

**ARTICLE 18**

**SPECIAL LAND USE APPROVAL REQUIREMENTS**

**SECTION 18.01. INTENT**

Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. The procedures and standards set forth herein are intended to:

- A. Accommodate uses which are needed and beneficial to the Township but need to be carefully located due to their potential impacts;
- B. Provide a consistent and uniform method for review of proposed special land uses;
- C. Provide a mechanism for public input on decisions involving more intense land uses;
- D. Ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances, and state and federal laws;
- E. Regulate the use of land operations and site design based on the characteristics of a particular use;
- F. Achieve efficient use of the land;
- G. Ensure impacts associated with a specific use can be accommodated within the environmental capacities of the impacted area;
- H. Provide site design and operational standards to minimize any negative impact on adjoining or nearby properties;
- I. Establish procedures for expansion or change in use of a special land use for both uses which have received special land use approval and those which existed prior to the adoption of special land use review procedures.

These provisions encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives. An approved special land use shall be considered a conforming use permitted in the district at the specific site where it is located.

## **SECTION 18.02. APPLICATION SUBMITTAL**

The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall submit fifteen (15) copies of the following to the Zoning Administrator:

- A. A complete application form supplied by the Township;
- B. Township review fee;
- C. Written information describing the special land use;
- D. A written description regarding compliance with the standards of Section 18.04., Discretionary Review Criteria;
- E. A complete site plan meeting the requirements of Article 16, Site Plan Review.

## **SECTION 18.03. HEARINGS**

The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing in accordance with section 21.12.

## **SECTION 18.04. DISCRETIONARY REVIEW CRITERIA**

The Planning Commission shall have sole power to approve or disapprove all special land uses. If the plans meet the required standards of this Ordinance, Article and applicable section and indicate no adverse effects, which in the opinion of the Planning Commission, cause injury to the residents, users or adjoining property, or the Township as a whole, the Planning Commission shall approve the use. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

- A. The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the Township's Master Plan and shall promote the intent and purpose of this Ordinance.
- B. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- C. The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off

street parking and provisions for pedestrian traffic, with particular attention to minimizing child vehicle interfacing. The Planning Commission may require submittal of a traffic impact study to ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional. The Township may require mitigation to maintain the pre-existing traffic operations.

- D. The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. The Planning Commission may require a quantitative comparison of the impacts of typical permitted uses and the special use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the requested use (i.e. ensure the end result is at least similar to the pre-existing conditions).
- E. The proposed special land use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- F. The proposed special land use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district. The proposed use shall be such that the proposed location and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- G. The proposed special land use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- H. The proposed special land use shall be designated, located, planned and to be operated that the public health, safety and welfare will be protected.

#### SECTION 18.05. PLANNING COMMISSION ACTION

Following the public hearing, the Planning Commission shall ~~take action~~take action on the special land use application as follows:

- A. **Approval:** If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and

clearly set forth in writing thereon the particular officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one (1) year from the date of approval, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

- B. **Denial:** If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- C. **Table:** The application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies or revisions are necessary to bring the proposal into compliance with applicable standards and regulations. The Planning Commission shall direct the applicant to prepare additional information on the special land use or revise the site plan. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified by the applicant's design professional. Amended plans or other material that show a diligent effort to address all reasons for tabling shall be placed on the agenda of the Planning Commission for further review and action.
- D. **Conditions:** The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
  - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.  
  
Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The Planning Commission shall maintain a record of changes granted in conditions.

- E. **Record:** The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

#### SECTION 18.06. AMENDMENTS, EXPANSIONS AND CHANGE IN USE

- A. **Major Amendments:** The property owner shall notify the Zoning Administrator of any change in an existing special land use. Any major amendment to an approved special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article. Amendments to the site plan shall bring the site into compliance with all Zoning Ordinance requirements determined to be reasonable by the Planning Commission in proportion with the extent of the change at the site and in consideration with the physical constraints of the site. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment, based on the total cumulative expansion since the original special land use approval as follows:
1. Changes increase the buildings usable floor area by more than twenty five percent (25%);  
  
Parking lots are expanded by more than twenty five percent (25%);
  3. The occupancy, capacity or membership of the use is increased by more than twenty five percent (25%);
  4. The use is expanded to occupy an additional twenty five percent (25%) or more land area; or,
  5. The expansion will result in a twenty five percent (25%) or more increase in traffic generation based upon the latest edition of the Institute of Traffic Engineers Trip Generation Manual.
- B. **Minor Amendment:** Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but shall still be subject to the requirements of section 16.2.
- C. **Change in Use:** Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article.

## SECTION 18.07. SPECIFIC USE STANDARDS

The following special land uses may be allowed within the zoning districts where they are listed as a special land use subject to all applicable requirements of this Ordinance, the approval requirements of this Article and the specific standards below:

### A. Adult Entertainment Facilities:

1. In the development and execution of this Ordinance, it is recognized that 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 the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. more than two such uses within one thousand (1,000) feet of each other would create such adverse effects). Uses subject to these controls are as follows:

- a. Adult Book Store
- b. Adult Motion Picture Theatre
- c. Adult Mini Motion Picture Theater
- d. Adult Personal Service Business
- e. Cabaret

Any adult regulated use/building shall be at least one thousand (1,000) feet from any of the following, except as otherwise provided by subsection 3 below.

- a. Another existing adult regulated use
- b. Public, charter, private or parochial school
- c. Library
- d. Park, playground or other recreation facility which admits minors
- e. Day care center or nursery schools
- f. Church, convent, monastery, synagogue or other similar place of worship
- g. Any establishment licensed by the Michigan Liquor Control Commission
- h. Pool or billiard halls
- i. Pawnshops
- j. Hotels or motels
- k. Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to teenagers

3. The Planning Commission may waive this locational provision for Adult Book Stores, Adult Motion Picture Theaters, Adult Mini Motion Picture Theaters, Cabarets, if the following findings are made:

- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a "skid row" area.
  - c. That all applicable regulations of this Ordinance will be observed.
4. It shall be unlawful to hereafter establish any Adult Book Store, Adult Motion Picture Theater, Adult Mini Theater or Cabaret within five hundred (500) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicated approval of the proposed regulated use by fifty one percent (51%) percent of the persons owning, residing or doing business within a radius of five hundred (500) feet of the location of the proposed use, the petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made.
  5. The Township Building Department shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section of the Ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township and the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

The Planning Commission shall not consider the waiver of locational requirements set forth in above, until the above described petition shall have been filed and verified.

**B. Adult Foster Care Group Home:**

Adult foster care small and large group homes, pursuant to Michigan P.A. 218 of 1979-~~are~~, are subject to the following conditions. The conditions are to protect the neighboring uses from adverse impact, maintain and protect residential character, insure the compatibility of foster care uses with other uses permitted in residential districts, and insure that foster care uses remain clearly incidental to the permitted residential uses. Adult foster care small and large group homes may be authorized by a special use permit in accordance with this Article, provided the following conditions, principles and requirements are met:

1. There shall not be more than one residential dwelling unit per site.

Site Location Principles. The following principles shall be utilized to evaluate the proposed location for any adult foster care small and large group homes within a permitted district. These principles shall be applied by the planning commission to help in assessing the impact upon the district in which the use is proposed.

