

PART THREE

Special uses

CHAPTER 16

Special Use Permit Requirements

SECTION 1601. INTENT AND PURPOSE.

It is the intent of this Section to provide a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards herein to allow, on one hand, practical latitude for the investor or developer but at the same time to maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this ordinance the following Special Use Categories are identified, which together with the cited Special uses within the various districts, are operational under the conditions and standards of Chapter 16.

<u>USE</u>	<u>SECTION</u>
Institutional Uses	1604
Golf Courses, Shooting Clubs, Archery Clubs, Paint/Splat Ball Ranges, and Country Clubs	1605
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Sand, Clay, or Gravel Pits, Quarries	1610(9-1)
Ponds	1610(9-2)
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Veterinary Hospitals, Clinics, and Kennels	1610 (14)
Outdoor Sales Space	1610 (15)
Private Airplane Landing Strips	1610 (16)
Two-Family Dwellings	1610 (17)
Public and Private Roads	1610 (18)
Wireless Communication Cell Tower	1610 (19)
Second Living Quarters for Family Member	1610 (20)

The following, together with previous references in other Chapters of this Ordinance, designates the requirements, procedures, and standards which must be met before a Special Use Permit can be issued.

SECTION 1602. PERMIT PROCEDURES.

The application for a Special Use Permit shall be submitted and processed under the following procedures:

- (1) SUBMISSION OF APPLICATION. An application shall be submitted through the Planning Commission on a special form for that purpose. Each application shall be accompanied by the fee as established by the Township Board.

In the event the allowance of a desired use requires both a rezoning and Special Use Permit, both requests may be submitted jointly, subject to the following:

- (a) The Ordinance procedures for each shall be followed as specified.
  - (b) All applicable standards and specifications required by the Ordinance shall be observed.
- (2) DATA REQUIRED.
  - (a) The special form completed in full by the applicant including a statement by the applicant that Section 1603 can be complied with.
  - (b) Site plan drawn to scale (preferable 1 inch equals 100 feet) of the total property involved showing the location of all abutting streets, the locations of all existing and proposed structures and uses of the property and any natural or man-made features which affect the property, together with an indication of abutting uses.
  - (c) Preliminary plans and specifications of the proposed development.
- (3) PLANNING COMMISSION REVIEW AND HEARING. The application, together with all required data shall be transmitted to the Planning Commission for review. After review and study of any application

and related material the Planning Commission shall hold a public hearing after at least one (1) publication in a newspaper of general circulation in the Township. Such notice shall be given not less than fifteen (15) days before the date of such meeting. Notice shall also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet. Such notice shall indicate the place, time, and purpose of the hearing. Upon conclusion of such hearing the Planning Commission shall approve or deny the application for a Special Use Permit, and only upon approval of the Planning Commission may a Special Use Permit be issued by the Building Inspector.

- (4) PERMIT EXPIRATION. A Special Use Permit issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit.
- (5) REVOCATION. The Planning Commission shall have the authority to revoke any Special Use Permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements in Chapter 16, or other applicable sections. Written notice of violation shall be given by the Building Inspector to the holder of the permit and correction must be made within thirty (30) days. After a thirty (30) day period an additional notice shall be given by the Zoning Administrator, and the use for which the permit was granted must cease within sixty (60) days from date of second notice.
- (6) REAPPLICATION. No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of change of conditions.

SECTION 1603. PERMIT STANDARDS.

Before approving or denying a Special Use Permit Application, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied.

- (1) GENERAL STANDARDS. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
  - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
  - (b) Not be hazardous or disturbing to existing or intended uses in the same general area but be an improvement to property in the immediate vicinity and to the community as a whole.
  - (c) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
  - (d) Not create excessive additional requirements for public facilities and services.
  - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
  - (f) Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.
- (2) CONDITIONS AND SAFEGUARDS. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.
- (3) SPECIFIC REQUIREMENTS. The general standards and requirements of this Section are basic to all uses authorized by Special Use Permits. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.
- (4) PERMITTED USES. Uses permitted by Special Use Permit shall be those listed by districts as noted in Part II and as herein regulated, controlled, or defined.

SECTION 1604. INSTITUTIONAL USES.

- (1) AUTHORIZATION. In recognition of the many institutional types of nonresidential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this section can be complied with.
  
- (2) USES. The following uses may be authorized in those districts as noted in Part II provided the applicable conditions are complied with:
  - (a) Institutions for Human Care. Hospitals, sanitariums, nursing or convalescent homes, homes for the aged, and philanthropic and charitable institutions.
  
  - (b) Religious Institutions. Churches or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
  
  - (c) Educational and Social Institutions. Public and private elementary and secondary schools and institutions for higher education, PROVIDED that none are operated for profit; also auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities, other than activities conducted as a gainful business or of a commercial nature.
  
  - (d) Public Buildings and Public Service Installations. Publicly owned and operated buildings, public utility buildings and structures, transformer stations and substations, and gas regulator stations.
  
- (3) INSTITUTIONS SPECIFICALLY PROHIBITED. The following types of uses, but not limited to those enumerated, shall not be permitted in any residential district but may be allowed in an agricultural district.
  - (a) Prison camps or correctional institutions.

