) All parking areas shall comply with Chapter 15.
- (e) All signs shall comply with Chapter 14.
- (f) Landscaping and buffering shall be provided in accordance with Section 4.30.

Section 12.49 Wireless Communication Facilities. Wireless communication facilities with antennas/towers exceeding 50 feet in height may be approved by the Planning Commission as a special land use in the C, I-1 and R-R Districts, upon compliance with the following requirements:

- (a) This special land use covers commercial or public antennas and towers for communications, radio or television and noncommercial or non-public antennas and towers that have a height greater than 50 feet.
- (b) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
- (c) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.
- (d) Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
- (e) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission.
- (f) The antenna or tower shall not be so located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
- (g) The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (h) Antennas and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
 - (1) Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location

is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors.

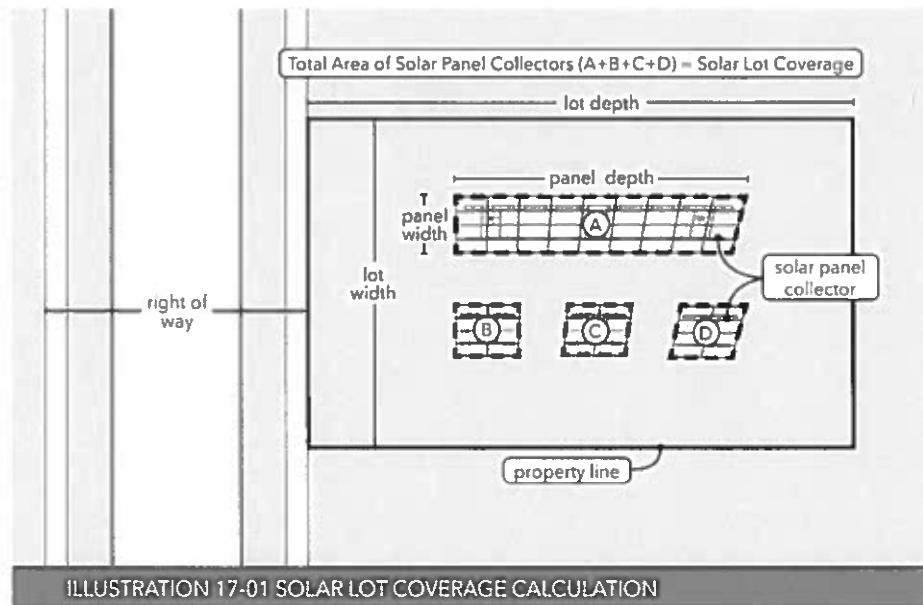
- (2) A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and also equipment for at least two additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.
 - (3) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
 - (4) The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.
 - (5) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
 - (6) If permitted, a propane tank may be located on the site of an approved tower and antenna, for the purpose of operating a generator if necessary during loss of electric power, but any such tank shall be fully buried below ground.
 - (7) Towers for telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures or equipment within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
- (i) The Planning Commission may impose other terms and conditions in its approval of the special land use, including, though not limited to, the following:
- (1) The screening or buffering of an antenna or tower and any accessory buildings or structures.

- (2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.
- (3) A prohibition or limitation on the construction or occupancy of dwellings or other buildings on the land where the antenna or tower is located, within a specified isolation distance from the antenna or tower.
- (4) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower.

Section 12.50 Utility Grid Solar Energy Systems. Utility Grid Solar Energy Systems located in the R-R Rural Residential and Agricultural District or LI Light Industrial District may be approved by the Township Board, upon recommendation of the Planning Commission, upon a determination of compliance with Chapter 12 and this section.