- a. The site shall be located no closer than 1,500 feet to any of the following:
  - i. Another license group day care home.
  - ii. Another Adult Foster Care Family Home, Adult Foster Care Small Group Home and Adult Foster Care Large Group Home licensed under P.A. 218 of 1979.
  - iii. A facility offering substance abuse treatment and rehabilitation services to seven or more individuals licensed under Article 6 of Public Health Code Act 368 of P.A. of 1978.
  - iv. The distance specified shall be measured along a street, road or place maintained by the state, county or Township and generally opened to the use of the public as a matter of right for the purpose of vehicle traffic, not including alleys.
- b. Development Requirements. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
  - i. License. Adult Foster Care Small Group Home shall obtain and maintain a valid license from the State Department of Social Services and provide a copy of that license to the Township along with each renewal of that license every two (2) years.
  - ii. Permitted Structure. Activities associated with adult foster care small or large group home shall not be permitted in any building, structure, or attached or detached garage other than the principal dwelling unit.
  - iii. Uses. Foster care uses shall not generate noise, odor, vibration, or electrical interference beyond that level normally associated with residential land uses.
  - iv. Parking shall be provided so there is one parking space for each employee during the maximum employment hours, plus six additional parking spaces for visitors and guests for an adult foster care group home. All parking areas are to be paved with asphalt or concrete.
  - v. There may be one non-illuminated sign which is four square feet in area or less, it must be attached to the principal structure, and the sign may only display the name and address of the Foster Care Facility.



- vi. The property must be maintained consistent with the visible characteristics of the neighborhood. There shall not be any type of equipment or recreation items located in the front yard.
- vii. The applicant will provide to the Township a certification from the County Health Department approving the water and the sewage disposal system as being adequate for the number of occupants and employees of the facility.
- viii. A solid waste dumpster of at least five (5) cubic yard capacity shall be properly maintained and serviced on site.
- ix. Parking areas shall be properly lighted with lighting confined to site.
- x. Adult foster group homes shall be subject to site plan review.
- xi. Emergency egress and fire suppression system of satisfactory design as approved by the Fire Department shall be provided.

**C. Accessory Drive-In or Drive-through Service:**

1. The service, including any lighting associated therewith shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of the adjacent residential land use.

Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

3. Each facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
4. There shall be a minimum of ten (10) stacking spaces for drive-through restaurants and three (3) stacking spaces for other uses.
5. The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.
6. The number of on-site directional signage shall be limited to two (2) signs.
7. There shall be no more than one driveway to a single public street.

D. **Agribusiness Uses:**

1. Retail floor area for agribusiness uses shall not exceed three thousand (3,000) square feet.

Retail sales to the general public shall be limited to products that are grown on the property from which they are sold or other customary agricultural products.

3. All waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.

E. **Airports:**

1. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the Township. All aircraft approach lanes, ~~as~~ as established by appropriate aviation authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies, in considering an airport use.

2. **Yard and Placement Requirements:**

- a. No building or structure or part thereof shall be erected closer than sixty (60) feet from any property line.
- b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.

3. **Performance Requirements:** All lights, used for landing strips and other lighting facilities, shall be so arranged as not to reflect towards adjoining non-airport uses.

4. **Prohibited Uses:** The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.

**F. Bed and Breakfast Inn:**

A private residence, owned by the innkeeper, may be operated as a bed and breakfast that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent, is the residence in which the innkeeper resides while renting the rooms to transient tenants and in which the innkeeper serves breakfast at no extra cost to the transient tenants. Such a use may be allowed in districts where such a use is listed as a special land use pursuant to a ~~special-land~~special land use permit provided:

1. It is operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential type garage.
2. It is only conducted by the persons who own and occupy the premises.
3. It has no exterior evidence other than a permitted sign to indicate that the same is being utilized for any purpose other than that of a dwelling.
4. It does not involve alteration or construction not customarily found in residential dwellings; except such modifications as recommended by the Fire Department and accepted by the Planning Commission such as fire protection and fire suppression equipment.
5. It is clearly incidental and subordinate to the use of the premises for residential purposes.
6. It does not constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or unreasonable traffic to the premises.
7. It does not utilize more than five (5) transient sleeping units with a minimum square footage for each unit of 100 square feet for two (2) lodgers and fifty (50) square feet for each additional lodger to a maximum of four (4) occupants per room.
8. Guests are not allowed to stay longer than fourteen (14) consecutive days or thirty (30) days in any one calendar year at any bed and breakfast location.
9. All bed and breakfast operations shall maintain on the premises a guest register and all guests shall be legibly registered and such register is subject to inspection during reasonable hours by the township building inspector or his designee.
10. All bed and breakfast permit holders shall be reviewed on an annual basis and shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations.

11. No building or structure either on the premises of the bed and breakfast inn or on property adjacent thereto shall be removed in order to provide parking for the bed and breakfast inn.
12. All required parking for any bed and breakfast inn shall be screened from adjacent residential uses in such form and manner as may be required by the Planning Commission.
13. No bed and breakfast inn shall have on its premises any restaurant which is open to the general public or any gift shop, store or public meeting room or other sales, lease or rental operations.
14. Sufficient off street parking shall be required as for commercial lodging establishments; and
15. All requirements of initial Fire Department recommendations as adopted by the Planning Commission and compliance with and subsequent fire safety inspection reports shall be complied with.
16. All developments shall be subject to site plan review and approval procedures as specified in Article 16 of this Zoning Ordinance.

**G. Cemeteries**

1. The site shall have a minimum area of twenty (20) acres.  
  
The area to be occupied by the cemetery shall not have more than fifty one (51) percent of its land area in recorded plots.
3. The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access to and from such areas.
4. All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the Township's ~~adopted—Master~~adopted Master Plan.
5. All sides of the cemetery shall be screened from any residential views by providing a continuous and completely obscuring wall or fence, four feet six inches (4'6") in height, measured from the surface of the ground. The Planning Commission may permit a "chain link" type fence adequately screened with deciduous and evergreen material.
6. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the County Health Department.

7. A cemetery trust fund shall be established and approved by the Michigan Cemetery Commissioner, where required by Act 251 of the Public Acts of 1968, as amended.

**H. Churches and other Places of Worship; Schools; and Public Buildings**

1. All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the Township's ~~adopted~~ Masteradopted Master Plan.

No off street parking shall be permitted in the front yard.

**I. Colleges and Universities (Public and Private)**

1. All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the Township's adopted Master Plan.

No building other than a structure for residential purposes shall be closer than seventy five (75) feet to any property line.

3. Height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks were yards abut land zoned for residential purposes, are increased by not less than thirty (30) feet for each yard, for each twelve (12) feet or fraction thereof by which the building exceeds the maximum height requirements of the zone.
4. Those buildings to be used for servicing or maintenance , such as heating plants, garages, storage structures and the like shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.

**J. Commercial, Outdoor Recreation**

1. Children's amusement parks must be fenced on all sides with a four foot, six inch (4'6") wall or fence that is at least fifty percent 50% opaque.

No loud speaker or public address system shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

**K. Commercial Riding Academy or Stables**

1. The minimum site size shall be twenty (20) acres where all riding will take place within an arena building and forty (40) acres where riding will occur in open areas outdoors.