- (4) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles may be altered, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which such use is proposed.
- (a) Any institutional structure or use to be located within a residential district should preferably be located at the edge of a residential district, abutting either a Business or Industrial District, or adjacent to a public open space.
  - (b) Any institutional structure or use to be located in an agricultural district should be located on soils having limited agricultural capabilities and which are not currently farmed.
  - (c) The use should provide some type of service to persons residing or working in the vicinity.
  - (d) Any institutional structure or use shall not be located on a site of ecological importance, such as a bog, swamp, or marsh.
  - (e) Motor vehicle entrance should be made on a major thoroughfare or immediately accessible from a major thoroughfare so as to avoid the impact of traffic generated by the institutional use upon a residential area.
  - (f) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.
- (5) DEVELOPMENT REQUIREMENTS. A Special Use Permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except as noted:
- (a) Hospitals:
    - (1) The proposed site shall be at least ten (10) acres in area.

- (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial or principal collector as classified on the adopted major street plan. All ingress and egress to the off-street parking area (for guests, employees, staff) shall be directly from the major thoroughfare.
- (3) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be setback from the initial sixty (60) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
- (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- (5) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major or minor arterial or principal collector thoroughfare.
- (6) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (7) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

(b) Churches:

- (1) The proposed site shall be at least one-half (1/2) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.
- (2) The proposed site shall be so located as to have at least one property line on a major, minor or collector street as classified by the adopted street plan. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.

- (3) No building shall be closer than thirty-five (35) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is setback from the initial thirty-five (35) feet an additional one (1) foot for each additional foot above the district height limitations.
  - (4) No more than twenty-five (25) percent of the gross site area shall be covered by buildings.
  - (5) All signs shall be in accordance with the schedule outlined in Chapter 5.
  - (6) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.
- (c) For all other institutional uses that may be permitted, except public utility transformer stations and substations, gas regulator stations, and housing for religious personnel attached to a church or school function:
- (1) The proposed site shall be at least one (1) acre in area.
  - (2) No building shall be closer than thirty-five (35) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.
  - (3) No more than twenty-five (25) percent of the gross site area shall be covered by buildings.
  - (4) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
  - (5) All signs shall be in accordance with the schedule outlined in Chapter 5.
  - (6) Off-street parking shall be provided in accordance with the schedule outlined in Chapter 4. No parking space shall be provided in the front yard and the parking area shall be screened from surrounding residential area by a wall or fence, in combination with suitable plant material, not less than four (4) feet in height.



(d) For public utility transformer stations and substations, gas regulator stations, and housing for religious personnel attached to a church or school function:

- (1) Lot area and lot width shall be not less than that specified for the district in which the proposed use should be located.
- (2) Yard and setback requirements shall be not less than that specified for the district in which the proposed use would be located.
- (3) No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.
- (4) Not more than thirty (30) percent of the lot area may be covered by buildings.
- (5) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- (6) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
- (7) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (8) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

SECTION 1605. GOLF COURSES. SHOOTING CLUBS. ARCHERY CLUBS. PAINT/SPLAT BALL RANGES. AND COUNTRY CLUBS.

- (1) AUTHORIZATION. In recognition of the basic open space and recreation character of golf courses and shooting or country clubs, these uses may be permitted within agricultural and specified residential districts by issuance of a Special Use Permit pursuant to district allowance and all standards herein specified.

(2) USES. The following uses may be authorized in any district so listed within Part II, provided the applicable requirements are complied with.

- (a) Golf Courses
- (b) Shooting Clubs
- (c) Country Clubs

Accessory uses for a golf course or permitted club shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.

(3) USE SPECIFICALLY PROHIBITED. Driving ranges and miniature golf courses are specifically prohibited.

(4) SITE LOCATION PRINCIPLES. The following principles shall be used in evaluating the proposed location of any golf course, shooting club, or country club within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of these uses upon the district in which such use is proposed.

- (a) Allowed use should be located to be immediately accessible from a principal or minor arterial or collector street.
- (b) Allowed use should be located on soils having limited agricultural capabilities and which are not currently farmed.
- (c) Site location should be allowed which enhances the natural environment and amenities for community use.

(5) DEVELOPMENT REQUIREMENTS. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.

- (a) Minimum site shall be fifty (50) acres or more and access shall be so designed as to provide all ingress and egress directly onto or from an arterial or collector.
- (b) Site design principles should be such that areas of ecological significance, such as floodplains and marshes are not disturbed.

- (c) Shooting clubs shall provide a two hundred (200) foot wooded buffer around their exterior.
- (d) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential land which adjoins the site.
- (e) Off-street parking shall be provided as required in Chapter 4, which shall include additional spaces which may be required for such accessory uses as a restaurant or bar.
- (f) Signs shall be in accordance with the schedule outlined in Chapter 5.
- (g) Minimum Yard and Height Standards require that no building be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.

SECTION 1606. MOBILE HOME PARK DEVELOPMENTS.

- (1) AUTHORIZATION. Mobile Home Park Developments are herein recognized as fundamentally a multiple residential use and that allowing mobile home parks in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity, and the general welfare as set out in this comprehensive zoning ordinance.

In order to maintain adequate provision for the protection of the health, safety, convenience and general welfare of the Township and to provide for the proper balance of residential uses in the Township and to insure optimum development of all types of such uses as well as to insure adequate public services at all times, the total number of mobile homes within the Township at any one time should not exceed ten (10) percent of the total number of all dwelling units within the Township, as determined by the last official census.

