

**WATERTOWN CHARTER TOWNSHIP
CLINTON COUNTY, MICHIGAN**

ORDINANCE NO. 37

AN ORDINANCE TO AMEND THE DEFINITION OF OPEN AIR BUSINESSES; DEFINE OUTDOOR BOILERS AND ESTABLISH REGULATIONS FOR THEIR USE; AMEND THE REVIEW STANDARDS FOR SITE PLAN REVIEW; AMEND REFERENCES TO AND SPECIAL LAND USE REGULATIONS FOR RIDING STABLES; AMEND REFERENCES TO AND SPECIAL LAND USE REGULATIONS FOR COUNTRY CLUBS AND GOLF COURSES; AMEND REFERENCES TO AND SPECIAL LAND USE REGULATIONS FOR ATHLETIC GROUNDS AND PARKS; PERMIT AS A SPECIAL LAND USE AND ESTABLISH SPECIAL LAND USE REGULATIONS FOR NURSING HOMES; PERMIT AS A SPECIAL LAND USE AND ESTABLISH SPECIAL LAND USE REGULATIONS FOR ASSEMBLY BUILDINGS; AMEND THE SPECIAL LAND USE REGULATIONS FOR BUILDING MATERIALS AND SUPPLIES USES; PERMIT AS A SPECIAL LAND USE AND ESTABLISH SPECIAL LAND USE REGULATIONS FOR MEDICAL USES AND ESTABLISH SPECIAL LAND USE REGULATIONS FOR HOTEL/MOTEL USES.

THE CHARTER TOWNSHIP OF WATERTOWN, CLINTON COUNTY, MICHIGAN ORDAINS:

Sections 28-10, 28-82, 28-178, 28-199, 28-226, 28-250, 28-283, 28-304, 28-331, 28-381, 28-409, 28-410, 28-437, 28-438, 28-606 of Chapter 28 – Zoning - of the Code of Ordinances Charter Township of Watertown, Clinton County, Michigan are hereby amended to read as follows and Section 28-581 of Chapter 28 – Zoning - of the Code of Ordinances Charter Township of Watertown, Clinton County, Michigan is hereby created to read as follows:

Sec. 28-10 Definitions. N through R.

Nonconforming building or structure means a building or structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the provisions of the ordinance from which this chapter is derived in the zoning district in which it is located.

Nonconforming lots of record means a legally recorded lot that conformed with all township zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of this chapter or amendments thereof, and that does not conform to the use regulations of the zoning district in which it is located.

Nonresidential district means the B-1 local business district, the B-2 business district, and the LI light industrial district.

Nursing home means a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable state law.

Open air business means uses operated substantially in the open air, including, but not limited to:

- (1) Sale, repair, rental or storage of bicycles, utility trucks or trailers, motor vehicles, boats, or home equipment.
- (2) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, shuffleboard, horseshoe courts, archery ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

Ordinary high-water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

Outdoor boiler means a boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Parking lot means a facility providing vehicular parking spaces with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

Parking space means an off-street space of at least 180 square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

Personal service establishments means any commercial business conducting services that are performed primarily on the premises.

Planned unit development means a development of land that is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site

features and improvements.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

Porch, open, means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

Public utility means any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

Public water supply, means a central or community facility which provides potable water to users. This facility includes the necessary wells, pipes, pumps, treatment works, monitoring gauges and administrative offices necessary to protect the public health. This facility is operated by maintained by a public utility authority.

Recreation vehicle or equipment means vehicles or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Residential district means and shall refer to the AP agricultural preservation district, AG agricultural district, RR rural residential district, R-1 single-family residential district, R-2 two-family residential district, R-3 multiple-family residential district, VSC village service center district, and MHP manufactured home park district, as described in this chapter.

Roadside stand means a farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

Sec. 28-82. Review standards.

The following standards shall be utilized in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgments concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- (1) *Master plan*. The general purposes and spirit of this chapter and the comprehensive development plan of the township shall be maintained.