Where riding is intended outdoors the applicant may be required to submit a trail plan for approval to the Township Planning Commission showing the general location of intended riding trails.

3. All areas for stockpiling manure shall be screened from view, shall not be located closer than 250 feet to any property line, creek, or stream and shall not be allowed to become a nuisance.
4. Adequate off street parking shall be provided for customers in the ratio of one space for every two (2) horse boarding stalls. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall when it is determined by the Planning Commission to be appropriate and subject to the provisions of Article 13 of this Ordinance.
5. Off street parking shall be provided in accordance with the standards set forth in Article 13 except that the requirements for hard surfacing may be modified by the Township to include a durable, dustless, water permeable surface.
6. Horse trailers shall be stored within a building, a screened enclosure or behind a building so that they are not visible from the road right-of-way.
7. At least one (1) unisex/handicap access restroom must be made available for public use.
8. The style and size of the structures shall be subject to the Planning Commission's review and approval to determine that the project will be compatible and consistent with the surrounding residential areas if applicable.
9. A manure management plan must be submitted to the Planning Commission for approval and shall be a condition of any special land use permit approval. The riding academy shall be operated according to the plan as approved or modified by the Planning Commission. Such guidelines shall be developed by rule by the Planning Commission.
10. The maximum number of horses/equestrian animals which may be kept on the premises shall be subject to the special land use permit conditions.
11. The size and location of any and all signs associated with the stable/riding academy shall be subject to Planning Commission approval.
12. Any sale of goods from the premises shall be specifically approved as a condition of special land use permit approval.
13. Outdoor lighting for nighttime riding shall be directed in a manner that prevents off-site glare or light sources to be visible from adjacent residential areas.

14. Hay, straw, bedding and other combustibles material shall be limited to one day's supply in the main stable arena area. Storage exceeding one day's supply must be stored in a detached building located at least 100 feet from the main structure. Details of this arrangement shall be shown on the site plan.
15. NFPA 150, Standard on Fire and Life Safety in Animal ~~Housing~~Housing ~~will~~will be Facilities, 2007 Edition, should be used as a guide in planning and constructing facilities. 17. Second floor viewing areas must meet NFPA 101, Life Safety Code, with specific methods of achieving compliance outlined in the site plan.
16. Caretaker's Residence:
  - a. A caretaker's residence, where such residence is accessory to a permitted use, may be allowed at the discretion of the Planning Commission.
  - b. A caretaker's residence may not be occupied prior to a permanent residence being occupied on the same parcel.
  - c. A caretaker's residence may not be used for rental purposes at any time.
  - d. A caretaker's residence must meet sanitary regulations as set forth by the Oakland County Health Department.
  - e. A caretaker's residence may be used as an office or storage space directly related to the riding academy or stable. Any use other than the approved use, must be submitted for approval to the Planning Commission.
  - f. A caretaker's residence may be located within or attached to any approved building; provided, no grooms' quarters or other living facilities are allowed within one hundred (100) feet of the stable/arena building.
  - g. When a caretaker's residence is detached from any existing or approved building, it must meet all requirements ~~of Section of Section 18.07.Z~~excluding 18.07.Z excluding Section "5."
  - h. A caretaker's residence must meet the current Building Code adopted by the Township.
  - i. A caretaker's residence must be occupied by the principals or employees directly engaged in the maintenance and supervision of the premises.  
(12/96)

**L. Common Use Riparian Access Lots (Keyholes)**

1. This section shall apply to the creation of a common use riparian lot or keyhole or expansion to an existing facility that increases the number of boats that may be moored.

The proposed construction or use because of its intensive nature or proposed location, shall not pose substantial environmental hazards, and all other factors considered in light of the proposed use and the specific characteristics of the property and the surroundings are favorable towards the proposed use.

3. No use shall be made of any land or water for boat livery or public or commercial beaches or recreational use operated for profit.
4. Any dredging and/or filling of regulated wetland or water area shall be permitted only after review and approval from the Michigan Department of Environmental Quality, or the County Drain Commissioner, as applicable.
5. Where the lot is to be used for the mooring of boats, it shall conform to the following minimum requirements:
  - a. The riparian lot shall have a minimum of fifty (50) feet of riparian frontage for each non-riparian lot or dwelling unit that is permitted to moor a boat. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage. The riparian frontage shall also have a minimum depth of fifty (50) feet between the shoreline and the lot line that is opposite and parallel to the shoreline.
  - b. The deed to such lot or parcel shall specify the non riparian lots, parcels or dwelling units that shall have rights to its use.
  - c. Any boat dock facility within a common use riparian lot for more than three (3) boats must obtain a permit for marina operation from the MDEQ in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat dock facility shall meet all of the MDEQ standards for marinas.

**M. Correctional Facilities**

- ~~1.~~ Such facilities shall not exceed the maximum residential land use density for the RM 1 district.

All such uses shall be located on a parcel of not less than ten (10) acres.



3. All buildings and/or structures used or related to the community correctional facilities shall not be located closer than 250 feet to any property boundary of an abutting residential and/or agricultural zoning district.
4. Any buildings proposed shall be architecturally compatible with surrounding buildings and dwellings.
5. Security fencing shall be provided around the entire perimeter of the site.
6. Such facilities shall be in accordance with PA 232 of 1953.

**N. Automotive Service Center/Gasoline Service Station; and Automotive Repair Establishments, Minor or Major**

1. There shall be a minimum lot area of one (1) acre and minimum lot frontage of two hundred fifty (250) feet.  
  
Pump islands shall be a minimum of twenty (20) feet from any public right of way or lot line, and at least forty (40) feet from any residential lot line.
3. A maximum of two (2) driveways shall be permitted and the maximum width of driveways shall be thirty five (35) feet. All driveways shall comply with the access standards of section 12.11.
4. All repair work shall be conducted completely within an enclosed building.
5. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
6. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week. Storage of wrecked, partially dismantled, or other derelict vehicles that are not undergoing current repair or maintenance is prohibited.
7. The design and materials of the canopy shall be compatible with the main building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property. Canopy lighting shall be recessed such that the light source cannot be seen from off site.

8. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) as part of the site plan application. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.

**O. Golf Courses**

1. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may not be located closer than seventy five (75) feet from the lot line of any adjacent residential land and from any existing or proposed public right of way.

All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the Township's adopted Master Plan.

3. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height that is at least fifty percent 50% opaque, and entry shall be provided by means of a controlled gate or turnstile.

**P. Hospitals**

1. All such hospitals shall be developed on sites consisting of at least (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty five (25) beds.

All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the Township's adopted Master Plan.

3. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
4. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

**Q. Kennels**

1. Purpose: The purpose of the following is to provide for the construction and maintenance of dog kennels within the Township so as to protect the general health, safety, and welfare of residents and property owners and to preclude any

harmful effects of such land use form occurring in any zoning district where such use may be permitted.

**Applicability:** This Ordinance is intended to prohibit any premises being used contrary hereto and is defined as a premise on which three (3) or more dogs over six (6) months of age are boarded or bred, for remuneration, or kept for purchase or sale. Any person, firm, corporation, partnership, association or user of lands violating this Ordinance shall be guilty as herein defined. A dog kennel shall consist of a kennel building, dog runs, fencing and necessary parking and shall be located on a lot having a minimum area of ten (10) acres.