The special features and demands of mobile home parks require full consideration of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses. Mobile Home Park Developments because of their nature are permitted, where compatible, in the districts so listed for said use in Part II.

- (2) USES. A Mobile Home Park Development may include any or all of the following uses, PROVIDED that a plan of the proposed development is approved by the State of Michigan in accordance with current state mobile home laws. The development proposal must meet these standards and conditions and all other provisions as herein established:
- (a) Mobile Homes designed for occupancy as dwelling units and containing a minimum of nine hundred sixty (960) square feet of living area within the Mobile Home.
  - (b) Accessory buildings and services required for normal operation of the mobile home park. Such establishments or service facilities shall be designed and intended to serve frequent trade or needs of persons residing within the park and may be permitted PROVIDED that such uses:
    - (1) Shall not occupy more than ten (10) percent of the area of the park.
    - (2) Shall be subordinate to the residential character of the park.
    - (3) Shall present no visible evidence of commercial character to any area outside of the park boundaries.
  - (c) Maintenance building for conducting the operation and maintenance of a mobile home park. Only one (1) permanent building may be established, however, a caretaker's residence may be established within or in addition to said permanent building.
- (3) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any mobile home park within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a mobile home park upon the district in which such use is proposed.

- (a) Mobile home parks should have direct access to improved highways or have access by construction of less than one-half (1/2) mile of new road.
  - (b) Mobile home parks should be located on sites where a tree buffer around the park can be developed.
  - (c) Mobile home parks should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (d) Mobile home parks should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (e) Mobile home parks should be developed on sites where access to other community goods and services is available.
- (4) USES SPECIFICALLY PROHIBITED. The sale, display or storage of mobile homes for such uses within any portion of the mobile home park under Section 1606 is expressly prohibited. It shall be unlawful for any person to construct, establish, maintain, operate, alter or extend any Mobile Home Park within the limits of the community except under the provisions as herein set out.
- (5) DEVELOPMENT REQUIREMENTS. All mobile home parks shall comply with all site, development, and other standards and requirements of Acts 419 of 1976 and 243 of 1959, as amended, proof of which shall be established by presentation of a certified copy of a construction permit issued by the State prior to final approval of a Special Use Permit by Lakefield Township.

SECTION 1607. DAY NURSERIES.

- (1) AUTHORIZATION. In order to facilitate the care of preschool children within a desirable home environment, this Section provides for the inclusion of nursery schools and child care centers within the noted Residential District and in churches within any zone district. This use may be authorized by the issuance of a Special Use Permit when all of the procedures and applicable requirements of this Section can be complied with.
- (2) USES THAT MAY BE PERMITTED. Nursery schools, day nurseries, and child care centers (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit based for residential purposes on the site.

- (3) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Day Nursery within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a Day Nursery upon the district in which such use is proposed.
- (a) Sites which are not on major arterials are to be preferred.
  - (b) Sites with low levels of noise and air pollution are to be preferred.
  - (c) Sites with access to parks, libraries, etc. are to be preferred.
- (4) DEVELOPMENT REQUIREMENTS. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) MINIMUM SITE SIZE: Twelve thousand five hundred (12,500) square feet with a lot width of one hundred (100) feet PROVIDED that no more than four (4) children shall be kept on the premises in addition to the children of the foster family. For each child not a member of the family in excess of four (4), there shall be provided two hundred (200) square feet of lot area in addition to the base figure of twelve thousand five hundred (12,500) square feet.
  - (b) YARDS: Front, side, and rear yards shall conform to the requirements of the "R" Residential District (Chapter 10, Section 1004).
  - (c) MAXIMUM BUILDING HEIGHT AND MAXIMUM LOT COVERAGE shall be no greater than that permitted in the "R" District.
  - (d) OFF-STREET PARKING shall be provided in conformance with the Schedule outlined in Chapter 4.
  - (e) SIGNS: As provided in Chapter 5.
  - (f) PLAY AREAS: There shall be provided on the site a usable outdoor play area at the rate of fifty (50) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential land by a suitable plant material.

SECTION 1608. AUTOMOBILE SERVICE STATIONS.

- (1) AUTHORIZATION. Facilities to serve motor vehicles are of considerable importance where the basic mode of transportation is private automobile. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the service station function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a gasoline service station as a permitted use within various commercial districts.
  
- (2) OBJECTIVES. It is the intent of this Section to exercise a measure of control over service stations and permitted buildings and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this Section are to:
  - (a) Promote type of development which will be compatible with other land use activities located in areas where service stations will be constructed.
  - (b) Control those aspects of service station design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
  - (c) Minimize the traffic congestion and safety hazards which are inherent to service station activity.
  
- (3) USES THAT MAY BE PERMITTED. Gasoline service stations as defined in Chapter 2, Section 202, including the servicing of motor vehicles under one and one-half (1-1/2) tons rated capacity such as minor adjustments to minor vehicles, sales and installation of automotive accessories and other servicing of motor vehicles, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning, or other mechanical or physical modifications to motor vehicles are specifically prohibited.

- (4) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any automobile service station within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
- (a) The site should have direct access to an arterial street.
  - (b) Automobile service stations should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
  - (c) Automobile service stations should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (d) Stations should be located on sites which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.
- (5) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) MINIMUM SITE SIZE: Thirty-three thousand (33,000) square feet with a minimum width of one hundred sixty-five (165) feet.
  - (b) SITE LOCATION: The proposed site shall have at least one (1) property line on a major or minor arterial.
  - (c) BUILDING SETBACK: The service station or permitted buildings shall be setback fifty (50) feet from all street right-of-way lines and shall not be located closer than fifty (50) to any property line in a residential district unless separated there from by a street or alley.



