



4. The Planning Commission may, when presented with an application for a proposal to be constructed in phases, grant approval to such project without regard to the one (1) year time limits set forth in subsection 2 above. The Planning Commission shall determine that the project cannot be practically developed as separate projects and that the subject and surrounding premises will be best served by a phased approval. The Planning Commission shall specify in its decision the period of validity for each phase. Should the applicant fail to timely complete any phase of an approved project, the decision of the Planning Commission for all subsequent phases shall be of no further validity.
5. Revocation. Any permit issued under this Ordinance may be revoked by the Township Planning Commission for any violation of this Ordinance after notice of the violation is provided and an opportunity for a hearing before the Township Planning Commission is provided. If the violation involves an immediate danger to the public health, safety, or welfare, the permit may be revoked immediately, provided that the person holding the permit is provided with an opportunity for a subsequent hearing before the Township Planning Commission. A request for such a hearing shall be filed with the Township within five (5) days following the revocation. The hearing shall be noticed in accordance with the Zoning Act as required for special land uses.

**15.1904 SECTION 19.04 FEES**

All applications to the Planning Commission for approval of special land uses or other matter shall be accompanied by payment of such fees as shall from time to time be established by resolution of the Township Board.

**15.1905 SECTION 19.05 STANDARDS FOR SPECIAL LAND USES**

Authorization applications for special land uses shall not be approved until the Planning Commission shall find that all of the following standards are satisfied:

1. The proposed use shall be consistent with, and promote the intent and purpose of this Ordinance.
2. The proposed use shall be of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
3. The proposed use shall not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
4. The proposed use shall be reasonably compatible with the natural environment of the subject premises and adjacent premises.
5. The proposed use shall not unduly interfere with provision of adequate light

or air, nor overcrowd land or cause a severe concentration of population.

6. The proposed use shall not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
- 7.A. The proposed use shall be such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.
- 7.B. The Planning Commission may, when considering an application for a special land use which includes an existing building, agree to grant a departure from access management requirements in this Ordinance if the Planning Commission finds that the standards in subsection A above can be met even if the departure is granted. (amend. by ord. no. 555 eff. October 6, 2017)
8. The proposed use shall be consistent with the health, safety, and welfare of the Township.

**15.1906 SECTION 19.06 CONDITIONS ON SPECIAL LAND USES**

1. The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use. Conditions imposed shall meet the requirements of the Zoning Act. The Planning Commission shall maintain a record of all conditions attached to a special land use approval.
2. 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 application for a new special land use which alters the approval originally granted by the Planning Commission in accordance with the requirements of this Chapter.
3. The Planning Commission may require that the special land use be connected to the Townships municipal water and sanitary sewer facilities, if available. The Townships municipal water and sanitary sewer facilities shall be determined to be available if there is municipal water supply main or sanitary sewer line to which connection can be made within two thousand, seven hundred (2,700) feet of the nearest property line of the parcel on which the special land use is to be located.

**15.1907 SECTION 19.07 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

1. Agriculture.
2. Bed and Breakfast Establishments.
3. Billboards.
4. Bus Terminals.
5. Cemeteries and Mausoleums.
6. Child Care or Day Care Centers (amend. by ord. no. 362 eff. September 22, 2002)
7. Churches.
- 7A. Colleges. (amend. by ord. no. 504 eff. December 11, 2011)
8. Composting Operations.
9. Construction Material Storage and Contractor's Operations.
10. Drive-through Eating or Fast Food Establishments.
11. Gasoline and Petroleum Storage.
12. Gasoline Stations.
13. Golf Courses and Other Outdoor Recreation Uses.
14. Greenhouses and Nurseries.
15. Group Day Care Homes.
16. Hotels and Motels.
17. Indoor Recreation, Exercise and Athletic Facilities.
18. Intensive Livestock Operations.
19. Junkyards.
20. Kennels for Domestic Animals.
21. Lumber Yards.
22. Markets for the Sale of Farm Products.
23. Motor Freight, Truck, and Warehousing Businesses.
24. Motor Vehicle Body and Paint Shops.
25. Motor Vehicle Repair Garages.
26. Motor Vehicle Sales Establishments.
27. Multiple Family Dwellings.
28. Nursing or Convalescent Homes.
29. Outdoor Commercial Recreation Facilities.
- 29A. Outdoor Ponds
30. Outdoor Theaters.
31. Private Clubs.
32. Public or Parochial Schools, Libraries, and Other Municipal Uses and Structures.
33. Public or Private Campgrounds. (amend. by ord. no. 329 eff. April 22, 2000)
34. Public Parks, Public Playgrounds, and Other Municipally Owned or Operated Recreational Facilities.
35. Ready-mix Concrete and Asphalt Plants.
36. Recycling Stations.
37. Removal and Processing of (topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources) Natural Resources.
38. Sexually Oriented Businesses.
39. Single-family Dwellings in AG District.

40. Storage yard for Machinery, Trucks, or Equipment.
41. Two-Family Dwellings.
42. Veterinary Hospitals.
43. Wholesale Businesses.
44. Wildlife Preserves.
45. Wireless Telecommunications Towers and Antennas.
46. Enlargement or Increase or Extension of a Non-Conforming Use. (amend. by ord. no. 377 eff. 6/21/03)
47. Vehicle Wash Establishments (amend by ord. no. 407 eff. June 3, 2005)
48. Medium Wind Energy Turbines
49. Youth Centers

1. Agriculture.

A. Such use shall not be operated on less than ten (10) contiguous acres although this acreage may be on more than one (1) lot, if all lots are in common ownership.

B. The keeping of livestock is not permitted.

2. Bed and Breakfast Establishments.

A. Application: In addition to the materials required for all special land uses, the application shall include the following:

- 1) A floor plan of the single-family dwelling drawn to a scale of not less than one (1) inch equals ten (10) feet and showing the layout of the building. The location of the guest room(s), bathroom(s), and such other information as required herein to facilitate proper review of the application must also be depicted.
- 2) A site plan of the lot drawn to a scale of not less than one (1) inch equals fifty (50) feet and showing the existing structure and accessory structure(s) on the site, the location of driveways and vehicular parking areas.
- 3) Documentary proof of ownership, such as a deed, land contract, or other instrument which demonstrates the applicant's ownership.
- 4) The application fee established from time to time by resolution of the Township Board.

B. The proposed establishment shall comply with the following:

- 1) No more than sixty-six percent (66%) of the floor area of the dwelling shall be devoted to the Bed and Breakfast Establishment. Floor area shall be determined as defined in Section 2.07 (Definitions - F {Floor Area, Gross [GFA]}). Floor area is devoted to the Bed and Breakfast Establishment if the guests can use or occupy the floor area, excluding hallways.
- 2) The Bed and Breakfast Establishment shall contain at least two (2) exit doors to the outdoors which are readily accessible by guests at all times. Such exit doors shall comply with the standards established in the BOCA National Building Code including subsequent amendments or such other building codes as the Township may adopt hereafter.
- 3) Any room utilized for guest sleeping shall have a minimum floor area of one hundred (100) square feet, and at least one hundred seventy (170) square feet for a maximum of three (3) occupants in a room.
- 4) No separate cooking facilities shall be provided for guests, nor shall existing cooking facilities be made available for use by guests.
- 5) Adequate lavatories and bathing facilities shall be provided to all guests.
- 6) Smoke detectors shall be installed in each guest bedroom and outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars. All smoke detectors shall be kept properly maintained and operational at all times.
- 7) No more than one (1) unlighted sign which notifies the public of the Bed and Breakfast Establishment shall be posted on the lot or on the dwelling. The sign shall not exceed a size of three (3) square feet, and shall not be located within forty (40) feet of the front or rear lot lines, nor within twenty (20) feet of any side lot line.
- 8) In addition to the parking requirements for residential uses, there shall be at least one (1) off-street parking space for each guest sleeping room. Such off-street parking must be located in either the rear or side yard.
- 9) All off-street parking must meet the design layout standards

of Section 24.02.

- 10) If the Bed and Breakfast Establishment is served by a private well and/or septic tank and drain field designed for household use, then a certificate of potability of the water and of the compliance of the septic system must be provided with the application and resubmitted to the Township annually.
- 11) The Community Development Department shall conduct an on-site inspection to determine compliance with all applicable requirements of this Ordinance, other regulatory Ordinances of the Township, and all applicable laws and regulations of the State and Federal governments. With respect to fire prevention and fire safety measures required herein, the Township Fire/Rescue Department shall inspect the facility to determine compliance with applicable fire safety and fire prevention codes. Any deficiencies noted by the Fire/Rescue Department shall be corrected prior to the issuance of a permit. As a condition of issuance of a permit, the Township Fire/Rescue Department shall be permitted to inspect the Bed and Breakfast Establishment to determine compliance with applicable fire safety and fire prevention codes.
- 12) Each Bed and Breakfast Establishment shall install and maintain in operable condition at least one (1) Multi-Purpose Dri-Chemical (ABC Type) fire extinguisher with a rating of not less than 4A 60-B:C in the immediate vicinity of the guest bedrooms and on each additional story of the dwelling, including basement and cellars, but not including crawl spaces and uninhabitable attics.
- 13) The use shall not have an adverse impact on the surrounding neighborhood with regard to noise and traffic generation, appearance of excessive numbers of parked vehicles, method of garbage storage and disposal, and physical alterations to the structure that might change the single-family residential character and appearance of the premises.
- 14) Bed and Breakfast Facilities shall be confined to the single-family dwelling unit which is the principal dwelling unit on the property. The dwelling unit in which the Bed and Breakfast Establishment is located shall be the principal residence of the owner and said owner shall live within said principal residence when the Bed and Breakfast Establishment is active.
- 15) No person shall change or alter the lot or the structure so that

they differ from the site plan or floor plan initially submitted to the Community Development Department, unless the change or alteration has first been submitted to and approved by the Planning Commission.

- 16) The sale of food (other than meals included as part of the normal and customary operation of the Bed and Breakfast Establishment supplied only to guests of the Bed and Breakfast Establishment), articles, operation of a gift store, or any similar activity conducted within the Bed and Breakfast Establishment is not permitted.
- 17) The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and, if available, sanitary sewer.

3. Billboards.

- A. The area for the sign face of any billboard, not including supporting structures or poles, shall not exceed three hundred (300) square feet.
- B. Any billboard shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground and shall not exceed twenty-four (24) feet in height at the highest point of the structure.
- C. No part of the billboard shall extend beyond the boundaries of the face of the sign nor shall any part of the billboard project from the surface of the sign for more than six (6) inches.
- D. No portion of the face or structure of the billboard shall be illuminated. Digital or electronic billboards shall not be permitted.
- E. No portion of the face or structure of the billboard shall include any moving parts or changing illumination.
- F. Location requirements:
  - 1) No billboard shall be located nearer than two thousand six hundred and forty (2,640) feet to any other billboard on the same side of any street.
  - 2) No billboard shall be located nearer than one thousand three hundred and twenty (1,320) feet to any other billboard on the opposite side of any street.
  - 3) No billboard shall be located closer than five hundred (500) feet to the nearest property line of any Residential District or



use.