- (2) *Health, safety and welfare.* The uses proposed will not adversely affect the public health, safety, or welfare. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- (3) *Access.* Safe, convenient, uncontested, efficient and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. All streets and driveways shall be developed in accordance with the township subdivision control ordinance, the county road commission, and the state department of transportation specifications, as applicable. The proposed development shall be serviced by an adequate road system, and shall not adversely impact the level of service on adjacent roads.
- (4) *Emergency vehicle access.* All buildings and groups of buildings shall be arranged so as to permit reasonable necessary emergency vehicle access as requested by the fire department serving the township.
- (5) *Pedestrian circulation.* A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, pedestrian measures such as sidewalks, crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas, or other uses which generate a considerable amount of pedestrian traffic.
- (6) *Natural features.* Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this chapter.
- (7) *Topography.* The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter.
- (8) *Drainage.* To provide areas for natural habitat, preserve natural drainage patterns and maintain the natural characteristics of the land, areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state.
- (9) *Stormwater management.* Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust.
- (10) *Landscaping.* Landscaping, landscape buffers and greenbelts shall be provided and

designed in accordance with Article VIII of this chapter.

- (11) *Privacy.* To minimize or prevent trespassing or other adverse effects of adjacent lands, the site plan shall provide reasonable visual and sound privacy for all uses located therein, and adjacent thereto.
- (12) *Lighting.* To reduce artificial light pollution, avoid light trespass on to adjacent property and improve travel conditions by reducing glare and excessively lit surfaces, exterior lighting shall be in accordance with Sec. 28-577, Outdoor lighting.
- (13) *Outside approvals.* Site plans shall conform to all applicable requirements of county, state, federal, and township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary county, state, federal, and township permits before final site plan approval is granted.

Sec. 28-178. Special land uses.

Land and/or buildings in the AP district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Farm labor housing.
- (2) Group day care homes.
- (3) Greenhouses and nurseries, including retail operations for products not grown or produced on the premises.
- (4) Airports and landing strips (private).
- (5) Commercial riding stables.
- (6) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- (7) Commercial kennels or veterinary services. A residence may also be located on the same property.
- (8) Towers in excess of 50 feet in height for commercial wireless telecommunication services.
- (9) Radio and television transmitting buildings and towers.
- (10) Churches.

- (11) Public and private schools.
- (12) Cemeteries.
- (13) Landscaping, lawn service, snowplowing (including other closely related operations).
- (14) Rural planned unit development.
- (15) Athletic grounds and parks.

Sec. 28-199. Special land uses.

Land and/or buildings in the AG district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Farm labor housing.
- (2) Group day care homes.
- (3) Farm equipment sales, service, including general repair and welding of farm implements and farm machinery.
- (4) Commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.
- (5) Intensive livestock operations.
- (6) Rural planned unit development.
- (7) Greenhouses and nurseries, including retail operations for products not grown or produced on the premises.
- (8) Airports and landing strips (private).
- (9) Country clubs and golf courses.
- (10) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- (11) Public or private campgrounds.

- (12) Commercial kennels or veterinary services. A residence may also be located on the same property.
- (13) Towers in excess of 50 feet in height for commercial wireless telecommunication services.
- (14) Radio and television transmitting buildings and towers.
- (15) Churches.
- (16) Public and private schools.
- (17) Cemeteries.
- (18) Commercial riding stables.
- (19) Landscaping, lawn service, snowplowing (including other closely related operations).
- (20) Athletic grounds and parks.

Sec. 28-226. Special land uses.

Land and/or buildings in the RR district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Farm equipment, service, including general repair and welding of farm implements and farm machinery, provided that all such storage and activity related to the use is conducted entirely within an enclosed building.
- (2) Group day care homes.
- (3) Rural planned unit development.
- (4) Country clubs and golf courses.
- (5) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- (6) Public or private campgrounds.
- (7) Commercial kennels or veterinary services. A residence may also be located on the

same property.

- (8) Towers in excess of 50 feet in height for commercial wireless telecommunication services.
- (9) Radio and television transmitting buildings and towers.
- (10) Churches.
- (11) Public and private schools.
- (12) Cemeteries.
- (13) Commercial riding stables.
- (14) Landscaping, lawn service, snowplowing (including other closely related operations).
- (15) Athletic grounds and parks.

Sec. 28-250. Special land uses.

Land and/or buildings in the R-1 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Country clubs and golf courses.
- (2) Churches.
- (3) Public and private schools.
- (4) Commercial day care and group day care home.
- (5) Towers in excess of 50 feet in height for commercial wireless telecommunication services.
- (6) Rural planned unit development (PUD).
- (7) Site condominiums/condominium subdivisions.
- (8) Commercial riding stables.
- (9) Athletic grounds and parks.