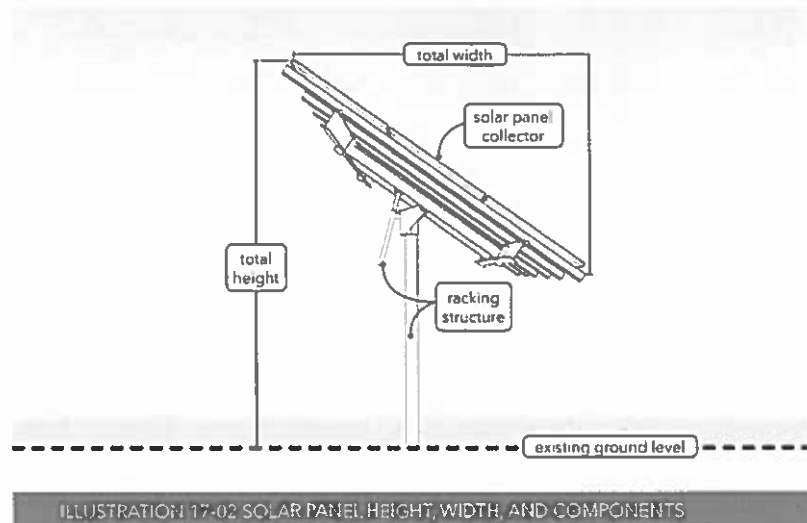
- (a) **Site Plan Required.** An application for special land use approval for a utility grid solar energy system shall include a site plan in accordance with Chapter 13. In addition to the information required for site plan approval in Chapter 13, all applications must also include the following:
 - (1) Equipment and unit renderings.
 - (2) Elevation drawings.
 - (3) Setbacks from property lines and adjacent structures, and height of proposed structures.
 - (4) Written permission from the property owner authorizing the utility grid solar energy system.
 - (5) All additional plans and requirements set forth in this section.
- (b) **Permits.** If approved as a special land use, no utility grid solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining a zoning compliance permit, building permit, and all other applicable permits. The construction, installation, operation, maintenance, or modification of all utility-grid solar systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility grid solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code, the Electrical Code, and the manufacturer's specifications. Installation of the utility grid solar energy system shall not commence until all necessary permits have been issued.

- (c) **Lot Area and Lot Coverage.** Utility grid solar energy systems shall be located on a lot of at least twenty (20) acres. Utility grid solar energy systems shall not exceed the maximum lot coverage forty percent (40%). For determining lot area coverage, the solar collector surface area shall be used.



- (d) **Drainage and Ground Cover.** Proposed drainage and stormwater management shall be reviewed by the Township Engineer and utility grid solar energy systems shall not be located within seventy-five (75) feet of a drainage easement. Ground cover beneath the solar energy collectors is required to be planted with crops, or native plantings which benefit pollinators, decrease erosion, and/or improve wildlife habitat, unless specifically modified by the Planning Commission. Supports shall be constructed to preserve any drainage field tile and/or drainage system. Any and all broken/missing field tiles shall be repaired and made in operable condition as soon as possible but no more than three (3) months after damage and/or failure.
- (e) **Setbacks.** Solar energy collectors and ancillary solar equipment affiliated with a utility grid solar energy system shall be located at least one hundred fifty (150) feet from the lot line(s) of properties not leased or used for utility grid solar energy systems and from all rights of way. In addition, solar energy collectors and ancillary solar equipment affiliated with a utility grid solar energy systems shall be located at least three-hundred (300) feet from all existing residential dwellings, as measured from the foundation of the dwelling to the nearest part of any collector or equipment. Screening methods may be permitted within the setbacks.
- (f) **Height.** Utility grid solar energy systems shall not exceed fifteen (15) feet in height, measured from the natural grade below the unit to the highest point at full tilt. The Township may permit a height not to exceed thirty-five (35) feet upon a showing that the additional height is necessary to proper functionality or allows for agricultural uses below it, and will not have a substantial adverse effect on adjacent or nearby

lands. Substation, building and electrical transmission equipment shall not exceed thirty-five (35) feet.



- (g) **Certified Solar Array Components.** Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- (h) **Noise.** Noise emanating from the utility grid solar energy collector system, including inverter noise, shall not exceed forty (45) decibels (dBA) Lmax as measured from any property line. The Township Board may reduce this maximum noise level in order to protect adjacent residents and property owners.
- (i) **Exterior Lighting.** Exterior lighting of the utility grid solar energy system shall be limited to the minimum necessary, supplied with downward facing lighting that is one hundred percent (100%) cut off above the horizontal plane. The light from any illuminated source shall be designed so that the light intensity or brightness at a distance of twenty (20) feet from the perimeter of the utility grid solar energy system shall not exceed one (1) foot candle. The Township may require the submittal of a photometric plan for review to make this determination.
- (j) **Signage.** No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the utility grid solar energy system. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by the Township and other authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- (k) **Screening.** The Township Board may require that a utility grid solar energy system be screened from residential properties or public rights-of-way. Landscaping and

screening requirements shall comply with Section 4.30 as contained herein and may be waived or modified as allowed in that section.