- 4) No billboard shall be located closer than five hundred (500) feet of an interchange or intersection.
  - G. No billboard shall permit the advertising or other display of tobacco products, alcohol products, or sexually oriented business within one thousand five hundred (1,500) feet of any Residential District or use, or any lot containing a church or school. The purpose of this provision is to promote the welfare and temperance of minors exposed to advertisements for tobacco, alcoholic beverages or adult entertainment by banning such advertisements in particular areas where children may be reasonably expected to walk to school, attend religious services, or play in their neighborhood.
  - H. The lot on which the billboard is to be placed or erected shall comply with the lot area and setbacks required by the district in which it is located.
  - I. Billboards shall be supported by a monopole structure unless the Planning Commission determines that an alternative design would better blend into the surrounding environment. (amend. by ord. no. 512 eff. August 7, 2012)
4. Bus Terminals.
- A. Minimum lot size shall be three (3) acres.
  - B. The lot location shall be such that at least one (1) property line abuts a paved County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
  - C. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
  - D. Bus parking and staging areas shall be fenced and screened from the view of any abutting residential district in accordance with Section 20.13 (Landscaping Requirements).
  - E. A vehicle waiting/drop off area of not less than ten (10) spaces shall be required.
  - F. Passenger loading areas must be lighted. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.

- G. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
  - H. The lot area used for parking or storage shall be paved, and shall be graded and drained so as to dispose of all surface water.
  - I. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
  - J. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.
5. Cemeteries and Mausoleums.
- A. Minimum lot size of three (3) acres is required.
  - B. The proposed site shall front upon a paved public street.
  - C. All grave sites, buildings and structures shall be setback at least fifty (50) feet from any street right-of-way, and at least twenty (20) feet from side and rear property lines.
  - D. In addition to the requirements of Chapter 23, the site plan must show any on-site roads, and plot areas.
  - E. One (1) sign is permitted; such sign shall conform to the applicable requirements of Chapter 24 (Parking, Loading Spaces, and Signs). The sign shall not exceed a size of thirty two (32) square feet, and shall not be located within twenty (20) feet of any side lot line.
6. Child Care or Day Care Centers.
- A. The proposed site shall front upon and gain access from a paved County road.
  - B. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the access.
  - C. Parking shall not be permitted within any required yard, and it shall be screened in accordance with Section 20.13 (Landscaping Requirements).
  - D. Outside activities shall take place at least fifty (50) feet from any residential district or use.

E. The use shall be supported by certain infrastructure features including paved roads, natural gas, municipal water and, if available, sanitary sewer.

F. Appropriate fencing shall be provided for the safety of the children.

7. Churches.

A. Minimum lot width shall be one hundred sixty five (165) feet.

B. Minimum lot area shall be three (3) acres.

C. The proposed site shall front upon and gain access from a paved County Road.

D. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

E. Parking shall not be permitted within any required yard, and shall be screened in accordance with Section 20.13 (Landscaping Requirements).

F. Outside activities shall take place at least fifty (50) feet from any residential district or use.

G. The use shall be supported by certain infrastructure features including paved roads, natural gas, and municipal water and, if available, sanitary sewer.

7A. Colleges

A. The Lot shall front upon and be accessed from a County Primary Road and/or an all season roadway.

B. To the extent the Lot is used as office space by the College, the parking requirements for business or professional offices excluding medical offices shall be satisfied.

C. To the extent the Lot is used as instructional space by the College, one (1) parking space shall be required for each one and one-half (1.5) students. (amend. by ord. no. 504 eff. December 11, 2011)

8. Composting Operations.

A. Except for the levels of composting activity described in this

subsection, no other composting activities shall be permitted. Three (3) levels of permits are established as follows (all per-acre figures refer to the amount of material on site at any one time):

Permit Level	Cubic Yards Per Calendar Year Per Acre
Level I	14,000 to 112,000
Level II	2,500 to 14,000
Level III	501 to 2,500

B. An application for a special land use permit to conduct composting operations shall be submitted to the Township Planning Commission to determine its administrative completeness before it is further processed. At a minimum, the application for each level shall contain the following:

- 1) Levels I and II:
  - a) All information set forth in this Chapter and in Chapter 23 (Site Plan Review) of this Ordinance;
  - b) The following information shall be submitted in addition to the materials and information required for a site plan:
    - i. All driving surfaces and a description of their composite materials (gravel, asphalt, concrete, or other material) shall be shown.
    - ii. All fencing locations and a description of the type and height of fencing shall be indicated.
    - iii. Setbacks for all structures and storage areas from all adjacent property lines.
    - iv. An independent evaluation of the site to determine its suitability for composting operations. This evaluation shall include, at a minimum, a geohydrological study, the number of proposed monitoring wells and their locations (if required), and an environmental impact statement.
    - v. The identity of a full-time employee who is technically competent to operate the proposed operation, together with his resume of

qualifications. In the alternative, a letter of technical support confirming that the owner of the operation has contracted with a qualified individual or organization and verifying that such individual or organization shall be continuously involved with the operation as a consultant.

- vi. A site plan shall be submitted showing the proposed end use and site restoration following the cessation of composting operations.
- vii. Evidence of compliance with all other provisions of applicable federal and state laws.
- viii. A disclaimer releasing the Township from any and all liability associated with the establishment and operation of the composting operation.

2) Level III:

- a) A brief description of the location and scope of the proposed composting operation.
- b) A statement of ownership of the proposed composting operation and the identity of a designated person in charge of the composting operation.
- c) An acknowledgment that the composting operation is subject to the volume, hours, and other applicable regulations of this Ordinance.

C. Additional regulations: In the interest of protecting the natural resources of the state, and the public health, safety, and welfare, and to prevent the spread of disease in humans, plants and animals, and to control insects, vermin, and other undesirable health problems, the following additional regulations and standards shall apply to composting operations in addition to all others required by this Ordinance:

- 1) Only the following materials shall be accepted for processing at a composting operation:

- a) Yard wastes, brush, stumps, and other similar exclusively organic material.
  - b) Farm wastes, including plant matter and animal excrement. However, animal excrement may not comprise more than twenty percent (20%) by weight of any given mixture on site at any one time.
  - c) Additional similar materials may be accepted on application to the Township Planning Commission and inclusion in the special land use permit.
  - d) Materials may only be received at the site which has been generated in Ottawa, Kent, Allegan, and Muskegon Counties. A letter from the applicant and/or owner stating compliance with this requirement shall be submitted and included as part of the special land use approval.
- 2) The following materials shall not be accepted at a composting operation, for the reason that such materials may resist decomposition and may contain toxic chemicals or hazardous substances and vermin:
- a) Unprocessed or processed sewage or sludge.
  - b) Household garbage or trash.
  - c) Dead animals, meat, poultry, or fish, including the by-products or processing of such materials.
  - d) Construction materials or debris.
  - e) Dredging spoils.
  - f) Street sweepings.
  - g) Paper products, glass, metals, plastics, or other non-organic materials which are not biodegradable.

D. Use by the Public

- 1) The owner of any Level I or Level II permitted composting operation shall make the operation available to individual households at an annual user fee of not more than two-thirds (2/3) of the current tipping charge imposed by the nearest solid waste disposal facility licensed under applicable State

law. This limitation on charges is intended to encourage the use of the facility by local residents.

- 2) Level I and II composting operations shall be available to the public during all hours of operation. In addition, during the spring and fall seasons, weekend hours and evening hours shall be provided at times to be specified in the special land use permit.
- E. Volume: No more than the permitted volume of composting materials per acre of usable space shall be processed on the site at any time. For the purpose of this subsection, "usable space" is defined as that area of the site not including required setbacks, existing buildings, buffers or green spaces, driveways, parking areas, storage areas, or other developed areas. No composting material being processed on the site shall exceed the lowest required site screening by more than two feet (2') and in no case shall such material exceed twelve feet (12') in total height.
- F. Records. The owner of the composting operation shall maintain a complete set of records of all transactions in excess of five (5) cubic yards of material. Such records shall indicate the amount and generator or origination point of all received materials and the identity and address of all purchasers of materials and the amount purchased. All required records shall be maintained for a period of not less than four (4) years from the date of the transactions.
- G. Setbacks: For the purpose of this subsection, all composting operations shall be required to maintain front, rear, and side yard setbacks of not less than one hundred (100) feet, unless screening is provided in a manner adequate to address visual and noise separation from adjacent premises. Should the Township Planning Commission determine that such screening is adequate to protect adjacent properties, the front, rear, and side yard setbacks may be reduced to not less than fifty (50) feet. Any proposed screening shall be not less than ten (10) feet in height as measured from the highest existing point on the property line of the proposed site.
- H. Sampling and Testing: In order to minimize the risk to the public health, safety, and welfare and the natural resources of the state, monitoring wells shall be required of all Level I composting operations. Such wells shall be sampled once before commencement of any composting operation to establish "background levels" and at least every three (3) months thereafter. Copies of all existing test reports shall be submitted to the Township as a part of site plan approval. At the Township's request, such wells may be "spilt sampled" with the Township or its representative. The Township may

require the continued periodic monitoring of such wells after the site ceases to be used for composting operations. At a minimum, monitoring well sampling shall include testing for the following substances:

- 1) nitrates;
- 2) pesticides;
- 3) chlorides;
- 4) oil and petroleum based products; and,
- 5) odor and/or discoloration of water.

- I. Technical Support: All composting operations shall be managed by a full-time employee or have a competent consultant approved by the Planning Commission. In the event the full-time employee responsible for operations is subsequently terminated or the contract for technical support is terminated, the owner shall notify the Township within ten (10) business days following such termination. A successor qualified individual or organization shall then be identified by the owner in the same manner within twenty (20) business days of the date of termination of his or its predecessor.
- J. Hours: The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. unless otherwise modified in the special land use permit.
- K. Performance Bond. The Planning Commission may, as a condition to the granting of a special land use permit to conduct composting operations, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such operations shall not cause any harmful effects on the natural resources of the state, or the public health, safety, and welfare and to insure that the site can be restored to its original condition following the cessation of operations. Such post-closure conditions may include the cost of continued ground water monitoring.
- L. Inspections.
  - 1) All permitted composting operations shall be inspected by the Township or its designated representative at least once every three (3) months. Such inspection shall consist of the following:



- a) In the case of Level I permits only, a review of monitoring well data and reports when monitoring wells are required;
  - b) A review of all records of transactions required by this Ordinance;
  - c) A visual inspection and survey of the facility for excessive litter, trash, or other undesirable activities;
  - d) A review of any complaints from neighbors; and
  - e) A review of the volume of materials processed on the site and a determination as to whether that volume and its processing exceeds the volume, height, and other limitations of this Ordinance.
- 2) All required inspections shall be carried out by an individual or organization designated by the Township and which is deemed technically competent by the Township. The costs of such inspections shall be included in the annual application fee.
- M. Issuance of Level I and Level II Permits and term of permit.
- 1) Following compliance with the requirements of this Ordinance, the Township Planning Commission may authorize issuance of a special land use permit to operate a Level I or Level II composting operation.
  - 2) The term of any such permit shall be one (1) year. Such permits may be renewed annually thereafter in compliance with Section 19.03 (Basis of Decisions And Period of Validity) by filing an application for renewal at least sixty (60) days prior to expiration of the permit.
  - 3) Renewal permits may be issued following compliance with this Section and the other applicable provisions of this Ordinance. When issuing a renewal permit, the Township Planning Commission may require additional monitoring if contamination is suspected.
- N. Issuance of Level III Permits. The Township Planning Commission may issue a Level III permit within ten (10) business days after the filing of an administratively complete application. Such permits shall be of the same duration and on the same terms as provided for Level I and Level II permits.