3. **Regulations:** The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of the Codes and Ordinances of the Township. In addition, all kennels shall be regulated by the rules of the County Animal Shelter and Dog Pound and Public Act 195 of the State of Michigan, 1969, as amended.
4. **Inside Enclosures:** The minimum size of the enclosures within the required kennel building shall be not less than three (3) feet by three (3) feet square and four (4) feet high. There shall be a door or gate to each enclosure which allows easy access for inserting or removing the dogs. All enclosures shall have a sloped concrete floor to facilitate cleaning and drainage. There shall be a minimum of one (1) enclosure for any dog over eighteen (18) inches long or over fourteen (14) inches high.
5. **Outside Runs:** The exterior runs shall be a minimum of three (3) feet wide and ten (10) feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closable door. Dogs shall be kept in the kennel building from 10 p.m. to 9 a.m. All exterior runs shall be paved and constructed with a slope to facilitate drainage.
6. **Enclosure Fences:** The outside enclosures such as runs, etc., shall all have fencing a minimum of six (6) feet high, of commercial cyclone quality or woven type of equal quality. The gates to these enclosures shall be self latching and each shall be equipped with a lock. The gate shall be locked at all times when not being used.
7. **Noise and View Fence:** The dog runs, exercise yards and any places where the dogs are kept either full or part time must be enclosed with a view obstruction noise barrier such as an earth berm or sound fence. This fence shall allow air to pass through and may be constructed of masonry with sound baffles, or may be of a wood louver or other similar type. The fence and/or earth berm shall also be no less than six (6) feet or more than eight (8) feet high and no closer than three (3) feet to any of the runs, exercise areas, places where the dogs are kept or any exterior property lines.

**R. Landfill and Composing Center**

1. Disposal area activity shall only be allowed as a special land use activity within zoning districts specified in this Ordinance and subject to the provisions of this article. The purpose of these procedures is to provide for the use of lands as disposal areas and to regulate and control the use for the preservation of public health, safety and welfare. Disposal areas are considered to be a temporary use of land only, therefore, the further intent of these provisions is to assure that such operations are conducive to and result in the reclamation of the land for other purposes. The requirements of this section shall be in addition to the requirement of all applicable State Laws.

The location of all disposal areas shall be sufficiently distant from pre existing development so as not to be injurious to the public health, safety and welfare. All landfill or composing center operations shall be set back a minimum of two hundred and fifty (250) feet from the road right of way and from any adjacent residential lot. A minimum of one hundred (100) foot setback shall be provided from all other property lines.

3. Licensing Procedures: All landfills and composing centers shall be required to obtain an annual license issued by the Township Board. All performance, standards and requirements of the Township Landfill Licensing Ordinance must be met prior to issuance of the annual operating license.
4. Application Fee: The application fee shall be accompanied by a processing fee, to be paid by the applicant in advance in an amount established by the Township Board. The applicant is also responsible for payment of all review fees required by the Township engineer, planner, attorney and other consultants as specified by the Township Clerk.
5. Permit Content and Conditions: A permit granted under this Article shall contain the following:
  - a. The name and address of the holder of the licensure permit, as well as the name and address of the land, if different from that of the licensure permit holder. In addition, the permit shall also include the name, address and phone number of the person designated as agent for all notice, correspondence and communication.
  - b. The legal description of the property to which the permit shall apply.
  - c. The period for which the permit shall be valid including its expiration date.
  - d. The allowable days and hours of operation.

- e. A site plan meeting the requirements of Article 16 and illustrating all required setbacks relative to specified aspects of the operation.
  - f. A statement to be countersigned by the applicant corresponding substantially to the following: "The undersigned has read this permit and understands and agrees that, incorporated by reference as a part of the terms and conditions hereof, are all the statements and contents of the application for the permit as approved by the Township Board, the terms and conditions of the Township Zoning Ordinance, as amended, and of any other applicable law, ordinances or regulations, and, further, that Township employees and agents are permitted to come upon the premises at any reasonable time for the purpose of inspecting, monitoring and administering the above identified ordinance."
  - g. Any additional condition deemed appropriate by the Township Board which is reasonable in effect and which is reasonably related to the intent of this Ordinance.
  - h. A statement of the machinery and equipment to be used in the operation.
- 6. Inspections and Monitoring: Refer to Township licensing requirements.
  - 7. Inspection and Monitoring Fee: Set by resolution of Township Board.
  - 8. Permit Renewal: Refer to Township licensing requirements.
  - 9. Licensure Period: Refer to Township licensing requirements.
  - 10. Performance Bond: Set by resolution of Township Board.
  - 11. Insurance Requirements: Refer to Township licensing requirements.
  - 12. Standards for Review of Application for Special Use Permit and Operations License:
    - a. Days and Hours of Operation The days and hours of operation by licensee shall be as follows:
      - i. Activities involving the operation of motor driven vehicles and/or the use of equipment which may be heard, felt or otherwise perceived at the property line shall be limited to the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday.
      - ii. Equipment maintenance and repair may be carried on at any time between the hours of 7:00 a.m. and 7:00 p.m., provided, however, that emergency repairs may be made during other hours with the

condition that the building inspector shall be given advance notice of, and shall approve, such activities.

- iii. No activities on the property shall occur on Sunday with the exception of emergency repair activity required to permit the commencement of operations on the following Monday morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 a.m. or later than 7:00 p.m.
  - iv. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.
- b. Removal of Materials from Roadway: In the event the operation, through the operator or contractor, shall cause any material to be deposited upon the public highway in the Township, it shall be the responsibility of the operator to remove such materials within 12 hours of receipt of notice from the Township. This requirement shall not waive any other higher or more restrictive requirements by other governmental entity or agency, or other ordinance of the Township.
- c. Sound, Vibration and Dust
- i. All equipment and facilities used in the operation shall be constructed, maintained and operated in such a manner as to eliminate, insofar as practical, sounds, vibration, or dust which interfere with the reasonable use and enjoyment of surrounding property. At a minimum, the operations shall conform to all performance standards set forth in the Township Zoning Ordinance, as amended, or any successor Zoning Ordinance, except as specifically modified herein.
  - ii. The intensity level of sounds shall not exceed the following decibel levels, as measured from the nearest property line of the following types of adjacent uses, where applicable: fifty five (55) decibels from residentially used property; sixty (60) decibels from commercially used property; and seventy (70) decibels from industrially used property. Measurements shall be made under this section on an "A" weighing scale.
  - iii. All machinery and other operations conducted on or at the site which cause vibration shall be conducted so as to prevent transmission of ground vibration. The ground vibration shall be measured from any lot line adjoining the site, and the vibrations shall not exceed the vibration perception threshold of an individual standing on the lot line.