- (1) No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.
  - (2) Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- (d) ACCESS DRIVES: No more than two (2) driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.
- (1) If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than fifty (50) feet.
  - (2) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line and shall be no less than twenty-five (25) feet from any adjacent lot within an R District as extended to the curb or pavement.
  - (3) Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.
- (e) CURBING AND PAVING: A raised curb at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- (f) FENCING: A solid fence or wall four (4) feet in height shall be erected along all property lines abutting any lot within a residential district.
- (g) SIGNS as provided in Chapter 5, PROVIDED that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.

- (h) OFF-STREET PARKING shall be provided in conformance with the schedule outlined in Chapter 4.
- (i) LIGHTING: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.

SECTION 1609. RESTAURANTS AND CLUBS.

- (1) AUTHORIZATION. Facilities to serve food and beverages are of considerable importance within urbanizing areas. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the restaurant function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a restaurant or club as a permitted use within the commercial district.
- (2) OBJECTIVES. It is the intent of this Section to exercise a measure of control over restaurant and club sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of these uses. The objectives of the regulations set forth in this Section are to:
  - (a) Promote the type of development which will be compatible with other land use activities located in areas where restaurants and clubs will be constructed.
  - (b) Control those aspects of restaurant design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
  - (c) Minimize the traffic congestion and circulation problems associated with these uses.
- (3) USES THAT MAY BE PERMITTED. Restaurants, clubs and other eating or drinking establishments which provide food or drink for consumption on the premises, PROVIDED that such establishments shall not be so-called "Drive-In" facilities and that no dancing or entertainment shall be permitted without Special Permit by the Planning Commission.

- (4) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any restaurant within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
- (a) The site should have direct access to an arterial street.
  - (b) Uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
  - (c) Restaurants should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (d) Restaurants should be located on sites which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.
- (5) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) MINIMUM SITE SIZE: Thirty-three thousand (33,000) square feet with a minimum width of one hundred sixty-five (165) feet.
  - (b) SITE LOCATION: The proposed site shall have at least one (1) property line on a major or minor arterial.
  - (c) BUILDING SETBACK: The permitted buildings shall be set back fifty (50) feet from all street right-of-way lines and shall not be located closer than fifty (50) feet to any property line in a residential district unless, separated there from by a street or alley.
    - (1) No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.

- (d) ACCESS DRIVES: No more than two (2) driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35) feet in width at the property line.
  - (1) If the permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than fifty (50) feet.
  - (2) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line and shall be no less than twenty-five (25) feet from any adjacent lot within an R District as extended to the curb or pavement.
- (e) CURBING AND PAVING: A raised curb at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- (f) FENCING: A solid fence or wall four (4) feet in height shall be erected along all property lines abutting any lot within a residential district.
- (g) SIGNS as provided in Chapter 5, PROVIDED that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.
- (h) OFF-STREET PARKING shall be provided in conformance with the schedule outlined in Chapter 4.
- (i) LIGHTING: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.

SECTION 1610. MISCELLANEOUS SPECIAL USES.

- (1) AUTHORIZATION. Because of particular functional and other inherent characteristics, certain land and structure uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of such property. Many of these uses may also be injurious to the Township as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this Section to provide a framework of regulatory standards which can be utilized for approving or disapproving certain special uses which may be permitted by the issuance of a Special Use Permit within the particular zone districts cited.

- (2) SPECIAL USES THAT MAY BE PERMITTED. The following land and structure uses may be permitted within the particular zone districts cited under Part II, PROVIDED that requirements specified and the applicable specified conditions established herein can be complied with:
- (a) Incinerators and sanitary fills.
  - (b) Junk yards.
  - (c) Sewage treatment and disposal installations as an integral design of a mobile home park as permitted and designed only for service to that mobile home park development.
  - (d) Drive-in theaters, race tracks, golf driving ranges, and miniature golf courses or similar uses.
  - (e) Recreational open space uses, such as public beaches, bath houses, private resorts, recreational camps, and other open space uses operated for profit within any designated zone district. Also including such private recreational uses as all-terrain vehicles and radio-controlled planes and boats.
  - (f) Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients and camps or correctional institutions.
  - (g) Sand, gravel, and clay pits or quarries.
  - (h) Temporary Permits.
  - (i) Model Homes.
  - (j) Riding Stables.
  - (k) Livestock Auction Yards.
  - (l) Veterinary Hospitals, Clinics, and Kennels.
  - (m) Outdoor Sales Space.
  - (n) Private Airplane Landing Strips.
  - (o) Two-Family Dwellings.
  - (p) Private and Public Roads.
  - (q) Wireless Cell Communication Tower

(3) INCINERATORS, AND SANITARY FILLS.

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Incinerator or Sanitary Landfill within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such facilities upon the district in which they are proposed.

- (1) The use should have direct access to an improved arterial or have access by construction of less than one-half (1/2) mile of new road.
- (2) No residential subdivisions with officially filed plats should exist within one mile of the facility.
- (3) The uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marches need not be disturbed.
- (4) The uses should be developed on soils of limited agricultural capabilities or on soils which are not farmed.
- (5) The uses should be developed on sites where their operation will not air or noise pollution for adjacent uses.