- O. Transferability of permit. All permits for composting operations may be transferred for the duration of the existing permit provided there is no outstanding violation of the existing permit, all costs of inspection of the operation by the Township are paid, any deficiencies discovered by the Township are corrected prior to transfer, and the transfer does not have the effect of extending the duration of the existing permit. If the person holding a permit for a composting operation is a corporation, transfer of fifty percent (50%) or more of the corporation's stock shall cause the corporation to be deemed a new person.
9. Construction Material Storage and Contractor's Operations.
- A. Minimum lot width shall be two hundred (200) feet.
  - B. All vehicles, materials, and equipment must be stored within enclosed buildings or within an area completely enclosed by a sight obscuring fence at least eight (8) feet in height.
  - C. The area in which vehicles, material, or equipment is stored must be hard surfaced and dust-free.
  - D. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
  - E. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  - F. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the District.
10. Drive-through Eating or Fast Food Establishments.
- A. The main building shall have a front yard setback of at least seventy-five (75) feet.
  - B. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
  - C. In addition to parking space requirements, at least three (3) parking

spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

- D. Parking areas shall have side and rear yard setbacks of at least ten (10) feet unless a greater setback is required by this Ordinance.
- E. Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of said access.
- F. The parking and maneuvering areas of the site shall be screened from any abutting residential district in accordance with Section 20.13 (Landscaping Requirements).
- G. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- H. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
- I. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.

11. Gasoline and Petroleum Storage.

- A. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway, both measured to the nearest edge of the access driveway.
- B. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.
- C. The area used for parking, display, or storage shall be paved or treated so as to prevent dust.
- D. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner.
- E. A sight obscuring buffer shall be provided between the subject use, and any adjacent residential uses.

F. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.

12. Gasoline Stations.

A. Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred (200) feet.

B. All buildings, structures, and equipment shall be located at least sixty (60) feet from any property line, and at least seventy-five (75) feet from any residential district.

C. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and one (1) for any other street.

D. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection, and at least one hundred (100) feet to any adjacent residential district property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other non-residential driveway.

E. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.

F. The driveways, off-street parking areas, drive aisles, and pumping areas shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.

G. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

H. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting residential district or use by a landscaped buffer, as outlined in Section 20.13 (Landscaping Requirements).

I. All outside storage areas for trash and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence.

J. The rental of trucks, trailers, and any other vehicles; and the repair of vehicles, other than inflating tires, checking and filling motor oil, and similar routine activities, are expressly prohibited.

- K. No such use shall be located closer than three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
- L. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
- M. On a corner lot, all provisions applicable to front yards shall be applied.
- N. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.
- O. Canopy roofs shall be permitted to encroach into any required yard, provided that no portion of the canopy shall be closer than thirty (30) feet to any property line, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average grade.

13. Golf Courses and Other Outdoor Recreation Uses.

- A. Minimum lot size of forty (40) acres is required for a regulation golf course, or twenty (20) acres for a par-3 style course.
- B. The site shall provide all vehicular access directly onto or from a paved road.
- C. All structures, except fences, shall be at least one hundred (100) feet from any property line. Netting along any property lines shall be prohibited unless the Planning Commission determines that it would be compatible with surrounding uses.
- D. The off-street parking area shall be so arranged as to provide for the safety of pedestrians and ease of vehicular maneuvering.
- E. Any part of an off-street parking area shall be at least fifty (50) feet from any property line.
- F. Accessory uses like pro shops, restaurants or lounges, and golf driving ranges may be permitted to serve the golf course or country club customers or members.

14. Greenhouses and Nurseries.

- A. A residence may be located on the same property as the greenhouses

and nurseries. The minimum dwelling unit size shall be seven hundred sixty (760) square feet.

- B. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings.
- C. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- D. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway, as measured along the property line, to any other non-residential driveway.
- E. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
- F. Any materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required vehicle parking or maneuvering areas.

15. Group Day Care Homes.

- A. The group day care home shall be licensed or registered under the Child Care Organization Act, being Act 116 of the Public Acts of 1973, as amended. A statement from the appropriate licensing agency that a license has been applied for by the special land use applicant and has been approved pending compliance with the Township's zoning requirements shall be sufficient.
- B. The group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
  - 1) An adult foster care small group home or foster care large group home, licensed under the Adult Foster Care Licensing Act, being Act 218 of the Public Acts of 1979, as amended.
  - 2) A facility which offers substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article 6 of the Public Health Code, being Act 368 of the Public Acts of 1978, as amended.
  - 3) 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 or of the Ottawa County Sheriff.

- 4) Another group day care home licensed under the Child Care Organization Act, Act 116 of 1973, as amended. Provided, however, that the Planning Commission may approve the special land use application for the operation of no more than one (1) group day care home within one thousand five hundred (1,500) feet of another group day care home, if the application meets the following criteria:
- a) There are no other adult foster care small group homes or adult foster care large group homes within one thousand, five hundred feet (1,500) feet of either of the two (2) group day care homes;
  - b) There are no facilities offering substance abuse and treatment services within one thousand five hundred (1,500) feet of either of the two (2) group day care homes;
  - c) There are no community correction centers, resident homes, halfway houses, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections or the Ottawa County Sheriff within one thousand five hundred (1,500) feet of either of the group day care homes;
  - d) The group day care homes must be separated by a distance of at least five hundred (500) feet, measured between the nearest property lines of the two (2) premises on which the group day care homes will be conducted, if the second one is approved;
  - e) A group day care home will not cause unreasonable traffic problems or concerns, based upon an evaluation of existing and proposed parking, traffic patterns, the proximity of other family day care homes, and the traffic resulting from other land uses within the one thousand five hundred (1,500) feet separation requirement.
  - f) For the purposes of this subsection, the separation requirements shall be measured from the driveway of the applicant to the driveway of the nearest licensed facility described above in paragraphs (1) through (4), along the shortest route from one to the other along a road, street or place maintained by the State of

Michigan or any political subdivision of the State and generally open to use by the public as a matter of right for the purpose of vehicular traffic, but not including an alley. For the purpose of this subsection, a private street shall be treated as a public road, street, or place only for the purpose of making the measurement required by this subsection.

- g) A group day care home shall have appropriate fencing for the safety of the children in the group day care home. This fencing shall, at a minimum, meet the requirements of this Ordinance or any other Ordinance of the Township which pertains to fencing. Additional fencing may be required if it is determined to be reasonably necessary for the protection of the children. A statement from the applicant that fencing will be installed as required by the appropriate state agency as a condition of issuance by the agency of a license to the applicant shall be sufficient to meet this requirement. Provided, however, that any special land use permit granted shall require that the fencing be installed before children are actually receiving care at the applicant's home.
- C. The group day care home's appearance shall be compatible with the visible characteristics of other homes in the neighborhood. Further, if approval is granted, the appearance of the group day care home shall be maintained so that it continues to be compatible with the visible characteristics of other homes in the neighborhood.
- D. The group day care home shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The Planning Commission may impose reasonable conditions to limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m. so as to minimize noise, light and other activities which have potential to disturb neighbors during those hours.
- E. The group day care home shall meet the minimum requirements of this Ordinance or any other Ordinance of Grand Haven Charter Township or other law or regulation governing signs and used by a group day care home to identify itself.
- F. The group day care home shall meet the off-street parking accommodations requirements of this Ordinance or any other Ordinance of Grand Haven Charter Township or other law or regulation governing the provision of off-street parking



accommodations for employees of the group day care home. Any parking spaces required may be installed after approval of the special land use, but in such event they must be installed before children are actually receiving care at the applicant's home. (amend. by ord. no. 555 eff. October 6, 2017)

16. Hotels and Motels.

- A. Minimum lot area shall be two (2) acres and minimum lot width shall be one hundred fifty (150) feet.
- B. Parking areas shall be setback at least thirty (30) feet from any property line, and shall be landscaped in accordance with Section 20.13 (Landscaping Requirements).
- C. Accessory restaurants, lounges, or retail stores may be permitted. Additional off-street parking will be required for any such use.
- D. Access driveways shall be located at least seventy-five (75) feet from the nearest part of the intersection of any street or any other driveway, as measured along the property line, to any other non-residential driveway.
- E. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
- F. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer.

17. Indoor Recreation, Exercise and Athletic Facilities.

Indoor recreation uses such as tennis courts, ice-skating rinks, court sports facilities, dance or gymnastics academies, swimming pool-like water sports facilities, rock climbing, and exercise facilities including cross-fit and stationary cycling. Accessory facilities that are clearly in support of the primary use, such as sporting goods shops, food service and party/banquet facilities serving patrons of the indoor recreation use, spectator accommodations, changing/locker rooms and shower areas and Accessory offices may also be allowed. An indoor recreation use may be permitted in accordance with all of the following requirements.

- A. The use shall include a designated pickup and drop-off area for all patrons, providing safe and clearly designated access to the site and Building.

- B. In determining the number of required Parking Spaces the Planning Commission may take into account the hours of operation and types of activities conducted on the site. A parking-demand study, provided by the applicant, may be required to determine Parking requirements.
- C. Tournaments, which include spectators and players, shall only be conducted during evenings and weekends. Parking related to such activities shall be accommodated on the site and not on other adjacent properties or streets.
- D. The Planning Commission may determine days and hours of operation to ensure that impacts to neighboring uses are minimized and traffic congestion is avoided. (Amend. by Ord. No. 511 eff. June 10, 2012)
- E. Minimum Lot size shall be 1 acre.
- F. No outdoor recreation facilities or activities shall be permitted.
- G. No outside storage shall be permitted in the required front and side yards.
- H. The area used for parking, display, or storage shall be hard surfaced, dust-free, graded, and drained so as to dispose of all surface water. All areas not paved or occupied by Buildings or Structures shall be landscaped, planted with grass, and maintained regularly. A minimum of ten (10) percent of the total area of the Lot shall be landscaped.
- I. The use shall be screened from the view of any abutting property as outlined in Sections 20.11 (Screening Requirements) and 20.13 (Landscaping Requirements).
- J. All outdoor lighting shall comply with Chapter 20A (Outdoor Lighting Requirements).
- K. Public access to the site shall be located at least two hundred (200) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- L. Only one access point shall be permitted. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. An additional

driveway may be permitted by the Planning Commission if a traffic study demonstrates the additional driveway will not create negative impacts on through traffic flow. The additional driveway may be required to be along a side street or a shared access with an adjacent site.