- d. Lighting: All lighting used to illuminate all or any part of the property and operation, shall be directed away from surrounding property. Shielding shall be required where lighting would otherwise be directed toward a residential use and/or county road.
  - e. Protection of Public Health and Safety; Drainage; Environment: No aspect of the operation shall result in a danger to the public health or safety, and/or impairment and/or pollution of the ground water, surface water and/or water shed; and shall not impair or destroy the air, water and/or other natural resources, and/or the public trust therein.
  - f. Machinery, Equipment and Methods of Operation: Machinery, equipment and methods of operation on the site shall be limited to those specified in the permit application, and the permit issued, whichever is most restrictive.
  - g. Protection of Wetlands and Watercourses: Any and all activities of the operation, where applicable, shall be subject to all of the standards required in any applicable law, ordinance or regulation, including this Ordinance.
  - h. Accident Clean Up: In the event of any spill or accident which may impair or destroy air, water or other natural resources, the permit holder/licensee shall take reasonable and immediate action to maximize protection of the environment and all other public and private interests.
13. Operations Regulated Under State Law:
- a. Monitoring and Inspection: In all events, regardless of preemption, the Township shall be entitled to continue its monitoring and inspection as provided in this Ordinance. However, such monitoring and inspection shall be limited to insuring compliance with applicable state law and those parts of this Ordinance which remain applicable.
  - b. Violation Prosecution: The right of the Township to criminally and civilly prosecute violations of state law and the substantive provisions of this Ordinance shall not apply to the extent that such activities on the part of the Township are pre-empted by state law.
4. Site Plan: A site plan, conforming to the requirements of Article 16, must be submitted by the petitioner for approval by the Planning Commission. The site plan should show the existing and proposed contours, extent of fill operations and relationship of the property to abutting parcels and uses.

5. Reuse Plan: A reuse plan, drawn to the same scale as the site plan, must be submitted to the Planning Commission. Approval will be contingent upon a finding that the site will be rehabilitated and suitable for reuse under the provisions of the adopted Township Master Plan. The reuse plan shall include a deed restriction indicating that the property was used as a landfill or composing center.

**S. Large Scale Commercial Recreation and Camps**

**1. Site Requirements**

- a. All approved uses shall be on a contiguous parcel of twenty (20) acres or more in area.
- b. All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet ~~or designated~~ or designated as a major thoroughfare (arterial or collector) on the Township's ~~adopted~~ Masteradopted Master Plan.
- c. Review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.

**Yard and Placement Requirements:**

- a. All development features including the principal building related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200) feet to the property line of abutting residentially zoned lands and public right of way; provided where topography conditions are such that the building would be screened from view, this requirement may be modified.
- b. No activity shall take place within thirty (30) feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective fence or greenbelt.
- c. Related accessory commercial uses may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
- d. Permitted accessory uses which are generally of a commercial nature, shall be housed in a single building. Minor accessory uses which are



strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in separate building.

- e. No buildings shall be located in a flood plain area.

3. Other Requirements:

- a. Whenever a swimming pool is to be provided, the pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate or turnstile.
- b. When a gun club is proposed it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner whatsoever.

T. **Mining, Extraction and Soil Removal**

- 1. Where sand, gravel, topsoil or other substances are proposed too be removed from the site where found to another site, an annual operating permit is required to be obtained from the Township Board, after approval of the special use by the Planning Commission.
  - a. Application for Permit. The following information must be submitted as part of the special land use request, for use by the Township Board, after approval of the special use by the Planning Commission.
    - i. Names and addresses of parties of interest in the premises setting forth their legal interest in the premises.
    - ii. Full legal description of the premises wherein operations are proposed.
    - iii. The period for which the permit shall be valid including its expiration date.
    - iv. The allowable days and hours of operation.
    - v. A site plan meeting the requirements of Article 16 and illustrating all required setbacks relative to specified aspects of the operation.
    - vi. Detailed statements to method of operation, such as wet or dry method, what type of machinery or equipment will by used, and estimated period of time that such operation will cover.
    - vii. Detailed statement as to exactly what type of deposit is proposed to be extracted.

- viii. Proposed method of filling excavation where quarrying results in extensive under surface excavation.
  - ix. Site plan prepared by a registered civil engineer or surveyor, at a scale of not more than two hundred (200) feet to the inch of the excavation area, and real property within 1/2 mile of such area with the names of the owners of record of such property, all residences and commercial establishments with such area and contour lines at not more than five (5) foot intervals. Such owner shall also present a map showing the proposed contours to which the excavation area would be established upon completion of the excavation operations.
  - x. Reuse plan showing how the site will be used after operations are complete and indicating that the reuse can be accomplished within the guidelines of the present zoning classification.
- b. Permit fees. The sum established by resolution of the Township Board shall accompany the application for a mining and extraction permit. This sum is to be used to defray the cost of engineering services, investigation, publication charges, and other miscellaneous administrative expenses occasioned by processing such application. Permits issued by the Township Board shall be for a period of one year expiring December 31st each year, and such permits may be renewed by the payment of an annual inspection fee established by resolution of the Township Board. Such permits shall be renewed as herein provided for so long as the permit complies with all of the provisions of this Ordinance or other conditions of this permit.
- c. Permits. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, the Board shall at a regular meeting determine whether or not a permit will be issued. The permit shall be issued in the event the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety, morals, and general welfare of citizens of the Township.

Inspections and Monitoring: Refer to Township licensing requirements.

- 3. Inspection and Monitoring Fee: Set by resolution of Township Board.
- 4. Permit Renewal: Refer to Township licensing requirements.
- 5. Licensure Period: Refer to Township licensing requirements.

6. Performance Bond: Set by resolution of Township Board.
7. Insurance Requirements: Refer to Township licensing requirements.
8. Required Conditions. The following requirements shall be mandatory:
  - a. Pit Operations:
    - i. Where an excavation in excess of five (5) feet deep will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends, the fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
    - ii. All interior roads used in connection with the excavation site shall be kept dust free by hard topping with cement or bituminous substance. All ingress and egress shall be directly to a public road having an existing or planned right of way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the Township's adopted Master Plan and having a paved surface suitable for carrying Class A loadings on a year round basis. Weights for a Class ~~Aa~~ loadings shall be as defined by the County Weighmaster.
    - iii. The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven feet horizontal to one foot vertical) and where pond water results from the operation, this slope must be maintained and extended into the water to a depth of five (5) feet.
    - iv. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep Out" "Danger" signs around the premises not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Township Board shall be followed.
    - v. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right of way line nor nearer than one hundred (100) feet to the nearest property line; provided, however, that the Planning Commission may prescribe more strict requirements in order to give sublater support to surrounding property where soil or geographic conditions warrant it.

- b. Regulations for Stripping:
  - i. No soil, sand, gravel, clay or similar materials shall be removed below a point six inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the County Road Commission, except as required for the installation of utilities and pavements.
  - ii. Soil, sand, clay, gravel or similar materials shall be removed in such manner as to not cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.
  - iii. That sufficient topsoil be stockpiled on the site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. In order to stabilize the replaced topsoil, the areas shall be seeded with an appropriate grass cover as replacement of topsoil progresses.
- c. Days and Hours of Operation    The days and hours of operation by licensee shall be as follows:
  - i. Activities involving the operation of motor driven vehicles and/or the use of equipment which may be heard, felt or otherwise perceived at the property line shall be limited to the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday.
  - ii. Equipment maintenance and repair may be carried on at any time between the hours of 7:00 a.m. and 7:00 p.m., provided, however, that emergency repairs may be made during other hours with the condition that the building inspector shall be given advance notice of, and shall approve, such activities.
  - iii. No activities on the property shall occur on Sunday with the exception of emergency repair activity required to permit the commencement of operations on the following Monday morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 a.m. or later than 7:00 p.m.