- (l) **Glare and Reflection.** The exterior surfaces and structural components of utility grid solar energy collectors shall be generally neutral in color and substantially non-reflective of light. With the exception of the energy collecting surface, the color of framing and structural equipment shall be muted soft white, gray, galvanized, or other similar neutral color that blends into the environment or structure on which it is located. The Township Board may request that a paint sample be provided to demonstrate consistent appearance in paint finish and color. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring structures or onto adjacent streets. Ocular impacts shall be analyzed over the entire calendar year in five (5) minute intervals from when the sun rises above the horizon until the sun sets below the horizon.
- (m) **Location and Siting.** Utility grid solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional and shall be located within three (3) miles of an electrical substation in existence at the time of application.
 - (1) Property enrolled in PA 116 Farmland and Open Space Preservation Program shall not be eligible for use as part of a utility grid solar energy system.
 - (2) The applicant shall provide evidence of compliance with applicable State of Michigan statutes including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding Oakfield Township ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and such other applicable laws and rules in force at the time the application is considered.
- (n) **Obstruction.** Utility grid solar energy systems shall not obstruct solar access to adjacent and neighboring properties.
- (o) **Distribution, Transmission and Interconnection.** All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the utility grid solar energy system, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- (p) **Fencing.** For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility grid solar energy system be fenced in with at least a six (6) foot high fence.

- (q) **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the utility grid solar energy system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation, as applicable.
- (r) **Emergency Services.** Upon request by Oakfield Township, the owner/operator of the utility grid solar energy system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- (s) **Maintenance.** The utility grid solar energy system owner/operator shall maintain the facility in good condition at all times. If the Zoning Administrator determines that a utility grade solar energy system fails to meet the requirements of this Ordinance and the special land use permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the applicant of the violation. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).
- (t) **Roads.** The applicant shall submit to the Kent County Road Commission and/or Michigan Department of Transportation a description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all county and state requirements regarding the use and/or repair of county and state roads. There shall be a perimeter access road around the entire perimeter of the site, located just inside the security fencing. In addition, there shall be interior access roads between every third row of solar arrays. All interior roads shall be not less than fifteen (15) feet wide. Interior roads may be paved or graveled but in either case they shall be maintained so as to allow unobstructed passage and maneuvering by emergency vehicles, including snow removal. The terminal location of all interior roads shall be designed so as to permit emergency vehicles to safely turn around.
- (u) **Inspection.** The applicant shall agree in writing that officials of the Township shall have the right, at any reasonable time, following notice to the applicant, to inspect within 30 days the premises on which any utility grid solar energy system is located. The Township may hire one or more consultants, to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the utility grid solar energy system facility to ensure compliance with the Michigan Occupational Safety and Health Administration (MIOSHA), NESC and all other applicable safety guidelines.

- (v) **Enforcement.** Failure to maintain compliance with this section shall result in enforcement action which may include the termination, suspension, or revocation of the special land use, or portions of the special land use. Actions taken by the Township Board to terminate or modify the Special Land Use, portions of the Special Land Use, or the conditions of the Special Land Use shall require a public hearing and notification to the utility grid solar energy system owner or operator pursuant to the conditions of the original permit and in accordance with Section 18.9 of this Ordinance.
- (w) **Decommissioning and Abandonment.**
- (1) The applicant for a utility grid solar energy system shall describe the decommissioning and final land reclamation plan to be followed after the anticipated life, abandonment, or termination of the utility grid solar energy system, including evidence of proposed commitments with property owners to ensure proper final reclamation of the property.
 - (2) Any solar array or combination of photovoltaic devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.
 - (3) Any utility grid solar energy system which has reached the end of its useful life or has not operated continuously for one year or more shall be removed and the owner/operator shall be required to restore the site. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations and/or notice of abandonment by the Township.
 - (4) The owner/operator shall notify the Township personally or by certified mail of the proposed date of discontinued operations and plans for removal.
 - (5) If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, proposed date of decommissioning, or notice of abandonment by the Township, the Township may enter the property and physically remove the installation and recover the cost thereof in accordance with subsection (x) below.
 - (6) Removal of the installation shall consist of the following:
 - (i) Physical removal of all aboveground or underground utility-grid solar energy systems, structures, equipment, security barriers, roads, and transmission lines from the site.