- M. The off-street Parking area shall be so arranged as to provide for the safety of pedestrians and ease of vehicular maneuvering.
- N. Additional off-street Parking will be required for Accessory facilities.
- O. The following provisions shall apply to Indoor Recreation, Exercise, and Athletic Facilities sited in the C-1 Commercial District.
  - 1) A minimum of 70% of the exterior finish material of all Building facades (excluding the roof) visible from the Public Street, Private Street, Parking Lot, or adjacent residentially zoned land, exclusive of window areas, shall consist of Facing Brick, cut stone, split face block, fluted block, scored block, native field stone, cast stone, or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block, or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.
  - 2) Landscaping shall be provided along 30% of walls visible from the Public Street, Private Street, parking lot, or adjacent residentially zoned land to reduce the visual impact of the Building mass.
  - 3) All vehicles, materials, and equipment must be stored within enclosed Buildings or within an area completely enclosed and screened by a wood or masonry Fence or solid wall which is at least six (6) feet in height, or one (1) foot above the object which it is screening, whichever is greater. If the enclosed storage area includes a gate it must be opaque and constructed from metal or wood.
  - 4) On a corner Lot, all provisions applicable to front Yards shall be applied. (amend. by ord. no. 546 eff. September 25, 2016)

18. Intensive Livestock Operations.
- A. The parcel on which the concentrated animal feeding operation is located shall be a minimum of forty (40) acres.
  - B. Manure tanks, animal confinement structures or pads, holding areas and feeding areas (excluding grazing areas) shall have a minimum six hundred (600) foot setback from any property line.
  - C. No manure generated from the intensive livestock operation shall be spread within the above referenced setback unless it is injected into the soil.
  - D. The area of the site upon which the proposed operation is located shall be set back a minimum of five hundred (500) feet from a standing body of water or flowing stream.
  - E. No storm water runoff from the area of the site upon which the proposed operation is located shall be permitted to any adjacent property.
19. Junkyards.
- A. A separate permit shall be required for each separate location at which a junkyard is operated within the Township.
  - B. In addition to the requirements of the special land use application, an applicant for a permit to operate a junkyard shall also include the following:
    - 1) The names and addresses of all persons having an ownership interest in the premises on which the junkyard will be operated;
    - 2) The names and addresses of all persons having an ownership interest in the operation of the junkyard, either as sole proprietor, partner, corporate shareholder, or otherwise;
    - 3) The business mailing address of the junkyard;
    - 4) The name by which the junkyard will be known;
    - 5) If the junkyard is to be operated by a corporation, the names and addresses of all officers of the corporation; and,
    - 6) A statement that the applicant will abide by the terms of this Ordinance if granted a permit.

- C. All corporate applicants for a permit to operate a junkyard shall submit with said application an attested copy of the corporate resolution authorizing such application.
- D. All applications shall be signed by all persons having an ownership in the premises on which the proposed junkyard is to operate and by all persons having an ownership interest in the operation of the junkyard, either as sole proprietor, partner, corporate shareholder, or otherwise.
- E. All junkyards permitted under this Ordinance shall be operated in compliance with the following regulations and conditions:
  - 1) No junkyard shall be operated in a manner which creates a nuisance to the occupants of neighboring premises by reason of noise, vibration, disagreeable odors, fumes, filth, or loose debris;
  - 2) No junkyard shall be operated in a manner that results in any soil contamination by petroleum or chemical products;
  - 3) No junkyard shall be operated in a manner that results in the air of any property owner in the neighborhood being polluted by the burning of rubber or other substances;
  - 4) No junk shall be stored or processed in a location which is not completely and adequately screened or fenced from the view of any person upon any public street or highway;
  - 5) All persons securing a permit under this Ordinance shall comply with all rules, regulations, Ordinances, and statutes applicable to the operation of the business conducted at such junkyard.

20. Kennels for Domestic Animals.

- A. The minimum lot area shall be one (1) acre for the first five (5) domestic animals, and an additional one-third (1/3) acre for each additional domestic animal. Domestic animals counted toward this total shall include the total capacity for overnight boarding/keeping.
- B. "Domesticated animals", for the purpose of this Section, shall mean those animals commonly domesticated and kept in homes. Examples include, but are not limited to: dogs, cats, birds, aquatic animals, rabbits, small rodents, and similar animals which do not present an unusual risk to persons or property.

- C. Buildings wherein domestic animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential use, or building used by the public.
- D. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.
- E. All dog kennels shall be operated in conformance with all applicable County and State regulations.

21. Lumber Yards.

- A. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any residential district line.
- B. Access driveways shall be located no less than seventy-five (75) feet from the nearest part of the intersection of any street or any other driveway measured to the nearest part of the access driveway.
- C. No outside storage shall be permitted in the required front and side yards.
- D. Any permitted outside storage shall be screened by a solid fence or wall at least six (6) feet, and no more than ten (10) feet in height.
- E. When adjacent to a residential district or use, the parcel shall be screened in accordance with Section 20.13 (Landscaping Requirements).
- F. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and, if available, sanitary sewer.

22. Markets for the Sale of Farm Products.

- A. All produce must be grown or raised on the premises where it is being sold.
- B. Products not grown or raised on premises may also be sold in the market if they are related to the other products sold at the market, and if the total sales of such items is an insubstantial part of the total sales of the market.
- C. Off-street parking shall be provided for customers.
- D. The market, sales area, and any outdoor display areas shall be setback thirty (30) feet from the road right-of-way, and ten (10) feet from the

side and rear property lines.

- E. Any outdoor lighting shall be directed so as to not cause a hazard to traffic on adjacent roadways.

23. Motor Freight, Truck, and Warehousing Businesses.

- A. Minimum lot size shall be three (3) acres.
- B. The lot location shall be such that at least one (1) property line abuts a paved County Primary Road. The ingress and egress for all vehicles shall be directly from said Primary Road.
- C. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines. If such use abuts residentially zoned property or a residential use, then the setback shall be one hundred fifty (150) feet from any such lot line.
- D. Truck parking and staging areas shall be screened from the view of any abutting residential district or use, as outlined in Section 20.13 (Landscaping Requirements).
- E. Access driveways shall be located at least seventy-five (75) feet from the nearest part of the intersection of any street or any other driveway.
- F. No overnight truck parking shall be permitted unless the trucks are parked at the main loading/unloading dock and the truck engines are turned off.
- G. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer, if available.

24. Motor Vehicle Body and Paint Shops.

- A. All buildings, structures, and equipment shall be located at least seventy-five (75) feet from any right-of-way line, and not less than fifty (50) feet from any side or rear lot line.
- B. Such use shall also comply with the requirements and standards in subsection 25 (Motor Vehicle Repair Garages), parts B through O, of this Chapter.

25. Motor Vehicle Repair Garages.

- A. All buildings, structures, and equipment shall be located at least

seventy-five (75) feet from any right-of-way line, and shall comply with the following setbacks:

- 1) Property located in the I-1 or I-1A zoning district shall be setback at least ten (10) feet from any interior side lot line, and shall be setback at least twenty-five (25) feet from any side street lot line:
  - 2) Property located in the C-1 zoning district shall be setback at least thirty (30) feet from any side or rear lot line; and
  - 3) Property that abuts a residential zoning district shall be setback at least fifty (50) feet. (Amend by Ord. No. 557 eff. December 22, 2017)
- B. No more than one (1) curb opening shall be permitted for every one hundred (100) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.
- C. No part of any drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor less than fifty (50) feet from any adjacent residential district property line. No drive shall be located nearer than seventy-five (75) feet, as measured along the property line, to any other driveway measured to the nearest part of the access driveway to the nearest part of the other driveway.
- D. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- E. All areas of the site not paved or occupied by buildings or structures shall be landscaped. A minimum of ten (10) percent of the total area of the lot shall be landscaped.
- F. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. Any accessory gasoline pumps shall comply with the applicable requirements of subsection 12 (Gasoline Stations) above.
- G. Parking and storage areas for disabled, wrecked, or partially dismantled vehicles awaiting repair shall be paved with asphalt or poured concrete, and parking of such vehicles shall not exceed a maximum of three (3) vehicles.
- H. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
- I. All outside storage areas for trash, used tires, auto parts and similar



items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet.

- J. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited.
- K. The lot shall be located such that it is at least three hundred (300) feet from the nearest part of an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
- L. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
- M. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
- N. No such use shall be open for business prior to seven o'clock (7:00) a.m., nor after eight o'clock (8:00) p.m.
- O. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.

26. Motor Vehicle Sales Establishments.

- A. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district.
- B. Minimum lot area shall be two (2) acres, and minimum lot width shall be two hundred (200) feet.
- C. The outside vehicle display areas shall be setback thirty (30) feet from all property lines.
- D. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building at least seventy-five (75) feet from the front property line, and thirty (30) feet from the side and rear property lines.
- E. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area described in subsection 25 (Motor Vehicle Repair Garages), part G.

- F. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets. Such area shall not exceed two hundred (200) square feet in area.
  - G. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway measured to the nearest part of the access driveway.
  - H. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  - I. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
  - J. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water, without its ponding in a manner which is harmful to adjacent property owners.
  - K. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.
27. Multiple Family Dwellings.
- A. Parking areas shall have a front yard setback of fifty (50) feet, side yard setback of fifteen (15) feet, and rear yard setback of twenty (20) feet.
  - B. Minimum lot size shall be six thousand (6,000) square feet per dwelling unit.
  - C. At least ten percent (10%) of the total lot area shall be landscaped.
  - D. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway for any other main building measured to the nearest part of the access driveway.
  - E. Buildings shall not be constructed nearer to any other building than a distance equal to one and one-half (1.5) times the height of the taller building.
  - F. All exterior lighting shall be erected and hooded so as to shield the

glare of such lights from spilling onto adjacent property.

- G. The off-street parking area shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.
- H. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
- I. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.

28. Nursing or Convalescent Homes.

- A. All bedrooms in the building shall have a minimum of two hundred (200) square feet.
- B. The allowable density of the zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the state of Michigan and no more than twenty-five percent (25%) for non-licensed nursing care and supportive care units.
- C. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
- D. The site shall front upon a paved road. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said road.
- E. Minimum setbacks for all main and accessory buildings shall be seventy-five (75) feet.
- F. Any emergency entrances shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet in height. Access to and from the emergency entrance area shall be directly from a paved road.
- G. No more than thirty percent (30%) of the gross site area shall be occupied by buildings.
- H. All off-street parking areas shall be in the side or rear yard.
- I. A five (5) foot sidewalk shall be required adjacent to the front property line beginning at one side lot line, and ending at the other. In the case of a corner lot, the sidewalk shall run adjacent to the entire road frontage.