- iv. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.
- d. Removal of Materials from Roadway: In the event the operation, through the operator or contractor, shall cause any material to be deposited upon the public highway in the Township, it shall be the responsibility of the operator to remove such materials within 12 hours of receipt of notice from the Township. This requirement shall not waive any other higher or more restrictive requirements by other governmental entity or agency, or other ordinance of the Township.
- e. Sound, Vibration and Dust
  - i. All equipment and facilities used in the operation shall be constructed, maintained and operated in such a manner as to eliminate, insofar as practical, sounds, vibration, or dust which interfere with the reasonable use and enjoyment of surrounding property. At a minimum, the operations shall conform to all performance standards set forth in the Township Zoning Ordinance, as amended, or any successor zoning ordinance, except as specifically modified herein.
  - ii. The intensity level of sounds shall not exceed the following decibel levels, as measured from the nearest property line of the following types of adjacent uses, where applicable: fifty five (55) decibels from residentially used property; sixty (60) decibels from commercially used property; and seventy (70) decibels from industrially used property. Measurements shall be made under this section on an "A" weighing scale.
  - iii. All machinery and other operations conducted on or at the site which cause vibration shall be conducted so as to prevent transmission of ground vibration. The ground vibration shall be measured from any lot line adjoining the site, and the vibrations shall not exceed the vibration perception threshold of an individual standing on the lot line.
- f. Lighting: All lighting used to illuminate all or any part of the property and operation, shall be directed away from surrounding property. Shielding shall be required where lighting would otherwise be directed toward a residential use and/or county road.
- g. Protection of Public Health and Safety; Drainage; Environment: No aspect of the operation shall result in a danger to the public health or safety, and/or impairment and/or pollution of the ground water, surface

water and/or water shed; and shall not impair or destroy the air, water and/or other natural resources, and/or the public trust therein.

- h. Machinery, Equipment and Methods of Operation: Machinery, equipment and methods of operation on the site shall be limited to those specified in the permit application, and the permit issued, whichever is most restrictive.
- i. Protection of Wetlands and Watercourses: Any and all activities of the operation, where applicable, shall be subject to all of the standards required in any applicable law, ordinance or regulation, including this Ordinance.
- j. Accident Clean Up: In the event of any spill or accident which may impair or destroy air, water or other natural resources, the permit holder/licensee shall take reasonable and immediate action to maximize protection of the environment and all other public and private interests.

- 9. Performance Bond. The Township Board shall, to insure strict compliance with any regulations contained in this permit either for mining or topsoil stripping, require the permittee to furnish a cash performance bond in an amount determined by resolution of the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such performance bond the Township Board shall take into account the probable cost of rehabilitating the premises per acre upon default of the operator and such other factors and conditions as might be relevant in determining the sum reasonable in the light of facts and circumstances surrounding each application. Performance bonds will also comply with provisions of Section 21.10 of this Ordinance.

**U. New or Used Sales or Showroom for Automobiles, Boats and Recreational Vehicles**

- 1. All lighting shall be shielded from adjacent uses in such a manner that it does not project beyond the property line.  
  
Ingress and egress to the site shall be at least fifty (50) feet from a street intersection or adjacent residential district.
- 3. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring masonry wall four feet six inches (4'6") in height along the abutting residential district.
- 4. There shall be no strings of flags or bare light bulbs, or flashing illumination of any kind anywhere on the site.

**V. Nursery Schools, Day Nurseries, and Child Care Centers; and Group Day Care Homes.**

Nursery schools, day nurseries, and child care centers; and group day care homes shall be permitted if all of the following standards are met:

1. If located in a residential district, is located not closer than one thousand five hundred (1,500) feet to any of the following:
  - (a) Another licensed group day-care home.
  - (b) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737.
  - (c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - (d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

Has appropriate fencing for the safety of the children, as determined by the Township.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. If located in a residential district, does not exceed sixteen (16) hours of operation during a twenty four (24)-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
5. Meets sign regulations contained in Article 14.
6. Meets parking regulations contained in Article 13

**W. Permanent Outdoor Sales and Display Accessory to a Permitted Retail Use**

Permanent commercial outdoor display, sales or storage including sales or storage of: building/lumber supply, contractor's yards, garden/landscape supplies, nurseries, greenhouses, stone, farm implements, mowing equipment, construction equipment and similar materials or equipment shall comply with the following requirements:

1. All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property. The Township may approve a gravel surface for all or part of the display or storage area, upon a finding that neighboring properties and the environment will not be negatively impacted.

No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located.

3. All outdoor storage area property lines adjacent to a residential district shall provide a six (6) foot tall screening fence.
4. The height of all material stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence, except where such stored materials or equipment is located more than 100 feet from the screening.
5. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent blowing of materials.
6. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.

**X. Parks, Active**

Active parks shall be subject to the following requirements:

1. All county roads which service such facilities shall be already paved or be paved to a distance of three miles from any public access to such park and/or facility.

The perimeter of the park must be entirely fenced (except over bodies of water) and there must be demonstrated that there will be security when not in use or operation.

**Y. Parks, Passive, County, Regional and State Facilities**

In order for a facility or park to qualify as a passive facility the park/facility shall meet the following requirements:

1. A site plan submitted pursuant to Section 1800 which contains the following:
  - (a) location of all facilities on the property
  - (b) proposed or planned future construction
  - (c) sanitary facilities



- (d) potable water supply
- (e) first aid station and type of equipment available

All newly constructed structures shall have a sprinkler system when recommended by the Township's Fire Authority which is approved by the Fire Authority or as required by applicable building codes as adopted by the Township.

- 3. There shall be no off road use of motorized vehicles such as mopeds, dirt bikes (motorized), motorcycles, three wheelers, four wheelers, snowmobiles or other similar type vehicles except those utilized by disabled park users, (except as provided for in site plan review).
- 4. There shall be no hunting of any kind or use of motor powered boats, (except as provided for in site plan review).
- 5. All activities inside such facility shall be user oriented which means no rentals of paddleboats or other commercially related activities. However, rowboats brought to the site for use on lakes or ponds totally within such facility is permissible, (except as provided for in site plan review).
- 6. No team sports/recreation activities (e.g. football, baseball, soccer, softball) shall be permitted, (except as provided for in site plan review).

**Z. Recycling Facility, Recycling Operations and Salvage Yards Tire Shredding/processing and Tire Storage**

- 1. Intent: The intent of this Ordinance provision is to regulate the activities and impacts which are associated with a recycling facility. These regulations are intended to provide for the preservation of the public health safety and welfare as well as the natural environment. Furthermore, in addition to the licensing and regulation of recycling operations, the Township intends to monitor and inspect such operations to assure minimization of any and all pollution or impairment of the natural environment including groundwater, surface water, air, flora, fauna and the roadside environment.

Definitions: Terms not specifically defined below or in Article 23 of the Township Zoning Ordinance shall have the meanings customarily assigned to them.

- a. "Recycling" shall mean the commercial business of recovering materials for reuse from solid waste, scrap, vehicles, machinery, salvage, including, without limitation, the process of sorting solid waste and/or processing and/or packaging sorted solid waste in preparation for reuse.