Sec. 28-283. Special land uses.

Land and/or buildings in the R-2 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Churches.
- (2) Public and private schools.
- (3) Athletic grounds and parks.
- (4) Commercial day care and group day care homes.
- (5) State licensed residential group home facilities.
- (6) Rural planned unit development (PUD).
- (7) Site condominiums/condominium subdivisions.

Sec. 28-304. Special land uses.

Land and/or buildings in the R-3 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Multiple-family dwellings.
- (2) Churches.
- (3) Public and private schools.
- (4) Athletic grounds and parks.
- (5) Commercial day care and group day care homes.
- (6) State licensed residential group home facilities.
- (7) Rural planned unit development (PUD).
- (8) Commercial planned unit development (no more than 50 percent of the underlying parcel may be considered part of the CPUD).
- (9) Nursing homes.

Sec. 28-331. Special land uses.

Land and/or buildings in the VSC district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Retail businesses not exceeding 5,000 square feet gross floor area conducting business entirely within an enclosed building.
- (2) Personal service establishments conducting services on the premises, such as barber, beauty shops, shoe repair, tailoring and dry cleaning, fitness centers, travel agencies, and other similar uses.
- (3) Restaurants, not including drive-through facilities.
- (4) Office buildings for executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional activities.
- (5) Churches.
- (6) Public and private schools.
- (7) Kennels, including commercial kennels or veterinary services. A residence may also be located on the same property.
- (8) Athletic grounds and parks.
- (9) Commercial day care and group day care homes.
- (10) State licensed residential group home facilities.
- (11) Rural planned unit development.

Sec. 28-381. Special land uses.

Land and/or buildings in the B-1 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Retail business establishments which supply commodities of a neighborhood character such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings, including those with drive-through facilities.

- (2) Banks, credit unions, and similar financial institutions including those with drive-through facilities.
- (3) Restaurants, including those with drive-through facilities.
- (4) Mortuaries and funeral homes.
- (5) Commercial planned unit development (CPUD)
- (6) Assembly buildings, including auditoriums, theaters, clubs, lodges, banquet facilities including other closely related uses.
- (7) Country clubs and golf courses.
- (8) Athletic grounds and parks.

Sec. 28-409. Permitted uses.

Land in the B-2 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Restaurants, not including drive-through facilities.
- (2) Retail business establishments not including drive-through facilities which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings.
- (3) Banks, credit unions, and similar financial institutions, not including drive-through facilities.
- (4) Personal service establishments which perform services on the premises, including barbershops and beauty shops, photographic studios, dry cleaners, electronics repair, and similar uses.
- (5) Professional and business offices.
- (6) Commercial day care centers.
- (7) Public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- (8) Accessory buildings and uses as regulated in section 28-559.

- (9) Building materials sales without outdoor storage.

Sec. 28-410. Special land uses.

Land and/or buildings in the B-2 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Retail business establishments which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, including display and sales areas outside enclosed buildings, and/or having drive-through facilities.
- (2) Banks, credit unions, and similar financial institutions with drive-through facilities.
- (3) Restaurants with drive-through facilities.
- (4) Service centers with vehicle service stations, retail convenience goods, and food service, with or without drive-through facilities.
- (5) Vehicle service stations.
- (6) Vehicle wash establishments.
- (7) Open air businesses.
- (8) Mortuaries and funeral homes.
- (9) Sales and storage of building materials including building trade contractors and related outdoor storage yards.
- (10) Public buildings and public utility offices, with storage yards, substations, or regulator stations.
- (11) Commercial planned unit development (CPUD).
- (12) Hotel and motel establishments.
- (13) Landscaping, law service, snowplowing (including other closely related operations.)
- (14) Mini-storage units.
- (15) Assembly buildings, including auditoriums, theaters, clubs, lodges, banquet facilities including other closely related uses.

- (16) Athletic grounds and parks.
- (17) Hospitals, urgent care facilities, private ambulance services and outpatient surgery facilities.
- (18) Nursing homes.
- (19) Country clubs and golf courses.

Sec. 28-437. Permitted uses.