- J. Any outdoor recreation, sitting, or walking areas shall be served by a five (5) foot wide sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and sidewalk adjacent to the front property line.
  - K. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer.
  - L. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
29. Outdoor Commercial Recreation Facilities.
- A. The proposed site shall front upon a paved road. All ingress and egress shall be from said road.
  - B. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
  - C. Minimum lot size of three (3) acres, and minimum lot frontage of two hundred (200) feet shall be required.
  - D. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any residential district.
  - E. Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Planning Commission determines that it would be compatible with surrounding uses.
  - F. Go-cart tracks, or any other similar motorized vehicle recreation and storage areas shall be setback at least one hundred (100) feet from any lot line.
  - G. All outdoor lighting shall be directed away from, and shielded from adjacent parcels. It shall also be arranged so the source of the light is not visible from adjacent public roads or highways.
  - H. Required number of off-street parking spaces shall be calculated using Section 24.03 (Schedule for Number of Off-street Parking Spaces) for each use, or similar use as determined by the Planning Commission. If there is more than one (1) use on the lot, required parking for the entire outdoor commercial recreation facility shall be calculated by taking the combined required parking for each use and

multiplying by:

- 1) 0.9 if there are two (2) uses on premises.
  - 2) 0.85 if there are three (3) uses on premises.
  - 3) 0.8 if there are four (4) or more uses on premises.
- I. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and, if available, sanitary sewer.
- J. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).

29A. Outdoor Ponds

- A. The **OUTDOOR POND** shall be used for recreation, pleasure, or agricultural use only, unless the additional requirements for a pond to be used for mineral extraction are satisfied.
- 1) The creation of any pond for the sole or additional purpose of mineral extraction shall either require, in addition to special land use approval under this section, a special land use permit for the Removal and Processing of Natural Resources under Section 19.07.37 of this Ordinance, or a zoning permit for soil removal, as appropriate, depending on the time frame and/or the amount of cubic yards of mineral material to be removed.
  - 2) Mineral extraction activities, whether conducted alone or in conjunction with the construction of an outdoor pond, shall not be permitted on any lands located outside of the Agricultural (AG) or Rural Preserve (RP) Districts.
  - 3) Construction of an outdoor pond may be permitted in any zoning district, if not performed for the purpose of mineral extraction, but the Planning Commission may nonetheless impose any reasonable conditions on the special land use permit for an outdoor pond that would be consistent with the requirements imposed on mineral extraction activities pursuant to Section 19.07.37 of the Ordinance. In particular, the Planning Commission may, in its sole discretion, require the applicant to submit a performance bond in an amount sufficient to restore the area of the pond to its original grade; the Planning Commission shall not release the same until the applicant demonstrates to the satisfaction of the Planning Commission that the pond is being used for the recreation,

pleasure, or agricultural use originally proposed by the applicant.

- B. An outdoor pond shall comply with all setback requirements for the zoning district in which it is located. The Planning Commission may increase the minimum setbacks for ponds when, in its discretion, based upon a consideration of the standards in Section 19.05 of this Ordinance, such is determined to be necessary to minimize potential public health and safety concerns or conflicts with adjoining properties.
- C. If the Planning Commission determines that the protection of the safety of the general public requires that the pond be enclosed, the Planning Commission may require that the pond be enclosed by a wall, fence, or other type of enclosure. The wall, fence, or other enclosure shall meet the following requirements.
  - 1) The height of the enclosure shall be at least four (4) feet above ground surface; however, no enclosure may exceed the height limitations for a fence.
  - 2) The enclosure shall be designed so that a child cannot pass through or under or over it, except through a gate or doorway.
  - 3) All gates or doors leading to the pond, except a door in any building forming part of the enclosure, shall be kept closed except when people or animals or items are moving through the opening. The gate or door shall be fitted with a positive latching device which automatically latches when the gate or door is closed.
- D. The pond shall be constructed according to the applicable specifications, and shall comply with all applicable requirements of the Ottawa County Conservation District, Ottawa County Drain Commission and Michigan Department of Environmental Quality (MDEQ).
- E. The discharge pipe from any pond without direct outlet to an established drain shall not exceed four (4) inches in diameter and shall be constructed with galvanized iron or such other standard and durable material as may be approved by the Zoning Administrator.
- F. No pond shall be wholly or partially emptied in any manner that would cause water to flow upon any other lot or parcel of land. If a storm drain is readily accessible to the lot or parcel on which the pond is located, then the pond's outlet shall empty into such storm drain. Discharge into a public sanitary sewer is strictly prohibited.

- G. No public water may be used in connection with the filling or operation of a pond when limitations on the consumption and use of public water are in effect in the Township.
- H. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run (1/3 slope). This maximum slope must be maintained and extended into the pond water depth of five (5) feet below the water's surface.
- I. If the Planning Commission determines that adherence to one (1) or more of the above construction requirements is unnecessary or contrary to the public interest, based upon a consideration of the standards in Section 19.05 of this Ordinance, the Planning Commission may waive or modify such requirement or requirements. In addition, the Planning Commission may waive or modify one or more of the above requirements if the pond is for use as part of a bonafide aquaculture operation carried out in an Agricultural (AG) District or the pond is a detention/retention facility required for stormwater management purposes.
- J. No pond shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- K. No pond shall be constructed, installed or maintained which creates stagnant water. To that end, all ponds shall have an aeration device installed therein or shall utilize such other comparable measures to ensure that the existence and use thereof will not cause or spread disease or otherwise cause conditions that are hazardous to the public health. (Amend. by Ord. No. 466 eff. April 17, 2009)

30. Outdoor Theaters.

- A. Minimum lot size of seven (7) acres and minimum lot frontage of four hundred (400) feet shall be required.
- B. The movie screen, any play areas, and concession stands shall be setback at least seventy-five (75) feet from all property lines. The ticket booth may be no closer than fifty (50) feet to any front and side lot lines.
- C. All areas not used for vehicle parking, or play ground areas shall be landscaped, planted with grass, and maintained regularly.
- D. Any lot lines adjacent to a residential district or use, shall be properly landscaped as outlined in Section 20.13 (Landscaping Requirements).

- E. Outdoor lighting may only be used along driveways, drive aisles, and around concession stands. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  - F. Public address systems shall not be permitted for outdoor theaters.
31. Private Clubs.
- A. Access driveways shall be located no less than fifty (50) feet from the nearest part of an intersection of any street or any other driveway for any other main building measured to the nearest part of the access driveway.
  - B. Parking areas shall have a minimum front yard setback of fifty (50) feet and side and rear yard setbacks of at least ten (10) feet.
  - C. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and, if available, sanitary sewer.
  - D. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
32. Public or Parochial Schools, Libraries, and Other Municipal Uses and Structures.
- A. Minimum lot size for uses other than schools shall be two (2) acres. Minimum lot sizes for schools shall be as follows:
    - 1) elementary schools ten (10) acres;
    - 2) middle schools twenty (20) acres;
    - 3) high schools thirty (30) acres.
  - B. There shall be a minimum lot width of two hundred (200) feet abutting a paved street. At least one (1) means of ingress and egress shall be located on such street.
  - C. Playground equipment may only be located in the side or rear yard of the lot, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any side or rear property line.



- D. The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.
  - E. The required off-street parking shall meet the conditions outlined in this Ordinance for schools.
  - F. Sidewalks shall be required connecting the off-street parking areas to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
  - G. The main school building shall be one hundred (100) feet from any property line.
  - H. Athletic fields shall not be located closer than two hundred (200) feet from any property line abutting a residential district or use.
  - I. Access driveways shall be located at least seventy-five (75) feet from the nearest part of an intersection of any street or any other driveway for any other main building measured to the nearest part of the access driveway.
33. Public or Private Campgrounds.
- A. Direct vehicular access to a public street shall only be permitted for the main entrance to the campground.
  - B. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
  - C. No commercial enterprise shall be permitted to operate at the campground, other than the campground itself.
  - D. Hard-surfaced, dust-free vehicle parking areas shall be provided which are adequate to accommodate the parking needs of campground staff and occupants. The parking areas shall comply with the requirements of Chapter 24. (amend. by ord. no. 555 eff. October 6, 2017)
  - E. Each structure site used for temporary living quarters at the campground shall contain a minimum of one thousand five hundred (1,500) square feet and shall be set back at least seventy five (75) feet from any public or private right-of way or lot line.
  - F. Each area used for camping activities shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in

- width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway.
- G. Any open drainage ways for the campground must have seeded banks sloped no greater than one (1) foot of vertical rise for three (3) feet of horizontal run. Such ways shall be designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Ottawa County.
  - H. All sanitary facilities for the campground shall be designed and constructed in strict conformance to all applicable County health regulations.
  - I. A minimum distance of fifteen (15) feet shall be provided between all structures utilized for temporary living purposes.
  - J. The minimum lot size for a campground, and the minimum lot frontage for a campground, shall be five (5) acres and three hundred thirty (330) feet, respectively.
  - K. All outdoor lighting shall be directed away from and shielded from adjacent parcels. The outdoor lighting shall also be arranged so the source of the light is not visible from any adjacent public street. The outdoor lighting shall comply with Chapter 20A.
  - L. The campground shall be supported by certain infrastructure features, including without limit paved roads, natural gas, municipal water and, if available, public sanitary sewer.
  - M. The campground shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements). (ord. no. 329 eff. April 22, 2000)
  - N. Parking areas shall have a minimum front yard setback of fifty (50) feet, and side and rear yard setbacks of at least twenty (20) feet.
  - O. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  - P. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water, and sanitary sewer.
34. Public Parks, Public Playgrounds, and Other Municipally Owned or Operated Recreational Facilities.
- A. Minimum lot size shall be one (1) acre.

- B. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  - C. Off-street parking shall be provided, and the number of spaces shall be determined by the Planning Commission.
35. Ready-mix Concrete and Asphalt Plants.
- A. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district line. If the use is not adjacent to a residential district or use property line, the setback requirements shall be two (2) times that required for the I-1 District.
  - B. A minimum lot size of five (5) acres shall be required.
  - C. A landscaped buffer shall be provided in accordance with Section 20.13 (Landscaping Requirements).
  - D. Any outside storage shall be screened to obstruct outside vision of the materials from any public road, or adjacent property.
  - E. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
  - F. Dust and odor resulting from the operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, and any other nuisance to an adjoining property.
  - G. Ingress and egress from the site shall be from a paved road, and such access shall be at least one hundred (100) feet from any part of a street intersection, or adjacent driveway measured to the nearest part of the access.
  - H. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer.
36. Recycling Stations.
- A. A minimum lot size of five (5) acres is required.
  - B. In addition to the requirements of Chapter 23 (Site Plan Review), plans and specifications submitted to the Planning Commission shall also include the following:

- 1) Specific location of the facility shown on a vicinity map.
  - 2) Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
  - 3) Legal description and site boundaries.
  - 4) Means of limiting access including fencing, gates, natural barriers, or other methods.
  - 5) Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to any waste water treatment facility.
  - 6) The location of all structures and equipment.
  - 7) A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire in compliance with state and federal regulations.
  - 8) The location of existing proposed utilities available to the site.
  - 9) The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
  - 10) Daily clean-up procedures.
  - 11) Other details necessary as required by the Planning Commission.
- C. A facility shall be located not less than five hundred (500) feet from the nearest residential zone and must be screened by a fence of not less than eight (8), nor more than ten (10) feet in height and not less than ninety (90) percent solid. It must also be screened from streets, roads, or highways open to public vehicle travel, in accordance with Section 20.13 (Landscaping Requirements).
- D. The site must be located on and access from a paved road, and not on residential-or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.