- b. "Solid Waste" shall mean non hazardous garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, municipal and industrial sludges, and solid commercial and solid industrial waste, but shall not mean and include animal wastes.
  - c. "Vibration Perception Threshold" shall mean the minimum ground or structure borne vibrational motion necessary to cause a reasonable and normal person to be aware of the vibrational motion by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- 3. Permit Requirement: From and after the effective date of this section, no person shall commence and/or continue to operate a recycling operation in the Township except in accordance with a special land use permit issued by the Township Planning Commission and a licensure permit issued by the Township Board in accordance with this chapter.
- 4. Application Procedure for Permits: The application for special use permit and application for licensure permit shall be submitted to the Township Clerk who shall apprise the Township Board of the filing of the application, and shall refer the application to the Planning Commission of the Township for action on the special use permit. Following action of the Planning Commission, the matter shall be placed upon the agenda of the Township Board for action on the licensure permit. In its deliberations on the application, the Township Board shall be entitled to continue the matter to subsequent meetings from time to time, and, further, shall consult with any and all experts deemed appropriate within the discretion of the Board. Upon completion of deliberations, the Board shall either grant the licensure permit, or deny the same and state the reasons for denial. Both a special exception permit and licensure permit are required for lawful operation of a recycling facility/ recycling operation in the Township.

The application submitted for a special use permit/licensure permit shall contain the following, provided, the applicant shall be relieved from duplicating the preparation and submission of materials presented to the Township within the immediately preceding 12 months in connection with a special use permit and/or site plan review application:

- a. Identifications:
  - i. Names and addresses of all owners or parties of interest in the site, together with their legal or equitable interest in the property.
  - ii. Name and address of applicant.

- iii. Name and address of person, firm or corporation that will be conducting the actual operation, and the name, address and telephone number of the specific person designated by the applicant for the purpose of receiving all notice, correspondence and communications.
- iv. Location, size and legal description of the proposed operation area, as well as the total site and any and all adjoining land owned by the applicant and/or any persons or entities affiliated with applicant.
- v. Location and type of proposed operation facilities.
- vi. Amount of each and every kind of material to be received on the property for recycling purposes, and each and every type of material proposed to be recovered in the recycling process.
- vii. Proposed method of recycling, processing and/or other procedures undertaken prior to transport of materials from the site.
- viii. Proposed vehicular access to and from the operation and the generally anticipated route or routes off site.
- ix. Description of each and every procedure used in connection with the recycling operation.
- x. Description of each and every physical improvement and procedure to accomplish and insure containment and secondary containment of toxic spills and emergency procedures in the event of toxic or non toxic spills or accidents.
- xi. Number and description of all vehicles to be:
  - (a) Used in connection with any part of the operation
  - (b) Stored on the property for any period while not in use
- xii. Name and address of the banking or savings and loan institution, or other company, which is to issue the irrevocable letter of credit and/or corporate surety bond to be posted by applicant.
- xiii. The name of the operator's carrier for public liability and property damage insurance to be required under this chapter.
- xiv. Description of each and every type of water body or other natural resource on the property which may be impaired or destroyed, and an environmental impact statement detailing how such water or

other natural resources will be impacted and protected by and from the operation.

- xv. Days and hours of operation proposed.
- b. Vertical aerial photography as specified at the time of application request.
- c. Topographic Survey: Topographic survey taken from aerial photographs or field surveys of the existing parcel drawn to a scale of one (1) inch equals two hundred (200) feet prepared by a registered civil engineer or registered land surveyor licensed by the State of Michigan within the minimum four foot contour intervals based upon U.S.G.S. data. The drawing shall also clearly show each and every area on which recycling shall be conducted and each and every area to be utilized for any other aspect of the operation.
- d. Geological and Engineering Survey: Geological and engineering survey and data prepared by a geologist or engineer licensed by the State of Michigan, indicating:
  - i. Level of water table throughout the area for which a permit is sought.
  - ii. Surface water, ground water and water shed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected.
  - iii. Detailed plan for the disposition by controlled flow or controlled drainage of any on site water used in the operation or stormwater into which drains or water courses, demonstrating, among other things, that the facilities and water quality of such drain and/or water course shall not be unduly burdened and/or impaired.
- e. Plan of Operation: A plan of operation shall be presented on a transparent overlay on the same scale as the vertical area photograph, and, when so applied, shall delineate the following:
  - i. Area on which recycling operation shall be actively conducted.
  - ii. Area for location of buildings and/or other improvements.
  - iii. Areas used for storage and each and every other purpose.
  - iv. To supplement the plan of operation overlay, referenced above, the following shall be submitted: Description of operation, including all mobile and stationary machinery and equipment utilized or to

be utilized; method or methods of treatment of water and/or solid waste utilized in the operation prior to removal from the property and/or discharge onto the ground or into the surface water system.

- f. Environmental Impact Report: An environmental impact report, detailing the effects of the proposed operation on all aspects of the environment, to the extent that such a report was not prepared in response to the requirement set forth above.
5. Application Fee: The application fee shall be accompanied by a processing fee, to be paid by the applicant in advance in an amount established by the Township Board. The applicant is also responsible for payment of all review fees required by the township engineer, planner, attorney and other consultants as specified by the township clerk.
6. Permit Content and Conditions: A permit granted under this chapter shall contain the following:
- a. The name and address of the holder of the licensure permit, as well as the name and address of the land, if different from that of the licensure permit holder. In addition, the permit shall also include the name, address and phone number of the person designated as agent for all notice, correspondence and communication.
  - b. The legal description of the property to which the permit shall apply.
  - c. The period for which the permit shall be valid including its expiration date.
  - d. The allowable days and hours of operation.
  - e. A site plan meeting the requirements of Article 16 and illustrating all required setbacks relative to specified aspects of the operation.
  - f. A description of the operation, including each and every material to be recycled, and each and every means of recycling.
  - g. Each and every allowable activity on the property other than recycling.
  - h. A statement to be countersigned by the applicant corresponding substantially to the following: "The undersigned has read this permit and understands and agrees that, incorporated by reference as a part of the terms and conditions hereof, are all the statements and contents of the application for the permit as approved by the Township Board, the terms and conditions of the Township Zoning Ordinance, as amended, and of any other applicable law, ordinances or regulations, and, further, that

Township employees and agents are permitted to come upon the premises at any reasonable time for the purpose of inspecting, monitoring and/or administering the above identified ordinance."

- i. Any additional condition deemed appropriate by the Township Board which is reasonable in effect and which is reasonably related to the intent of this chapter.
  - j. A statement of the machinery and equipment to be used in the operation.
- 7. Inspections and Monitoring: Refer to Township licensing requirements.
  - 8. Inspection and Monitoring Fee: Set by resolution of Township Board.
  - 9. Permit Renewal: Refer to Township licensing requirements.
  - 10. Licensure Period: Refer to Township licensing requirements.
  - 11. Performance Bond: Set by resolution of Township Board.
  - 12. Insurance Requirements: Refer to Township licensing requirements.
  - 13. Standards for Review of Application for Special Use Permit and Operations License:
    - a. Days and Hours of Operation The days and hours of operation by licensee shall be as follows:
      - i. Activities involving the operation of motor driven vehicles and/or the use of equipment which may be heard, felt or otherwise perceived at the property line shall be limited to the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday.
      - ii. Equipment maintenance and repair may be carried on at any time between the hours of 7:00 a.m. and 7:00 p.m., provided, however, that emergency repairs may be made during other hours with the condition that the building inspector shall be given advance notice of, and shall approve, such activities.
      - iii. No activities on the property shall occur on Sunday with the exception of emergency repair activity required to permit the commencement of operations on the following Monday morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 a.m. or later than 7:00 p.m.