Land in the LI district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
 - a. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
 - b. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);
 - c. Electrical machinery, equipment and supplies, electronic components and accessories;
 - d. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods;
 - e. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;
 - f. Apparel and other finished products including clothing, leather goods, and canvas products;
 - g. Lumber and wood products including mill work, prefabricated structural work products and containers;
 - h. Paper and paperboard containers and products;
 - i. Biological products, drugs, medicinal chemicals and pharmaceutical

- preparations;
 - j. Glass products;
 - k. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays;
 - l. Pottery and figurines and other ceramic products using only previously pulverized clay; and
 - m. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- (2) Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
 - (3) Warehousing, including refrigerated and general storage.
 - (4) Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
 - (5) Research and development facilities, including production activities, which shall be limited to 50 percent of the floor area of the building.
 - (6) Trade or industrial schools.
 - (7) Sales and storage of building materials, including building trade contractors and related outdoor storage yards.
 - (8) Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and televisions and radio towers, including towers for commercial wireless telecommunication services.
 - (9) Utility and public service buildings, including storage yards.
 - (10) Accessory buildings and uses as regulated in section 28-559.
 - (11) Landscaping, lawn service, snowplowing (including other closely related operations).
 - (12) Mini-storage units.

- (13) Building materials sales without outdoor storage.

Sec. 28-438. Special land uses.

Land and/or buildings in the LI district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Truck and freight terminals, and maintenance facilities.
- (2) Junkyards and salvage yards.
- (3) Sanitary and hazardous waste landfills.
- (4) Restaurants.
- (5) Removal and processing of soil, sand, gravel, or other mineral resources.
- (6) Tool and die.
- (7) Vehicle service stations.
- (8) Metal working shops.
- (9) Body shops and wrecker services, including storage yards, provided such yards are enclosed and screened from view of adjacent roadways.
- (10) Adult uses.
- (11) Vehicle repair.
- (12) Open air businesses.
- (13) Assembly buildings, including auditoriums, theaters, clubs, lodges, banquet facilities including other closely related uses
- (14) Commercial riding stables.
- (15) Athletic grounds and parks.
- (16) Hospitals, urgent care facilities, private ambulance services and outpatient surgery facilities.

SEC. 28-581. Outdoor boilers.

An outdoor boiler may be installed and used in Watertown Charter Township, only in accordance with all of the following provisions:

- (A) The outdoor boiler shall be installed and used only on a parcel zoned AP, AG, or RR.
- (B) Permissible fuels shall include wood, corn, biomass, coal and other closely related materials.
- (C) The outdoor boiler shall not be used to burn refuse, including, but not limited to household garbage, building waste materials, shingles, insulation, treated lumber, paint or painted items, wiring, plastics, rubber, tires, animal carcasses, chemicals, any toxic substance, and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.
- (D) The outdoor boiler shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor boiler.
- (E) The outdoor boiler shall have a chimney that extends at least 15 feet above the ground surface.
- (F) The outdoor boiler shall meet the setback requirements applicable to a main building.
- (G) The outdoor boiler shall comply with the requirements of Sec. 28-48, Permits.

Sec. 28-606 Special land use specific requirements.

The requirements set forth in sections 28-606a through 28-606l relate to particular uses and contain specific requirements which must be met in addition to the standards of section 28-605.

Sec. 28-606a Special land use specific requirements – Adult uses through Athletic grounds and parks.

- (1) *Adult uses.*
 - a. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a residential district, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent

deterioration or blighting of nearby residential or other neighborhoods. These controls do not legitimize activities which are prohibited in other sections of the zoning ordinance.

b. Adult uses shall comply with the following requirements:

1. The use shall be located outside a 1,320-foot radius of any residential district, other adult use, public park, school, child care facility, or church.
2. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a school of massage therapy that is certified by the state, or similar qualifications which must be submitted to and approved by the township board.
 - (i) All massage clinics are subject to inspection by the building inspector and shall file reports as may be required by the township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
 - (ii) This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, nor barbershops or beauty salons in which massages are administered only to the scalp, the feet, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
3. Adult uses shall not be expanded in any manner without first applying for and receiving the approval of the township board, as provided herein.
4. Any sign proposed for the adult use must comply with the requirements of this chapter, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated or flashing illumination.
5. 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 inches in height, that:

- (i) "Persons under the age of 18 years are not permitted to enter the premises."
- (ii) "No alcoholic liquor of any type is permitted within the premises unless specifically allowed pursuant to a license duly issued by the state liquor control commission."