- E. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, and any other nuisance to an adjoining property.
  - F. Highly flammable or explosive materials shall not be accepted unless approved by the County Health Department and Township Fire/Rescue Department.
  - G. Open burning shall not be carried on in a recycling facility.
  - H. The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
  - I. Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
  - J. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.
37. Removal and Processing of (Topsoil, Stone, Rock, Sand, Gravel, Lime, or Other Soil or Mineral Resources) Natural Resources.
- A. No topsoil, sand, gravel, clay, peat, mulch, or other naturally occurring material shall be removed from any land in any district unless a permit is issued authorizing such removal.
  - B. Applications for a permit to remove such natural resources shall be in writing and shall be accompanied by a payment of the permit fee as from time to time established by resolution of the Township Board. Applications shall state the district and exact location of the land from which the natural resource is proposed to be removed, the type and amount of resource proposed to be removed, the purpose for such removal, the means of removal, the period of time for which such permit is sought, and the stabilization program which will be conducted by the applicant during or after removal.
  - C. Applications shall be directed to, and permits may be issued by, the following dependent upon the indicated criteria:
    - 1) All applications for permits to remove up to two thousand five hundred (2,500) cubic yards of material during a period of three (3) months or less shall be directed to the Zoning Administrator who is authorized to issue such permits provided that such removal in conjunction with the

stabilization program proposed will not result in sand blows, stagnant water pools, bogs, or injury to adjoining premises;

- 2) All applications for permits to remove more than two thousand five hundred (2,500) cubic yards of material or for which the period of removal is longer than three (3) months shall be directed to the Planning Commission which may authorize the special land use pursuant to the standard set forth in D, below of this subsection;
- 3) A series of applications for removal from the same premises within a one (1) year period which shall in total involve removal of more than two thousand five hundred (2,500) cubic yards of material or be effective for a period of longer than three (3) months shall be deemed a single application and shall require authorization as a special land use from the Planning Commission.

D. In addition to the materials required by this Chapter and by Chapter 23, the application for special land use approval shall include the following:

- 1) A written legal description of all of the lands proposed for the use.
- 2) Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
  - a) A north arrow, scale, and date;
  - b) shading indicating the extent of land area on which mineral removal operations and activities will take place;
  - c) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
  - d) the location and nature of all structures on the lands;
  - e) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
  - f) existing elevations of the lands at intervals of not more than five (5) feet;

- g) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
    - h) mineral processing and storage areas;
    - i) proposed fencing, gates, parking areas, and signs;
    - j) roads for ingress to and egress from the lands,
    - k) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
    - l) areas to be used for ponding.
  - 3) A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- E. Permits to remove natural resources which require authorization by the Planning Commission shall not be issued unless the Planning Commission shall apply and make an affirmative finding as to each of the following standards:
- 1) The site after removal shall be compatible with adjacent uses of land;
  - 2) Such removal shall not cause or result in erosion, land slides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises;
  - 3) Such removal shall be accomplished by means which are consistent with public health, safety, and welfare;
  - 4) Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed;
  - 5) Such removal shall be accomplished in conjunction with an

adequate soil stabilization program when required to prevent erosion, sand blows, or similar problems.

- F. No machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any residential or commercial district.
- G. The Planning Commission shall recommend and may require truck movement routes to and from the site to minimize the wear on public streets and prevent hazards and damage to the community. Roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
- H. Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling of excavated material.
- I. A site rehabilitation plan shall also be submitted and approved. Such plan shall include, at a minimum, the following:
  - 1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
  - 2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
  - 3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
- J. The site rehabilitation plan shall comply with all of the following standards and requirements:



- 1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - 2) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - 3) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
  - 4) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- K. The Planning Commission may, as a condition to the granting of a permit to remove natural resources, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such removal will not cause the conditions described in subsection 37.E.2 above, of this subsection, and that the soil stabilization program proposed by the applicant will be completed.
- L. The Planning Commission may require the applicant to submit a topographic map showing existing and proposed contour lines and elevations at elevation levels of not greater than five (5) feet, if the Planning Commission shall reasonably deem such map necessary to an understanding of the proposed removal project.
- M. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
- N. Applicants for permits to remove natural resources shall comply with all other applicable Ordinances and state and federal statutes.
38. Sexually Oriented Businesses.
- A. No sexually oriented business shall be permitted on a lot or parcel

which is within one thousand (1,000) feet of a principal or accessory structure of another sexually oriented business.

- B. No sexually oriented business shall be located in any principal or accessory structure which already contains a sexually oriented business.
- C. No sexually oriented business shall be located on a lot or parcel within five hundred (500) feet of any parcel which is zoned Rural Preserve, Rural Residential, R-1, R-2, R-3, R-3.5, R-4, R-5, or within five hundred (500) feet of any Planned Unit Development (PUD) which contains residences.
- D. No sexually oriented business shall be located on a lot or parcel within five hundred (500) feet of a public park, library, school, child care facility, church, or place of worship.
- E. The proposed use for a sexually oriented business shall otherwise comply with all requirements of the C-1 Commercial District; with all requirements of this Ordinance regarding off-street parking, loading, and storage areas; and with all requirements of this Ordinance pertaining to landscaping.
- F. Any sign or signs proposed for the sexually oriented business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of specific anatomical areas, specified sexual activities, or obscene representations of the human form, nor may such sign include any animated illumination or flashing illumination.
- G. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
  - 1) "Persons under the age of 18 years are not permitted to enter the premises." and,
  - 2) No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
- H. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

- I. All off-street parking areas shall be illuminated for at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
- J. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
- K. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer.
- L. No sexually oriented business shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
- M. Except in the case of an adult motel, any booth, room, or cubicle available for use by a patron of a sexually oriented business for the purpose of viewing any entertainment characterized by the showing or depiction of Specified Anatomical Areas or Specified Sexual Activity must comply with the following requirements:
  - 1) It must be handicap accessible to the extent required by the Americans with Disabilities Act or other applicable law;
  - 2) It must be unobstructed by any door, lock, or other entrance/exit control device;
  - 3) It must have at least one side which is totally open to a public, lighted aisle, so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
  - 4) It must be illuminated to that a person of normal visual acuity could look into the booth, room, or cubicle from its entrance adjoining the public aisle and clearly determine the number of persons within; and
  - 5) It must have no holes or openings in any side or rear walls, unless such holes or openings are for the purpose of providing utilities, ventilation, or temperature control services to the booth, room or cubicle, or unless such holes or openings are otherwise required by building code requirements.
- N. The Planning Commission shall be required to hold a public hearing on a special land use application under this Section within forty-five

(45) days after a complete special land use application has been received; and, the Planning Commission shall make a final determination regarding the special land use application within thirty (30) days after public hearing.

39. Single family dwellings in AG District.
- A. The single family dwelling shall be occupied by a person actively engaged in any of the other permitted or special land uses allowed in the AG Agricultural District, and the residential use shall be subordinate to the other permitted or special land use of the property.
  - B. The site plan shall be reviewed by the Township Fire/Rescue Department to assure that the means of ingress and egress to the dwelling are adequate for the Township's emergency vehicles.
  - C. The dwelling shall comply with all standards in the AG District as outlined in Chapter 21 (Schedule of District Regulations).
  - D. The right to continue to occupy and use the single family residence is dependent upon the active conduct of another of the Agricultural District's permitted uses or special land uses on the property. If such use is discontinued, then the special land use for the single family residence may be revoked by the Township and the dwelling from that time considered as a nonconforming use.
40. Storage Yard for Machinery, Trucks, or Equipment.
- A. A minimum lot area of two (2) acres shall be required, and the minimum lot width shall be two hundred (200) feet.
  - B. All dismantled or inoperable vehicles and equipment must be stored within enclosed buildings or within an area completely enclosed by a sight obscuring fence at least eight (8) feet in height.
  - C. The area in which vehicles, material, or equipment is stored must be hard surfaced and dust-free.
  - D. Ingress and egress shall be provided from a paved road, and the nearest part of that access shall be at least one hundred (100) feet from any part of an intersection.
  - E. All lighting shall be shielded from adjacent residential districts or uses.
  - F. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the district.

41. Two-Family Dwellings.
- A. A minimum lot area of twenty six thousand (26,000) square feet shall be required, and the minimum lot width shall be one hundred fifty (150) feet.
  - B. Two (2) off-street parking spaces shall be provided for each dwelling unit.
  - C. The setbacks and height requirements shall comply with the requirements for single family dwellings as required for the R-2 District.
  - D. Buildings shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood.
  - E. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and, if available, sanitary sewer.
42. Veterinary Hospitals.
- A. Runs, exercise areas, pens or other outdoor areas, lot size, and other features of a Veterinary Hospital shall meet the requirements for Kennels for Domestic Animals, subsection 20, of this Section.
  - B. The use shall be screened from the view of any abutting property, as outlined in Section 20.13 (Landscaping Requirements).
  - C. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water, and sanitary sewer.
43. Wholesale Businesses.
- A. Minimum lot size shall be three (3) acres, and the minimum lot width shall be a minimum of two hundred (200) feet.
  - B. The lot location shall be such that at least one (1) property line abuts a paved County Primary Road. The ingress and egress for all vehicles shall be directly from said road.
  - C. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines. If such use abuts residentially zoned property or a residential use, then the setback shall be one hundred fifty (150) feet from any such lot line.