- (ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (iii) Stabilization and re-vegetation of the site with seasonal grasses as necessary to minimize erosion. If the property was used for agricultural purposes at the time of installation, the property shall be returned to an agricultural ready condition.
- (x) **Continuing Surety/Security.** The applicant for a utility grid solar energy system shall provide a form of surety, either through escrow account, letter of credit, bond, or other instrument acceptable to the Township Attorney. The surety shall be maintained with a company licensed to do business in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township. Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond, escrow, or irrevocable letter of credit. In the event of sale or transfer of ownership and/or operation of the utility grid solar energy system, the security bond, escrow, or irrevocable letter of credit shall be maintained throughout the entirety of the process and the new owner or operator shall be required to provide a new security bond, escrow, or irrevocable letter of credit. If at any time during the operation of the utility grid solar energy system or prior to, during, or after the sale or transfer of ownership and/or operation of the utility grid solar energy system the security bond, escrow, or irrevocable letter of credit is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the system and reclamation of the site.

The purpose of the surety is to cover the cost of removal of the utility grid solar energy system in the event the Township must remove the installation during or after construction. The amount of the financial surety shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. It shall be submitted by the applicant and be prepared by a qualified engineer. The applicant shall update the surety every three (3) years to ensure that the surety is sufficient compared to inflation. The surety shall be subject to review and approval by the Township and shall be a condition of special land use approval.

- (y) **Reduction of Requirements.** In the case of a Utility Grid Solar Energy System which is so classified based on its surface area, but which is used to generate electricity for use on the parcel on which it is located, the Township may waive or reduce these requirements in consideration of the nature of use.

Section 12.51 Wind Energy Conversion Systems. A Wind Energy Conversion System ("WECS"), including all necessary towers, equipment, components and accessory structures, may be approved by the Township Board on recommendation of the Planning Commission as a special land use in the R-R Rural Residential and Agricultural District or LI Light Industrial District, upon compliance with the following requirements:

- (a) **Definitions.** For the purposes of this section, the following terms and phrases shall be defined as provided below:
- (1) **Wind Energy Conversion System (WECS).** A wind turbine generator or other device or devices designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility, or that is used to provide electricity on the site or property on which the WECS is located. A WECS shall also include a Meteorological Evaluation Tower ("MET"), which is a tower containing instrumentation such as anemometers that is used to assess wind resources.
 - (2) **Horizontal Axis Wind Turbine.** A WECS designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
 - (3) **Rotor.** An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - (4) **Nacelle.** The structure designed to "yaw" (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.
 - (5) **Tower.** The structure, above grade, that supports the nacelle, rotor assembly, and other components.
 - (6) **Tower Foundation.** The tower support structure, below grade, that supports the weight of the WECS tower.
 - (7) **Blade Clearance.** In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.
 - (8) **Tower Height.** The height from grade to the highest vertical point of the swept rotor arc. In the case of a WECS with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
 - (9) **Sub-station.** The device or equipment designed to collect and modify electrical energy produced by the WECS for the purpose of supplying it to the local electrical utility.

- (10) **dB(A).** The sound pressure level in decibels. It refers to the “a” weighted scale defined by the American National Standards Institute. A method for weighting the frequency spectrum to mimic the human ear intensity.
- (b) **Application.** An application for a WECS shall include the following:
- (1) A site plan, which, in addition to the site plan requirements of Chapter 13, shall include the following:
 - (i) The proposed location, size, height and type of all WECS, including MET towers, and the setback distance between the proposed towers and the nearest residential units and residentially-zoned properties.
 - (ii) The location of all existing structures and buildings within 300 feet of the parcel subject to the special land use request.
 - (iii) The proposed location of all access roads, underground and overhead cabling and utilities.
 - (iv) The physical size and electrical nameplate capacity of the proposed WECS, including the total height and the swept rotor diameter.
 - (v) Proposed screening, buffering and tower lighting, if required.
 - (vi) A visual representation of the WECS including scale elevations or photographs.
 - (2) A copy of the applicant’s proof of ownership or control of the land, including any lease with the landowner(s) for the WECS. Any such lease must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of WECS operations.
 - (3) The manufacturer’s specifications indicating:
 - (i) The rated nameplate output, in kilowatts or megawatts, of the wind turbines included in the WECS.
 - (ii) Safety features and sound characteristics.
 - (iii) Type of material used in foundation, tower, blade, and rotor construction.
 - (4) A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A) at the property line, the tower site or such other location as directed by the Planning Commission. After installation of the system, sound pressure level measurements must be done by a qualified third party.