(b) SITE DEVELOPMENT CRITERIA. The following requirements for site development as well as any other requirements in this Ordinance shall be complied with:

Berms and fences will be constructed as is required by the Regulations promulgated for PA 641. The berms and fences will be placed on the interior of vegetated buffers and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.

(2) Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than one hundred (100) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.

(3) No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited in the site.

(4) Grading or reseeding upon completion of operations in a portion of the site is required. Each used portion of the site must be restored with topsoil or with a comparable material approved by the Township Board. The material will be graded and revegetated in such a way so as not to interfere with existing drainage. The restoration shall eliminate all hazards, and be blended to the general surrounding ground form.

(5) Routes for truck movement to and from the site shall be identified by the Planning Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.

(4) JUNK/SALVAGE YARDS:

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any junk yard within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of a junk yard upon the district in which it is proposed.

(1) The use should have direct access to an improved arterial or have access by construction of less than one-half (1/2) mile of new road.

- (2) Junk yards should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be destroyed.
  - (3) Junk yards should be developed on soils of limited agricultural capabilities or on soils which are not farmed.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- (1) The site shall be a minimum of ten (10) acres in size.
  - (2) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
  - (3) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
  - (4) All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation.
  - (5) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
  - (6) Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential or agricultural district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.



(5) SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS:

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Sewage Treatment and Disposal Installation within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which such use is proposed.

- (1) The use should have direct access to an improved arterial or have access by construction of less than one-half (1/2) mile of new road.
- (2) Sewage Treatment and Disposal Facilities should be developed where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The facility should be developed on soils of limited agricultural capability, or on soils which are not farmed.
- (4) The facility should be on a site which can serve both existing development and anticipated new development.
- (5) The facility should be developed on a site where their operation will not cause a serious, detrimental level of air or noise pollution or other nuisance factors upon adjacent uses.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

- (1) All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.
- (2) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials, and structural screens shall be placed to minimize the appearance and odors of the installation. The Planning Commission shall approve all treatment of transition strips.

(6) DRIVE-IN THEATRES, RACE TRACKS, GOLF DRIVING RANGES, AND MINIATURE GOLF COURSES OR SIMILAR USES.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any such use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

(1) The use should have direct access to an improved arterial or have access by construction of less than one-half (1/2) mile of new road.

(2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.

(3) The use should be developed on soils of limited agricultural capability or on soils which are not farmed.

(4) The use should be developed on sites where their operation will not create a significant and detrimental increase in the level of air and noise pollution and other nuisance factors upon adjacent uses.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

(1) Traffic patterns, ingress and egress. All traffic ingress and egress shall be from a side thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and simple movements into or out of the major thoroughfares.

All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.

Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major thoroughfare where possible.

- (2) Buffers, Fences and Yards. Whenever any use that may be permitted in the subsection abuts property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials, and structural screens of a type approved by the Township Planning Commission shall be placed within said transition strip.

A minimum yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

Race tracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight (8) feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.

- (3) Ticket Gates and Screens. Drive-in theater ticket gates shall be provided in accordance with the following ratios:

One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) percent of the vehicular capacity of the theater.

Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65) feet in height.

(7) RECREATIONAL OPEN SPACE USES:

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Recreational Open Space Use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

- (1) The recreational open space use should have direct access to an improved arterial.
- (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

- (1) The proposed site shall be at least two (2) acres in area.

- (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
  - (3) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
  - (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
  - (5) Accessory uses for a permitted use shall be construed to include restaurant, and other eating or drinking establishments and such retail sales directly connected with the principal open space use.
- (8) INSTITUTIONS FOR THE MENTALLY RETARDED AND PHYSICALLY HANDICAPPED, DRUG OR ALCOHOLIC PATIENTS AND CAMPS OR CORRECTIONAL INSTITUTIONS.
- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any such institutional use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which such use are proposed.
- (1) The use should have direct access to a major arterial.
  - (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (3) The use should be developed on soils of limited agricultural capability or on soils which are not farmed.
  - (4) The use should provide some type of service or employment for persons residing in the vicinity.

- (5) The use should be developed on sites separated from concentrations of residential, commercial, or industrial developments.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
- (1) The proposed site shall be at least twenty (20) acres in area.
  - (2) The proposed site shall have at least one (1) property line abutting a major or minor thoroughfare or principal collector. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare, or collector.
  - (3) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) feet setback an additional one (1) foot for each foot of additional height above two (2) stories.
  - (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
  - (5) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
  - (6) All signs shall be in accordance with the schedule outlined in Chapter 5.
  - (7) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

(9-1) SAND, CLAY, OR GRAVEL PITS, QUARRIES:

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any such use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which it is proposed.
- (1) The use should have access to a major arterial or have access by construction of less than one-half (1/2)mile of new road.
  - (2) The use should be developed on a site where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (3) The use should be developed on a site of limited agricultural capability or on soils which are not farmed.
  - (4) The use should be developed on a site separated by one (1) mile from concentrations of residential and commercial uses.
  - (5) The use should be developed on a site where its operation will not cause a serious, detrimental level of air or noise pollution for adjacent uses.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of the Ordinance shall be complied with:
- (1) No fixed machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet of any street right-of-way line or property line in order to insure sublateral support for surrounding property.