- D. The shipping and receiving areas shall be screened from the view of any abutting use, as outlined in Section 20.13 (Landscaping Requirements).
  - E. Access driveways shall be located at least one hundred (100) feet from the nearest part of the intersection of any street or any other driveway measured to the nearest part of the access driveway.
  - F. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  - G. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and municipal water and sanitary sewer, if available.
44. Wildlife Preserves.
- A. The use shall not be performed for direct commercial gain by the property owner.
  - B. Minimum lot size shall be forty (40) acres.
  - C. The land and waterways of the parcel shall not be disturbed or altered.
  - D. Prohibited uses of Wildlife Preserves:
    - 1) No wildlife shall be sold as a dressed product.
    - 2) The exhibition of wildlife in a place open for public viewing is prohibited.
    - 3) No hunting shall be permitted in the area subject to the special land use.
  - E. Walking paths may be maintained throughout the use.
  - F. Parking of vehicles in the public roadway adjacent to the parcel shall be prohibited.
45. Wireless Telecommunications Towers and Antennas.
- A. Purpose: The purpose and goals of this subsection are to:
    - 1) protect residential areas and land uses from potential adverse impacts of towers and antennas;

- 2) limit the location of towers in non-residential areas;
  - 3) minimize the total number of towers throughout the community;
  - 4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
  - 5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - 6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - 7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
  - 8) ensure the public health and safety of communication towers; and
  - 9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. In furtherance of these goals, the Township shall give due consideration to the Township's Master Plan, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
- C. Definitions: As used in this section, the following terms shall have the meanings set forth below:
- 1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
  - 2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies

(excluding radar signals), wireless telecommunications signals or other communication signals.

- 3) "Anti-Climbing Device" means a piece or pieces of equipment which are either attached to an **ANTENNA-supporting STRUCTURE**, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap or non-climbable plating around the structure legs, squirrel-cones (i.e., a plastic or metal disc or cone around a pole which impedes climbing), the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.
- 4) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network,
- 5) "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or special land use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- 6) "Tower" is any structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

D. Applicability.

- 1) New Towers and Antennas: All new **TOWERS** or **ANTENNAS** in the Township shall be subject to these regulations, except as provided in Subsection D.2-5, inclusive.
- 2) Amateur Radio Antenna/Amateur Radio Antenna Support Structures/Amateur Radio Station Operators/Receive Only Antennas: This Ordinance shall not govern any Tower, or the



installation of any antenna, that is less than thirty-five (35) feet in height. (amend by ord. no. 526 eff. July 27, 2014)

- 3) Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of Subsections E.3 and E.4.
- 4) AM Array: For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- 5) Minor Modifications to Accommodate Co-Location:
  - a) The **ZONING ADMINISTRATOR** may approve minor modifications to previously-permitted **ANTENNAS** or **TOWERS**, including the co-location of an antenna on an existing tower, provided that the modifications are designed to accommodate the co-location of an additional antenna, and provided that the modification otherwise complies with the requirements of this Section.
  - b) No modification shall be considered minor if the modification will result in any one (1) or more of the following conditions:
    - i. A **TOWER** or **ANTENNA** is located closer to a residential use or **DISTRICT**;
    - ii. A height increase of ten (10) feet or more;
    - iii. A new ground structure that requires landscape screening under this Section; or
    - iv. Any other material change that may substantially affect the original basis of approval.
- 6) Modifications that are not deemed minor shall be referred to the Planning Commission for consideration in the same manner as an original application for special land use

approval under this Chapter. (ord. no. 309 eff. February 22, 1999 amend. by ord. no. 430 eff. October 11, 2006)

E. General Requirements.

- 1) Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- 2) Lot Size: For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- 3) All towers must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other state or federal agency regulating towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of their effective date, unless a different compliance schedule is mandated by the controlling agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- 4) Building Codes; Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- 5) Removal of Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- 6) Preexisting towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this subsection.
- 7) Measurement: For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Township irrespective of municipal and county jurisdictional boundaries.
- 8) Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- 9) Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- 10) No Interference: Towers and antennas shall not interfere with television or radio reception on surrounding properties.

F. Design Standards.

- 1) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and shall not exceed the FAA minimum standards.

- 2) Metal towers shall be constructed with a corrosion-resistant material.
- 3) All parking and drives must be paved pursuant to the standards provided in the Zoning Ordinance.
- 4) No signs shall be allowed on an antenna or tower.
- 5) Design Requirements.
  - a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 6) Buildings and Equipment Storage.
  - a) The equipment cabinet or structure used in association with antennas shall comply with the following:
    - i. The cabinet or structure shall not exceed two hundred (200) square feet of gross floor area or nine (9) feet in height. For buildings and structures less than sixty-five (65) feet in height, the related unmanned equipment structure, if over two hundred (200) square feet of gross floor area or nine (9) feet in height, shall be located on the ground and not on the roof of the structure.
    - ii. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures

shall not occupy more than twenty percent (20%) of the roof area.

- iii. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- b) Antennas mounted on utility poles or light poles.
  - i. The equipment cabinet or structure used in association with antennas shall be no greater than six (6) feet in height and sixty-four (64) square feet in gross floor area.
  - ii. The structure or cabinet shall be screened from view of all residential properties which abut and any street or parking lots by evergreen trees with a minimum height of twelve (12) inches higher than the cabinet or structure and planted no more than eight (8) feet apart from the next tree, measuring tree center to tree center, or shall be screened with planted shrubs with a minimum height of twelve (12) inches higher than the cabinet or structure planted in two rows in a staggered pattern, planted no further than six (6) feet apart.
- c) Antennas Located on Towers.
  - i. The related unmanned equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than eleven (11) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
  - ii. The structure or cabinet shall be screened from view of all residential properties which abut by evergreen trees with a height of eight (8) feet and planted no more than eight (8) feet apart from the next tree, measuring tree center to tree center, or shall be screened with planted shrubs exceeding six (6) feet in height planted in two rows in a staggered pattern, planted no further than six (6) feet apart.

- 7) Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
  - 8) The following landscaping shall be required; provided, however, that the Planning Commission may waive such requirements if the purpose and goals of this subsection would be better served thereby.
    - a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
    - b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
    - c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- G. The Planning Commission shall consider the following application materials and factors in determining whether to approve a special land use.
- 1) The following information shall be submitted with each application or indicated on the site plan in addition to the requirements of this Chapter and Chapter 23, Site Plan Review.
    - a) Legal description of the parent tract and leased parcel (if applicable).
    - b) The setback distance between the proposed tower and the nearest residential unit and/or residentially zoned properties.
    - c) An inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas that are either within the jurisdiction of the Township or

within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. In addition, the applicant shall provide an identification of the entities providing the backhaul network for the tower(s) described. The Zoning Administrator may share such information with other applicants applying for a special land use under this Ordinance or other organizations seeking to locate antennas within the Township, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- d) A landscape plan showing specific landscape materials.
  - e) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - f) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - g) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - h) A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- 2) The users of towers and antennas are encouraged to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
  - 3) Towers shall be located as far as possible from existing residential dwellings and residentially zoned parcels.
  - 4) The design of the tower shall have the effect of reducing or eliminating visual obtrusiveness.

- 5) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.



- 6) The applicant shall demonstrate to the Planning Commission that no reasonable alternative sites are available for the proposed communication tower. In determining the existence of reasonable alternatives, the Planning Commission shall be guided by the principle that communication towers shall be located, so far as reasonably practical, in the districts in the following sequence of choice, with the first named district being the first choice and the last named district being the last choice, to wit:
  - a) Public land on which water towers are located
  - b) I-1 Industrial District
  - b-1) I-1A Corridor Industrial District (amend. by ord. no. 532 eff. April 26, 2015)
  - c) C-1 Commercial District
  - d) SP Service Professional District
  - e) AG Agriculture District
  - f) RP Rural Preserve District
- 7) The following setback requirements shall apply to all towers; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:
  - a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
  - b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- 8) A separation distance shall apply to all towers and antennas adjacent to a residential dwelling and/or a residential zoning district. The separation distance shall be two hundred (200) feet or three hundred percent (300%) of the height of the tower, whichever is greater. The tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site residential dwelling or

zoning district. The separation distance shall be measured by drawing a straight line between the base of the proposed tower and the lot line.

- 9) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the table below.

	Existing Tower				
	Lattice Tower	Guyed	Monopole		
			Ft High More	Less than 75 Ft High	
Lattice	5,000	5,000	1,500	750	
Guyed	5,000	5,000	1,500	750	
Monopole	75 Ft High or More	1,500	1,500	1,500	750
	Less Than 75 Ft High	750	750	750	750

46. Enlargement or Increase or Extension of a Non-Conforming Use.
- A. The enlargement or increase or extension is reasonable based upon a consideration of the area of the original non-conforming use.
  - B. The enlargement or increase or extension shall not substantially interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned, or with the use of such other properties in compliance with the provisions of this Ordinance.
  - C. The enlargement, increase or extension shall not significantly compromise the ability of the Township to effectuate the goals and purposes of its Master Plan. The Planning Commission shall consider the extent of the incompatibility of the enlargement, increase or extension with the Master Plan and shall, if it grants an enlargement, increase or extension at all, use the extent of the incompatibility for determining the percentage of allowable enlargement, increase or extension. A correspondingly lesser percentage of enlargement, increase or extension may be granted when the extent of incompatibility is greater. A correspondingly greater percentage of

enlargement, increase or extension may be granted (but no more than 25 percent) when the extent of incompatibility is less. (amend. by ord. no. 377 eff. June 21, 2003)

- D. Non-Conforming Uses Lawfully Approved Under Previous Ordinance.
- 1) Applicant shall demonstrate the proposed enlargement, increase, or extension was lawfully approved under a prior ordinance.
  - 2) Applicant shall demonstrate that ownership in the real property has been retained since the original application was approved.
  - 3) The non-conforming use made part of the application shall be in existence and still present on the original parcel of land.
  - 4) Applicant shall demonstrate that no other feasible alternatives exist on the subject property to obtain the highest and best use.
  - 5) Planning Commission shall consider the cohesiveness with the surrounding area, subsections B and C above, and shall have discretion to increase the percentage allowed to enlarge, increase, or extend the non-conforming use, beyond twenty-five (25%) percent, notwithstanding the limits in Section 25.01.1.A of this Ordinance. (amend. by ord. no. 569 eff. January 26, 2019).

47. Vehicle Wash Establishments

- A. All washing activities must be carried out in a Building.
- B. The Building within which the washing activities occur shall have a Front Yard Setback of at least seventy-five (75) feet. This Setback may be reduced by the Planning Commission if it is determined that a lesser Setback of at least fifty (50) feet would be more compatible with the adjacent and abutting lots.
- C. Sufficient stacking capacity or queuing space for the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the Lot. The number of Parking Spaces and stacking spaces shall satisfy the requirements of Section 24.03 of the Ordinance for Autowashes.

- D. The stacking area(s) on the Lot shall be screened from any abutting residential district in accordance with Section 20.13 (Landscaping Requirements).
- E. Public access to the Lot shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the Street, as measured from the nearest right-of-way line to the nearest edge of the access.
- F. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
- G. Vacuuming activities, if outdoors, shall be at least fifty (50) feet from any Lot Line. This requirement may be reduced to a distance of not less than twenty-five (25) feet upon the Planning Commission's finding that such reduction would not be detrimental to surrounding properties. (The intent of this subsection is to allow reductions of vacuum Setbacks if the adjacent parcel contains a similar commercial or industrial use while preserving the Setback for non-compatible uses, such as residential.)
- H. Vehicle Wash Establishments which offer the retail sale of gasoline shall also comply with the provisions for gasoline stations.
- I. The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply and sanitary sewer. (amend. by ord. no. 407 eff. June 3, 2005)

48. Medium Wind Energy Turbines

- A. In addition to the materials required for all special land uses, applications for MWETs shall include the following information/documentation:
  - a. General Information: In addition to the detailed information required on the site plan, the following general information shall be included in the application materials:
    - a) The contact information for the **WET OWNER(s)** and **WET OPERATOR(s)** of the MWET as well as contact information for all **LOT** owners on which the MWET is located.
    - b) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET. A statement from the landowner(s) of the leased site that the landowner(s)

will abide by all applicable terms and conditions of the use permit, if approved.