- (5) Proof that the applicant has obtained or applied for approval from all county, state or federal agencies having jurisdiction over the proposed use, or any aspect thereof.
 - (6) An environmental impact study, shadow flicker study and/or an avian and wildlife impact study may be required by the Planning Commission. The applicant shall take appropriate measures to mitigate or eliminate adverse effects identified in such studies, including assurance that shadow flicker shall not have a significant adverse effect upon any adjacent property or any dwelling or other occupied building. Site plan and other documents and drawings shall show mitigation measures to minimize the potential impacts referenced in said studies.
 - (7) A decommissioning plan which includes the anticipated life of the project, the estimated decommissioning costs, the method for ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned, and the site restored.
- (c) **Requirements.** A WECS, including MET towers, shall comply with the following requirements:
- (1) **Review and Approval Procedures.** A WECS shall be subject to site plan approval and to special land use approval by the Township Board on recommendation of the Planning Commission in compliance with this section.
 - (2) **Setbacks.** A WECS tower shall comply with the minimum required building setbacks for the district in which the WECS tower is located or shall have a setback equal to one and one half times the height of the highest WECS tower on the property, whichever is greater. Notwithstanding the foregoing, a MET tower shall be set back no closer than a distance equal to the height of the MET tower.

For the purposes of determining whether a proposed WECS or MET tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the WECS may be located on a smaller leased parcel within such lot or parcel.

- (3) **Setback Reductions.** Setbacks may be reduced or increased from the minimum setback requirements of this section, in the discretion of the Township Board. Pursuant to this provision, the Township Board shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations, the proximity of existing dwellings, and the potential for adverse impacts that noise, shadows and other features may have on adjacent uses.

- (4) **Noise.** A WECS regulated under the terms of this section shall be designed, located and operated so as to cause no serious adverse effect on other lands or other land uses by reason of noise. A WECS shall not exceed 55dB(A) at the property line closest to the WECS. Exceptions for adjacent or nearby lands may be permitted if the written consent of the property owners is provided. The sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms.

Constant-velocity turbines shall be required; provided, however, that if variable speed turbines are proposed, the applicant shall submit additional data concerning noise generated when the revolutions per minute of such turbines exceed 24 rpm's. The Township Board may decline to approve any such variable-speed turbines.

- (5) **Lighting.** A WECS tower shall not be illuminated by artificial means and shall not display strobe lights unless required by the Federal Aviation Administration (FAA) or other state or federal authority having jurisdiction. The minimum FAA lighting standards shall not be exceeded, and all lighting shall be shielded to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Towers that are lighted shall be avoided unless no feasible alternative is available. Radar activated lighting must be used if allowed by the FAA.
- (6) **Shadow Flicker.** A WECS shall be designed, located and installed so that shadow flicker does not have a significant adverse effect upon adjacent property, upon any occupied building or dwelling and shall be designed, located and operated so as to cause no serious effect on other lands or land uses by reason of the impact of its shadow. Systems should have a shadow flicker analysis submitted as part of the special use permit application package. The analysis must identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations at all hours of the day and night over the course of a year. The analysis report should also describe measures that the installer will take to eliminate or mitigate effects.
- (7) **Tower Locations.** A tower shall not be located in a front yard unless it is set back at least 200 feet from the front lot line; provided, however, that in approving the special land use, the Township Board may authorize a tower to be located closer to a front lot line.
- (8) **Tower Height.** A WECS, including the foundation, the tower, the rotor and all other components shall have a total tower height not exceeding 199 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position; provided, however, the Township Board may modify the total height to permit a tower that exceeds 199 feet upon a showing that the tower will be harmonious with adjacent,

neighboring land uses and will not have a substantial adverse effect on such adjacent or nearby lands or land uses.