- (2) Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespassing, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
- (3) No slope shall exceed an angle with the horizontal of forty-five (45) degrees to a depth of six (6) feet all around the perimeter.
- (4) No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.
- (5) The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.
- (6) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (7) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stock piling excavated material upon the site.
- (8) When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in the disturbed earth shall be steeper than a slope of 3 - 1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Planning Commission shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall



be seeded with a perennial grass and maintained until the area is stabilized and approved by the Planning Commission.

- (9) Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.

(9-2) PONDS:

All uses shall be established and maintained in accordance with applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements will prevail.

A Pond is defined as any manmade excavated depression in the soil that is filled with water and is a minimum of twenty-four (24) inches deep at the center and a minimum of one thousand (1000) square feet.

(a) SITE LOCATION PRINCIPLES:

- (1) No pond shall be allowed on a parcel of land that is less than ten (10) acres in size.
- (2) The use should be developed on a site where areas of ecological significance such as bogs, swamps and marches need not be disturbed.
- (3) No cut or excavation shall be closer than fifty (50) feet of any street right-of-way line property line, or utility line in order to ensure sublaterals support for the surrounding property.

(b) SITE DEVELOPMENT REQUIREMENTS:

The following requirements for site development, together with any other applicable requirements of the Ordinance shall be complied with:

- (1) No slope shall exceed an angle of forty-five (45) degrees to a depth of six (6) feet all around the perimeter.
- (2) All permitted installation shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
- (3) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when necessary; limitations upon the practice of stockpiling excavated material upon the site.

- (4) When excavation and removal operations or either of them is completed, the excavated area shall be graded so that no gradients in the disturbed earth shall be steeper than 3-1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Planning Commission shall be spread over excavated area, except exposed rock surfaces, or areas laying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with perennial grass and maintained until the area is stabilized and approved by the Planning Commission.
- (5) All proper permits must be obtained from the Building Administrator.

(10) TEMPORARY PERMITS. Temporary structures, such as a garage, partial structure, cellar, mobile home or house trailer, or basement to be used as a dwelling units, are subject to the following procedures and limitations:

(a) Application for a permit for erection or for use as a dwelling unit must be made to the Planning Commission on a form developed for that purpose.

(b) A hearing will be held on the application by the Planning Commission. The Planning Commission shall give due notice to the applicant and to all property owners within one thousand (1000) feet of the affected property at least fifteen (15) days before the hearing.

(c) A temporary permit shall not be granted unless the Planning Commission finds adequate evidence that:

- (1) The applicant is the absolute owner, or has a land contract buyer's interest in the real estate, and that the deed or land contract is recorded at the Office of the Register of Deeds;
- (2) That the proposed water supply and sanitary facilities have been inspected and approved by the Saginaw County Health Department.
- (3) That a building permit for the construction of a residential structure to be constructed on the premises, has been issued;
- (4) That the proposed location of the use will not be detrimental to the property or to the use of property, in the immediate vicinity;

- (5) That a bond required, in an ample sum, but not to exceed five thousand (5,000) dollars, to secure compliance imposed with the granting of the temporary use can be or has been provided;
  - (6) The applicant can demonstrate the ability to finance the construction of the dwelling for which the building permit under section (c) hereof, has been secured.
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- (d) The Planning Commission may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
  - (e) Unique and temporary conditions shall exist which justify the need for a temporary permit on a given lot or parcel, such as a dwelling for seasonal farm labor, aged family members, domestic employees, or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the property in question.
  - (f) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed thirty-six (36) months. No permit shall be transferable to any other owner or occupant. The permit may be renewed in the case of trailer coaches, if the conditions above can be met again.
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- (11) MODEL HOMES. Use of a "model home" within a residential district shall be allowed provided the permit is for one (1) year, which may be renewed and, provided that all regulations of the district within which the use is proposed are followed. This provision includes module and sectional homes but excludes mobile home sales.
  - (12) RIDING STABLES:
    - (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Riding Stables within a permitted district.

These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which it is proposed.

- (1) The property should have direct access to a paved improved street.
- (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

- (1) The proposed site shall be at least ten (10) acres in area.
- (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
- (3) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
- (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- (5) Accessory uses for a permitted use shall be construed to include retail sales directly connected with the principal riding stable operation.

(13) LIVESTOCK AUCTION YARDS:

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Livestock Auction Yard Use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

- (1) The Livestock Auction Yard use should have direct access to an arterial.
- (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

- (1) The proposed site shall be at least five (5) acres in area.
- (2) The proposed site shall have at least one (1) property line abutting a major arterial. All ingress and egress to the site shall be directly from said arterial.
- (3) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon another residential property, the use shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding properties.
- (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.

(14) VETERINARY HOSPITALS, CLINICS, AND KENNELS:

- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of Veterinary Hospitals, Clinics and Kennels within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of the uses upon the district in which they are proposed.
- (1) The use should have direct access to an improved arterial.
  - (2) The use should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
  - (3) The use should be developed on soils of limited capability or on soils which are not farmed.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- (1) The proposed site shall be at least twenty (20) acres in area.
  - (2) The proposed site shall have at least one (1) property line abutting a major or minor arterial. All ingress and egress to the site shall be directly from said arterial.
  - (3) All buildings and structures shall be set back at least seven hundred fifty (750) feet from any residential structure. Whenever the installation abuts upon property within a residential district, this seven hundred fifty (750) foot setback shall be landscaped with trees, grass, and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
  - (4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.