- c) In the case of a **CONDOMINIUM DEVELOPMENT**, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the MWET.
- d) The proposed number, representative types and height of each MWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in **DECIBELS**), total rated capacity, **ROTOR DIAMETER**, and a description of ancillary facilities.
- e) Documents shall be submitted by the developer/manufacturer confirming specifications for MWET Tower separation.
- f) Engineering data concerning construction of the MWET and its base or foundation, which may include, but not be limited to, soil boring data.
- g) Anticipated construction schedule.
- h) A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET to conduct maintenance, if applicable.
- i) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport **ZONING ACT**, Michigan Tall **STRUCTURES** Act, and any applicable airport overlay zone regulations.
- j) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

- k) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Land Use Permit.
  - l) A written description of the anticipated life of each MWET; the estimated cost of **DECOMMISSIONING**; the method of ensuring that funds will be available for Decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) become inoperative or non-functional.
  - m) The applicant shall submit a Decommissioning plan that will be carried out at the end of the MWETs useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
  - n) The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
  - o) The Township must be notified of a change in ownership of an MWET or a change in ownership of the **LOT** on which the MWET is located.
  - p) The Township reserves the right to inspect any MWET in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the **WET OWNER/OPERATOR**.
- 2) **Vibration:** Verification that the MWET will not produce vibrations humanly perceptible beyond the **LOT** on which it is located.
  - 3) **SHADOW FLICKER:** The **WET OWNER(s)** and/or **OPERATOR(s)** shall conduct an analysis on potential Shadow Flicker at any **OCCUPIED BUILDING** with direct line-of-sight to the MWET and at the buildable area of any vacant adjacent lot with direct line-of-sight to the MWET that could accommodate an Occupied Building. The analysis shall identify the locations of Shadow Flicker that may be caused by the project and the expected durations of the Shadow Flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where Shadow Flicker may affect the occupants of

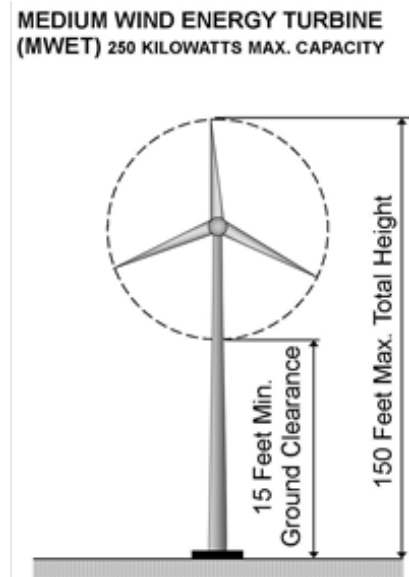
the Buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a Building shall not exceed thirty (30) hours per year.

- 4) Guy Wires: Guy wires shall not be permitted as part of the MWET.
- 5) Noise: Verification that the noise emanating from the operation of an MWET will not exceed, at any time, the maximum permissible sound levels outlined in Section 5 of the Grand Haven Charter Township Noise Control Ordinance (ord. no. 341).
- 6) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET shall be buried underground at a depth in accordance with the applicable electrical code. Wires necessary to connect the WET to the **TOWER** wiring are exempt from this requirement.
- 7) Signal Interference: Verification that the MWET will not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
- 8) Anemometers: If an **ANEMOMETER** is installed prior to, or in conjunction with an MWET, it must be done so in accordance with the following provisions:
  - a) The construction, installation, or modification of an Anemometer Tower shall require a **ZONING PERMIT** and applicable **BUILDING**, electrical or mechanical permits and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - b) An Anemometer shall be subject to the minimum requirements for height, **SETBACK**, separation, location, safety, and **DECOMMISSIONING** of this Ordinance that correspond to the size of the MWET that is proposed to be constructed on the site.
- 9) Other Information: Additional details and information as required by the Special Land Use requirements of the Ordinance, or as requested by the Planning Commission.

- B. All MWETs must be sited and designed in accordance with the following:
- 1) Design: The design of an MWET shall conform to all applicable industry standards, specifically including without limit the design standards set forth in subsection C.6) below.
  - 2) Visual Appearance:
    - a) Each MWET, including **ACCESSORY BUILDINGS** and other related **STRUCTURES** shall be mounted on a tubular **TOWER** and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, Towers and Buildings shall be maintained throughout the life of the MWET.
    - b) No MWET may be artificially lighted, except to the extent required by the FAA or other applicable authority, or unless otherwise approved by the Planning Commission.
  - 3) Use for Display Purposes: No MWET shall be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or **WET OPERATOR(s)**.
  - 4) Location: If an MWET is located on a **LOT** with an **OCCUPIED BUILDING**, it shall only be located in the **REAR YARD** in accordance with this subsection. However, an MWET may be located in a **SIDE YARD** or **FRONT YARD** of a lot that has an occupied building (or **REAR YARD** of such a waterfront lot), only if it is set back at least one hundred fifty (150) feet from the **FRONT LOT LINE** (or **REAR LOT LINE** in the case of a waterfront lot), as measured from the base of the **TOWER**. The MWET shall only be located in a **GENERAL COMMON ELEMENT** in a Condominium Development, or Open Space in a Planned Unit Development.
  - 5) **SETBACK** and Separation:
    - a) **OCCUPIED BUILDING** Setback: The Setback from all Occupied Buildings on the applicant's **LOT** shall be a minimum of twenty (20) feet measured from the base of the Tower.



- b) Property Line Setbacks: With the exception of the locations of **PUBLIC** or **PRIVATE STREETS** (see below), drain rights-of-way and parcels with Occupied **BUILDINGS** (see above), the internal lot line **SETBACKS** shall be equal to the **TOTAL HEIGHT** of the MWET as measured from the base of the Tower.
  - c) Private or Public Street Setbacks: Each MWET shall be set back from the nearest Private or Public Street a distance equal to the Total Height of the MWET.
  - d) Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the **TOTAL HEIGHT** of the MWET, as measured from the base of the **TOWER**, determined from the existing power line or telephone line.
  - e) Tower Separation: MWET Tower separation shall be based on industry standard and manufacturer recommendation.
- 6) Height: The Total Height of an MWET shall not exceed one hundred fifty (150) feet.
- 7) Ground Clearance: The lowest extension of any blade or other exposed moving component of an MWET shall be at least fifteen (15) feet above the ground (at the highest point of the **GRADE** level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as decks, balconies or roof gardens, that are located directly below the MWET.
- 8) Quantity: No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included in the **LOT**. The Planning Commission may allow more MWETS in a **CONDOMINIUM DEVELOPMENT** or **PLANNED UNIT**



**DEVELOPMENT** if appropriate. The Planning Commission shall consider the size of the lot, the size of the Condominium Development or Planned Unit Development, the use of the lot, the location of the proposed MWETS, the use of and impact upon adjoining lots, and other relevant factors in determining if additional WETs are appropriate.

- C. All MWETs must be designed to meet the following safety requirements:
- 1) **NET-METERING:** If the MWET is connected to a **PUBLIC UTILITY** system for Net-Metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
  - 2) **Automatic Braking System:** The MWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the **TOWER**, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
  - 3) **Prevention of Unauthorized Access:** Security measures must be in place to prevent unauthorized trespass and access. Each MWET shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate **ANTI-CLIMBING DEVICE**; provided however, that the Planning Commission may waive such requirements, as it deems appropriate. All access doors to MWETs and electrical equipment shall be locked as appropriate, to prevent entry by non-authorized persons.
  - 4) **Removal of Hazardous Materials:** All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
  - 5) **Signage:** Each MWET shall have one (1) **SIGN**, not to exceed two (2) square feet in area, posted at the base of the **TOWER** and on the security fence if applicable. The sign shall contain at least the following:
    - a) Warning High Voltage;
    - b) Manufacturer's and **WET OWNER/OPERATOR's** name;

- c) Emergency contact numbers (list more than one [1] number).
  - 6) Structural Integrity: The structural integrity of the MWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22, "Wind Turbine Certification," and IEC 61400-23, "Blade Structural Testing," or any similar successor standards.
- D. Any MWET that is to be decommissioned shall be done so in accordance with the following requirements:
- 1) Any **WET OWNER(s)** or **OPERATOR(s)** shall complete **DECOMMISSIONING** within six (6) months after the end of the useful life. Upon request of the **WET** Owner(s) or Operator(s), and for a good cause, the Township Superintendent, or the Township Superintendent's designee, may grant a reasonable extension of time. Each MWET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of six (6) months; the end of its useful life may also be established by other facts and circumstances determined by the Township Superintendent or the Township Superintendent's designee. All Decommissioning expenses are the responsibility of the WET Owner(s) or Operator(s).
  - 2) Decommissioning shall include the removal of each MWET, **BUILDINGS**, electrical components, and **PRIVATE STREETS** to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below **GRADE**, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining WET foundation shall be identified on a map as such and recorded with the deed to the **LOT** with the County Register of Deeds.
  - 3) All **PRIVATE STREETS** of access to the MWET shall be removed, cleared, and graded by the **WET OWNER(s)**, unless the property owner(s) requests, in writing, a desire to maintain the Private Street.
  - 4) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the **WET OWNER(s)** or the assigns of the WET Owner(s). If the site is not to be used for

agricultural practices following removal, the site shall be seeded to prevent soil erosion.

- 5) If the **WET OWNER(s)** or **OPERATOR(s)** fails to complete Decommissioning within the period prescribed above, the Township may designate a contractor to complete Decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the **LOT**. If the MWET is not owned by the lot owner(s), a bond, security deposit, or Bank Letter of Credit must be provided to the Township for the cost of Decommissioning each MWET.

49. Youth Centers.

- A. The proposed Lot shall front upon and gain access from a paved Public Street.
- B. Public access to the Lot shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the access.
- C. Parking areas shall have a minimum Front Yard Setback of fifty (50) feet and Side and Rear Yard Setbacks of at least ten (10) feet.
- D. Outside activities must be at least fifty (50) feet from any residential district or use.
- E. The use shall be visually screened from the view of adjacent property, as outlined in Section 20.13 (Landscaping Requirements).
- F. The use shall be supported by certain infrastructure features including natural gas, municipal water and, if available, municipal sanitary sewer. (amend. by ord. no. 503 eff. December 11, 2011)