- (9) **Compliance With Law.** A WECS and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations, including the Michigan Tall Structures Act and all airport zoning requirements.
- (10) **FAA Standards.** All structures shall comply with applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction.
- (11) **Building Codes.** All WECS structures shall comply with the applicable provisions of the Township building codes.
- (12) **Maintenance.** WECS must be maintained in good repair and good condition at all times. The applicant or operator must maintain a maintenance log and allow the Township to review the maintenance log at any time upon request.
- (13) **Tower Foundation.** WECS towers shall be permanently secured to a stable foundation.
- (14) **Tower Grounding.** Towers shall be grounded to protect against damage from lightning.
- (15) **Tower Appearance.** All wind turbines and towers shall be finished in a single, non-reflective-matte-finished color which minimizes the visual impact of the WECS. The applicant is encouraged to select anti-icing paint that prevents the formation of ice on the surface of the turbine's blades.
- (16) **Blade Clearance.** The minimum vertical blade-tip clearance from grade shall be 20 feet for a horizontal axis wind turbine.
- (17) **Tower Construction.** A freestanding tubular monopole tower shall be required for any tower that is more than 50 feet in height. An anti-climbing device or design shall be used on all towers, irrespective of their height.
- (18) **Permits.** No WECS shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining a zoning compliance permit, building permit, and all other applicable permits. Installation of WECS shall not commence until all necessary permits have been issued.
- (19) **Tower Graphics.** No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.

- (20) **Power Lines.** All power lines from a WECS and connecting to a sub-station or grid, shall be underground at a depth of at least 20 feet below grade and at such deeper depth as may be required by applicable industry standards. The Township Board may grant exceptions to this requirement if the topography of the site makes underground lines impossible or unreasonably impracticable. The cost of locating lines underground is not a factor in determining impossibility or impracticability.
- (21) **Safety.** All electrical and mechanical components of the system shall be securely locked. Spent lubricants and cooling fluids shall be promptly and safely removed from the premises.
- (22) **Security Fencing.** Security fencing must be installed around all turbines and all electrical equipment related to the Commercial WECS, including any transformers and transfer stations. The applicant and operator must comply with the security plan filed with the special land use applications, with any amendments required by the Township Board at the time of approval of the special land use permit.
- (23) **Signage.** Signage on the access roads shall warn visitors of the danger of falling ice. WECS must have (1) a sign for each turbine or tower posted near a public road right-of-way (on security fencing near any fence entryway); and (2) a sign attached to the base of each turbine or tower. The signs must be at least two square feet in area and must include the following information:
- (i) A warning of high voltage.
 - (ii) A warning of loud noise.
 - (iii) Notice of potential health risks.
 - (iv) Names of the applicant, operator, and real property owner.
 - (v) Emergency telephone number, alternate telephone number, and web address.
 - (vi) Unique identification, such as an address. If more than one WECS is on an access drive, units must have further identification so they can be easily identified by emergency responders.
- (24) **Braking.** Each WECS must be equipped with a braking or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. The braking system must be effective during complete grid power failure when WECS are unable to communicate with SCADA control or receive power.

- (25) **Automatic De-Icing System.** All turbines must be equipped with technology that automatically de-ices the turbine blades. The system must detect ice and heat the blades, such as through the use of built-in carbon heating mats or through the circulation of hot air.
- (26) **Electromagnetic Interference.** No WECS shall be installed in any location where its proximity with existing fixed-broadcast, re-transmission or reception antenna for radio, television or wireless telephone or personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected parties that will restore reception to the level present before operation of the WECS. No WECS shall be installed in any location within the line of sight of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link operation unless the interference is insignificant.
- (27) **Environmental Impacts.**
- (i) The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - (ii) The applicant shall provide evidence of compliance with applicable State of Michigan statutes including, but not limited to: Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding Oakfield Township ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.); Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.); Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.); and such other applicable laws and rules in force at the time the application is considered.
- (28) **No Communication Interference.** A Commercial WECS must not interfere with any radio, television, or other communication systems. If the Township or the applicant or operator of the Commercial WECS receives a complaint about communication interference, the applicant or operator must resolve the interference immediately and provide proof that the interference has been resolved within 90 days.
- (29) **Access Driveways.** WECS must be accessible by one or more access driveways to allow emergency vehicles in the event of a fire or other emergency. Access driveways must be located at least 1,000 feet from any

non-participating parcel, unless the owner of the non-participating parcel has signed a waiver that is recorded with the Kent County Register of Deeds.