(15) OUTDOOR SALES SPACE.

- (a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any spaces for exclusive sale of new or used automobiles, trucks, mobile homes, travel trailers, boats, and farm machinery or equipment. Within a permitted district, the following shall be applied by the Planning Commission as general guidelines to help assess the impact of the use upon the district in which it is proposed.
- (1) The use shall have direct access to an improved arterial or have access by construction of less than one-half (1/2) mile of new road.
  - (2) The use should be developed on soils of limited agricultural capabilities or on soils which are not farmed.
  - (3) The uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with other applicable requirements of this Ordinance shall be complied with:
- (1) The lot (only that area used) shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  - (2) Ingress and egress shall be at least seventy (70) feet from any intersection.
  - (3) No major repair or refinishing shall be done on the lot.
  - (4) All lighting shall be shielded from adjacent residential and commercial areas.
  - (5) The lot must be associated with a permitted use in the district.

(16) PRIVATE AIRPLANE LANDING STRIPS.

(a) ) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any such use within a permitted district. These principles shall be applied by the Planning Commission as a general guideline to help assess the impact of such a use upon the district in which it is proposed.

- (1) Such strips shall be for the exclusive private use of the property owner and shall be situated wholly within the confines of his property.
- (2) No commercial aviation or other commercial activity of any sort shall be associated with the existence or functioning of said strip.
- (3) Aircraft using such strips shall be limited to those owned or hired by the property owner and used only for personal travel or recreation, crop-dusting, and similar limited activity.
- (4) The site of any strip shall have at least one (1) property line abutting a public street.

(b) SITE DEVELOPMENT REQUIREMENTS:

- (1) The proposed site shall be at least two thousand six hundred forty (2,640) feet by five hundred (500) feet.
- (2) All strips shall have a minimum length of one thousand five hundred (1,500) feet with a five hundred (500) foot clearance at each end.
- (3) Buildings, height limits, lighting, parking, and uses and activities shall be in accordance with applicable FAA and MAC regulations.
- (4) If any of the requirements of this subsection are less than those in applicable State and Federal statutes, the State and Federal requirements shall prevail.



(17) TWO-FAMILY DWELLINGS.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any Two-Family Dwelling Use within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are proposed.

- (1) The two-family dwelling use should have direct access to an improved arterial.
- (2) The use should be developed on a site where areas of ecological significance such as bogs, swamps, and marshes need not be disturbed.
- (3) The use should be developed on soils of limited capability or on soils which are not farmed.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

- (1) The proposed site for a two-family dwelling shall contain at least forty thousand (40,000) square feet in area.
- (2) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- (3) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (4) Off-street parking space shall be provided in accordance with the schedule outlined in Chapter 4.

(18) PUBLIC AND PRIVATE ROADS.

(a) SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any public and private roads within a permitted district. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such uses upon the district in which they are imposed.

- (1) The placement and length of a road must be in compliance with all requirements under the township ordinances and be approved by the Saginaw County Road Commission.
- (2) The applicant / developer shall be responsible for naming the road and for placement of the signage. The road name must be unique and not be a road name used elsewhere in the county. The signage must be clear and of the type used in the county.
- (3) Public roads must be approved, dedicated to and accepted by, the Saginaw County Road Commission.
- (4) If the road is a private road, the deeds to abutting properties must contain covenants running with the land that the road is a "private road" and that the owners of said properties are responsible for their pro-rata share of the cost of continued maintenance and repair of the private road according to Saginaw County Road Commission standards.
- (5) The owners of property abutting the private road shall maintain and repair the private road according to Saginaw County Road Commission standards for as long as the road remains a private road.
- (6) The applicant / developer shall provide to the township a set of drawings of the proposed road with the stamp of a licensed engineer on them.
- (7) The township may, in its discretion, hire a consultant of its choosing to represent the interests of the township residents. The applicant / developer shall reimburse the township for the consultant's fees.
- (8) The township shall not approve the construction of the road until the applicant / developer has provided complete construction drawings and has secured all required permits.
- (9) The decision of the Saginaw County Road Commission shall resolve any engineering disagreements, said decision deemed to be final.

(10) A performance bond shall be posted with the township in an amount 110% of the project cost.

(11) All fees and costs incurred by the township, including engineering and legal fees, shall be paid by the applicant / developer.

(b) SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

(1) A complete set of engineering drawings are to be submitted to, and verified by, the township consultant.

(2) The construction, composition, and Specifications of a public road shall meet the requirements of the Saginaw County Road Commission.

(3) The construction and composition of the roadbed and driving surface of a private road shall meet the specifications of the Saginaw County Road Commission.

(4) The construction of a cul-de-sac for public and private roads shall meet all specifications of the Saginaw County Road Commission and the Saginaw County Drain Commission.

(5) Drainage systems on private roads shall comply with the recommendations of the Saginaw County Drain Commission. The applicant / developer shall obtain all permits required by any county, state, or federal agency.

(6) All road designs shall allow for the safe ingress and egress of motor vehicles.

(7) The vertical clearance shall be at least eighteen feet.

(19) WIRELESS COMMUNICATION CELL TOWER

Intent and Purpose

Changing technology in the field of communications has resulted in reliance upon more versatile convenient forms of communication. Businesses, individuals and government have developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones has proven themselves over and over again in emergency situations. The intent and purpose of the ordinance is to enable construction and operation of wireless communication systems while providing a regulatory scheme and reasonable restrictions which will preserve public health, safety and welfare.