- iv. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.
- b. Removal of Materials from Roadway: In the event the operation, through the operator or contractor, shall cause any material to be deposited upon the public highway in the Township, it shall be the responsibility of the operator to remove such materials within 12 hours of receipt of notice from the Township. This requirement shall not waive any other higher or more restrictive requirements by other governmental entity or agency, or other ordinance of the Township.
- c. Sound, Vibration and Dust
  - i. All equipment and facilities used in the operation shall be constructed, maintained and operated in such a manner as to eliminate, insofar as practical, sounds, vibration, or dust which interfere with the reasonable use and enjoyment of surrounding property. At a minimum, the operations shall conform to all performance standards set forth in the Township Zoning Ordinance, as amended, or any successor Zoning Ordinance, except as specifically modified herein.
  - ii. The intensity level of sounds shall not exceed the following decibel levels, as measured from the nearest property line of the following types of adjacent uses, where applicable: fifty five (55) decibels from residentially used property; sixty (60) decibels from commercially used property; and seventy (70) decibels from industrially used property. Measurements shall be made under this section on an "A" weighing scale.
  - iii. All machinery and other operations conducted on or at the site which cause vibration shall be conducted so as to prevent transmission of ground vibration. The ground vibration shall be measured from any lot line adjoining the site, and the vibrations shall not exceed the vibration perception threshold of an individual standing on the lot line.
- d. Lighting: All lighting used to illuminate all or any part of the property and operation, shall be directed away from surrounding property. Shielding shall be required where lighting would otherwise be directed toward a residential use and/or county road.
- e. Protection of Public Health and Safety; Drainage; Environment: No aspect of the operation shall result in a danger to the public health or safety, and/or impairment and/or pollution of the ground water, surface

water and/or water shed; and shall not impair or destroy the air, water and/or other natural resources, and/or the public trust therein.

- f. Machinery, Equipment and Methods of Operation: Machinery, equipment and methods of operation on the site shall be limited to those specified in the permit application, and the permit issued, whichever is most restrictive.
- g. Protection of Wetlands and Watercourses: Any and all activities of the operation, where applicable, shall be subject to all of the standards required in any applicable law, ordinance or regulation, including this Ordinance.
- h. Accident Clean Up: In the event of any spill or accident which may impair or destroy air, water or other natural resources, the permit holder/licensee shall take reasonable and immediate action to maximize protection of the environment and all other public and private interests.

14. Operations Regulated Under State Law:

- a. Preemption: With respect to all portions of an operation regulated under Act 641 of the Public Acts of 1978, as amended, those parts of this Chapter deemed to be pre empted shall not apply.
- b. Monitoring and Inspection: In all events, regardless of preemption, the Township shall be entitled to continue its monitoring and inspection as provided in this Chapter. However, such monitoring and inspection shall be limited to insuring compliance with applicable state law and those parts of this Chapter which remain applicable.
- c. Violation Prosecution: The right of the Township to criminally and civilly prosecute violations of state law and the substantive provisions of this Chapter shall not apply to the extent that such activities on the part of the Township are pre emptied by state law.

15. Facilities listed above must conform to the requirements of NFPA 1, Uniform Fire Code, 2006 Edition, Chapter 19 – Combustible Waste Refuse, Chapter 31 – Forest Products, and Chapter 33 – Outside Storage of Tires including Appendix J – Protection of Outdoor Storage. The site plan shall show the proposed outdoor storage configuration with separation distances between aisles meeting the requirements of the standards listed.

**AA. Farm Tenant Dwelling**

- 1. One (1) farm tenant dwelling, in addition to the property owner's residence, may be allowed in the AG/RP District as a part of an Agribusiness.



There shall be at least one (1) acre of land devoted to the exclusive use of the farm tenant dwelling.

3. All front, side and rear setbacks required in the AG/RP District shall be met.
4. The farm tenant dwelling shall not be required to meet the minimum floor area requirement of the AG/RP District. The tenant dwelling must have a minimum floor area of at least four hundred (400) square feet.
5. The farm tenant dwelling may be occupied no more than one hundred eighty (180) days per calendar year.
6. The farm tenant dwelling water and sanitary facilities shall meet the requirements of the County Health Department.

**BB. Utility and Essential Service Substations and Pump Stations; and Public Plants, Garages, and Storage Yards**

1. All such uses shall be completely enclosed and the site fenced with a suitable chain link fence not less than six (6) feet in height.

The entire site shall be landscaped according to the standards of Article 13 and the plant materials properly maintained in a healthy and growing condition.

3. All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.
4. All parking and driveway areas shall be constructed according to the standards of the Ordinance.

**CC. Wind Generators**

1. All towers used to support the wind generating equipment shall be adequately anchored to prevent their being knocked down by high winds.

All towers shall be set back a distance at least equal to the height of the tower from all property lines. The height shall be measured to the top of the blade at its highest point. This setback may be reduced to half (½) the tower height from a non-residential property line where a professional engineer licensed by the State of Michigan has certified that the structure is designed as a self collapsing device and the area in which the proposed structure will fall in the event of damage (i.e. “fall zone”) can be accommodated within the setback area.

**DD. Barn Weddings and Reception**

## Rose Township Zoning Ordinance

1. This specific use shall be clearly incidental to a principal farm use as permitted in the AG District.
2. The site shall have a minimum area of twenty (20) acres identified by a ~~single~~ Property (Parcel) ID.
3. A paved parking area shall not be required per the standards of Section 38-440 to maintain the agricultural character of the district. However, the applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disruption of normal traffic flow on the public right-of-way. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall when it is determine by the planning commission to be appropriate.
4. The applicant must demonstrate Fire Code compliance and receive Fire and Building Department approval prior to hosting any events. There shall be no smoking or cooking within the facility. Areas for smoking must be designated and be a minimum of fifty (50) feet from any structure, be shielded from adjoining properties and be approved by local fire authority.
5. The applicant must secure all necessary permits from the Oakland County Health Department, Township Building Department, Oakland County Road Commission, as applicable, and must comply with all government regulations.
6. Sanitary facilities, that may consist of portable stations, must be properly maintained and located within a side or rear yard and screened from public view.
7. All waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.
8. Hours of operation for visitors must be no earlier than 10 AM and no later than 11 PM.
9. A maximum of one (1) event per week and a maximum of fifteen (15) per calendar year shall be permitted during the months of May through the first full weekend of October.
10. The number of persons allowed at any event shall not exceed the limit as established by the Township Fire Department based on the maximum occupancy load of the building.
11. Food and drink may be served, but shall be provided by caterers.
12. Barn weddings and receptions must be conducted by persons who own and occupy the premises.
13. Licenses, insurance certificate, permits, and event dates must be submitted to Township administration annually for review and approval, by January 30<sup>th</sup> of each calendar year.
14. The noise ordinance (Ord. No. 156 Section 1-4) standards must be met. No outdoor speakers allowed.

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