- (30) **Road Repairs.** If any public or private roads are damaged as a result of the construction or operation of the WECS, the applicant or operator must repair the damage at their expense pursuant to all Kent County Road Commission requirements. Repairs must be performed within 90 days after construction is complete (but no more than 365 days after the damage occurs) or within 90 days after the damage occurs if the construction is already complete.
- (31) **Compliance with Plans.** The applicant and operator must comply with all written plans submitted with the special land use application, with any modifications or additions required by the Township Board as part of its approval.
- (d) **Discretionary Conditions.** The Township Board, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS regulated by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:
 - (1) The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof. Fencing may be required to secure the site and tower.
 - (2) The prohibition on the construction or occupancy of dwellings on the lands where the WECS is located, within the separation distances specified by this section.
 - (3) The preservation of existing trees and other existing vegetation not required to be removed for installation of the WECS.
 - (4) The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS tower or accessory buildings or structures.
 - (5) The providing of a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all required conditions of the special land use or site plan approval, including but not limited to the timely and complete removal of a WECS, or any individual tower, wind turbine generator, or other device or equipment regulated under the terms of the section, upon the failure of the same to be removed when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS, until the cessation of operations and the removal of the WECS.

- (e) **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the WECS, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation, as applicable.
- (f) **Maintenance.** The WECS owner/operator shall maintain the facility in good condition at all times. If the Zoning Administrator determines that a WECS fails to meet the requirements of this Ordinance and the special land use permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the applicant of the violation. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of maintaining the installation and any access road(s).
- (g) **Inspections.** Upon providing reasonable prior notice to the operator, the Township zoning administrator and/or his or her designated representative may inspect any property for which the WECS special land use or site plan approval has been granted pursuant to this section, to determine whether the WECS and site comply with the applicable requirements of law and the terms of the special land use.
- (h) **Decommissioning and Abandonment.**
 - (1) The applicant for a WECS shall describe the decommissioning and final land reclamation plan to be followed after the anticipated life, abandonment, or termination of the WECS, including evidence of proposed commitments with property owners to ensure proper final reclamation of the property.
 - (2) Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.
 - (3) Any WECS which has reached the end of its useful life or has not operated continuously for one year or more shall be removed and the owner/operator shall be required to restore the site. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations and/or notice of abandonment by the Township.
 - (4) The owner/operator shall notify the Township personally or by certified mail of the proposed date of discontinued operations and plans for removal.
 - (5) If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, proposed date of decommissioning, or notice of abandonment by the Township, the Township may enter the property and physically remove the installation and recover the cost thereof in accordance with subsection (i) below.

(6) Removal of the installation shall consist of the following:

- (i) Physical removal of all WECS and all aboveground or underground structures, equipment, security barriers, roads, and transmission lines from the site.
- (ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (iii) Stabilization and re-vegetation of the site with seasonal grasses as necessary to minimize erosion. If the property was used for agricultural purposes at the time of installation, the property shall be returned to an agricultural ready condition.

- (i) **Continuing Surety/Security.** The applicant for a WECS shall provide a form of surety, either through escrow account, letter of credit, bond, or other instrument acceptable to the Township Attorney. The surety shall be maintained with a company licensed to do business in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township. Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond, escrow, or irrevocable letter of credit. In the event of sale or transfer of ownership and/or operation of the WECS, the security bond, escrow, or irrevocable letter of credit shall be maintained throughout the entirety of the process and the new owner or operator shall be required to provide a new security bond, escrow, or irrevocable letter of credit. If at any time during the operation of the WECS or prior to, during, or after the sale or transfer of ownership and/or operation of the WECS the security bond, escrow, or irrevocable letter of credit is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the system and reclamation of the site.

The purpose of the surety is to cover the cost of removal of the WECS in the event the Township must remove the installation during or after construction. The amount of the financial surety shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. It shall be submitted by the applicant and be prepared by a qualified engineer. The applicant shall update the surety every three (3) years to ensure that the surety is sufficient compared to inflation. The surety shall be subject to review and approval by the Township and shall be a condition of special land use approval.

- (j) **Prohibited Structures.** The following structures are prohibited as a part of any WECS.
- (1) Vertical axis wind turbines, commonly known as a "VAWT" or "Darrieus" wind turbine.

- (2) Horizontal axis wind turbines with a rotor design consisting of a number of airfoil rotor blades other than three.
- (3) Wind turbines utilizing a lattice tower structure, unless the WECS tower does not exceed 50 feet in height.