(a) Qualifying conditions:

- (1) Communication Towers shall be restricted to self-supporting structures. The use of guy wires is prohibited.
- (2) The base of the tower and accessory structures shall be enclosed with a minimum six (6') foot high fence.

(b) Performance and Development Standards: All communication towers shall satisfy and comply with the following performance and site development standards:

(1) Construction

- (a) The tower shall be a self-supporting lattice tower or self-supporting monopole.
- (b) Accessory structures shall not exceed four hundred (400) square feet of gross building area per structure.
- (c) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- (d) The plans of the tower construction shall be certified by a structural engineer registered in the State of Michigan.
- (e) The application shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (f) All towers must meet the standards of the Aviation administration, the Federal Communication Commission and the Tri-City Area Joint Airport Zoning Board.
- (g) Communication towers in excess of one hundred seventy-five (175') feet in height above grade level shall be prohibited within two (2) miles of a public airport property boundary or a ½ mile radius of a helipad.

- (h) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connection with all applicable local statutes, regulations and standards.
- (i) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and or structure, or between tower, shall be at least eight (8') feet above ground at all points, unless buried underground.
- (j) The base of the tower shall occupy no more than five hundred (500') square feet.
- (k) Height of the tower shall not exceed two hundred (200') feet from grade within all applicable zoning districts.
- (l) Towers shall not be artificially lit unless required by the Federal Aviation Administration.
- (m) Towers shall be designed to provide co-location. If the applicant demonstrates that they cannot co-locate on the existing tower, applicant must provide documentation satisfactory to the Township that co-location is not possible.
- (n) The use of guy wires is strictly in all zoning districts.
- (o) All parking and drive must be, at a minimum, gravel surface or comparable material.

(2) Location

- (a) The tower must be set back from all property lines a distance equal to or greater than its height when erected on a parcel that abuts other A-1 or residentially zoned or used parcels, unless engineering plans and specifications have been verified by a report from a structural engineer registered in the State of Michigan showing the tower antennae capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. The applicant shall incur all costs associated with the review of such a report.
- (b) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet.
- (c) Towers shall be located so that they do not interfere With reception in nearby residential areas.
- (d) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.

- (e) A conceptual plan which indicates the contemplated area for the installation of other wireless towers must be submitted by the applicant.
- (f) Minimum spacing between tower locations shall not be less than 1½ mile radius to prevent a concentration of towers in one area. This shall include a distance of neighboring township towers.
- (g) A minimum site of one (1) acre with a minimum of twenty (20') feet of road frontage for access.

(3) Appearance

- (a) Accessory structures shall be designed to be aesthetically compatible with the adjoining properties. This may include the construction of a brick façade and a pitched roof.
- (b) Metal towers shall be constructed of or treated with corrosive-resistant material and shall be painted white or off-white. Applicant shall submit a maintenance program acceptable to the Township. The antenna shall be painted to match the exterior treatment of the tower.
- (c) Existing on-site vegetation shall be preserved to the maximum extent possible.
- (d) There shall not be displayed advertising or identification of any kind intended to be visible from ground or other structures, except as required for emergency purposes.
- (e) Where the property adjoins any rural residentially zoned property or land use, the site shall be landscaped in accordance with the landscape requirement established by the Planning Commission. Existing mature tree growth and natural landforms on the site may be used in lieu of required landscaping where approved by the Planning Commission.

(4) Use

- (a) Subject to the conditions in this subsection the Township may permit the location of Personal Wireless Communication Facilities on any Township owned or occupied land.

- (b) The applicant shall submit a copy of a valid FCC license for the proposed activity, or proof that the applicant or carrier is the successful bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
- (c) If co-location is used, one such accessory structure is allowed for each provider not exceeding five accessory structures.
- (d) No employees shall be located on the site on a permanent basis. Occasional or temporary repair and service activities are excluded from this restriction.
- (e) The owner of the tower or property owner must provide written statements that certify the following to the Township:
  - 1. That the owner will notify the Township of any change in ownership or control of the tower.
  - 2. That the owner of the tower will notify the Township of any change in operation of the tower, including the cessation of the operations.
- (f) The property owner or lessee shall remove the tower within six (6) months of being abandoned. The communication tower shall be deemed abandoned if, for a continuous period of six (6) months, none of the antenna or other communication devices attached thereto are operational. The Township shall require a \$10,000.00 performance bond to ensure its removal.

(20) SECOND LIVING QUARTERS FOR FAMILY MEMBER.

(a) SITE USE REQUIREMENTS. The following requirements for site use, together with any other applicable requirements of this Ordinance shall be complied with.

- (1) No more than a combined area of the principal dwelling plus the second living quarters, shall exceed 25% of the gross site area.
- (2) The second living quarters must meet all district requirements for setbacks from roads and adjoining properties.
- (3) A person is deemed to be elderly if the person is age 65 and older.
- (4) Restricted to the situation where the intended occupant of the second quarters requires frequent care or living assistance due to medical condition or disability, as verified in writing by a medical physician.
- (5) A Special Use Permit, valid for one (1) year, must be obtained from the Township to establish a second living quarters. The permit shall be issued by the Zoning Administrator. The permit may be renewed for successive one-year periods if compliance with these provisions is maintained, as verified by the Zoning Administrator and the Planning Commission.