- 6. 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.
- 7. No adult use shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleanup, preparation, recordkeeping, and similar purposes.

(2) *Airports and landing strips (private).*

- a. No more than four aircraft may be regularly used, stored, sheltered, or supplied by owner or owners at the airport, and no more than two visiting aircraft may be used, stored, sheltered, or supplied during any 24-hour period.
- b. The site plan, as required in article II, division 2 of this chapter, shall contain the following additional information:
 - 1. The location of any homes within 2,000 feet of the boundaries of the property on which the airport or airport expansion would be located.
 - 2. The location and height of any trees, groups of trees, mounds of earth, buildings, or other structures 25 feet or higher within 1,000 feet of the proposed airport.

(3) *Assembly buildings, including auditoriums, theaters, clubs, lodges, banquet facilities including other closely related uses*

- a. Parking lots shall be set back at least 50 feet from the property line of any residential district or use.

- b. Main building(s) shall be setback at least 100 feet from the property line of any residential district or use.
- c. The hours of operation shall be determined by the planning commission and township board based on nuisance potential to adjoining property owners.
- d. The planning commission or township board may require additional vegetative or other measures to reduce the noise level.
- e. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

(4) *Athletic grounds and parks.*

- a. The use shall be located on property with direct access to a public street.
- b. Any outdoor activity areas, such as ball fields, playground equipment, and pavilions shall be set back a minimum of 100 feet from any residential district or property line.
- c. Buildings for storage of equipment, or other similar buildings shall be located at least 25 feet from any lot line.
- d. Minimum lot sizes for such uses shall be 2 acres.
- e. The hours of operation shall be determined by the planning commission and township board based on nuisance potential to adjoining property owners.

Sec. 28-606b Special land use specific requirements – Banks, credit unions, and similar financial institutions including those with drive-through facilities through Churches.

(1) *Banks, credit unions, and similar financial institutions including those with drive-through facilities.*

- a. 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 three stacking spaces for each outdoor service 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.
- b. Parking areas shall have side and rear yard setbacks of at least ten feet.
- c. Public access to the site shall be located at least 100 feet from any intersection

as measured from the nearest right-of-way line to the nearest edge of said access.

- d. Where parking and maneuvering areas about a residential district or use they shall be fenced and screened from view by a decorative fence or wall, or a landscaped equivalent meeting the requirements of article VIII of this chapter.
- e. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring properties.

(2) *Bed and breakfast establishments.* Bed and breakfast establishments, in such district where a special use permit is required, are subject to the following conditions:

- a. Each premises must be operated by its owner and occupied as the owner's primary residence.
- b. The establishment is limited to the principal residential structure only. Accessory structures and buildings such as garages or pole barns may not be converted into use for the bed and breakfast establishments.
- c. The total number of sleeping rooms is limited to six, inclusive of the rooms occupied by the innkeeper. No sleeping room shall be permitted that does not comply with all applicable state laws.
- d. There shall be no cooking facilities separate from the principal kitchen used for a bed and breakfast stay. There shall be no food preparation allowed in any guest sleeping room, and food service shall be provided only to guests lodging in the facility.
- e. Bed and breakfast rooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant.
- f. The stay of bed and breakfast guests shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
- g. One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms provided for the sole use of the operation. A bathroom shall be comprised of, at a minimum, a water closet, lavatory, and tub or shower.
- h. One nonilluminated sign identifying the establishment, not to exceed six square feet in area and not closer than five feet from any lot line or street right-of-way.

- i. One off-street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom. The planning commission and township board of trustees may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- (3) *Body shops and wrecker services, including storage yards, provided such yards are enclosed and screened from view of adjacent roadways.*
- a. The site shall be provided with suitable access to a paved road.
 - b. No portion of any storage area shall be located within 200 feet of any residential district or use property line.
 - c. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside the storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
 - d. Materials stored outdoors shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
 - e. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building.
 - f. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
 - g. All portions of the facility shall be accessible to emergency vehicles.
 - h. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
 - i. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township.
- (4) *Cemeteries.*
- a. Minimum lot size of ten acres is required.

- b. In addition to the requirements of article II, division 2 of this chapter, the site plan shall indicate all internal roads and burial plot areas.

(5) *Churches.* Minimum lot width shall be 200 feet.

Sec. 28-606c Special land use specific requirements – Commercial day care and group day care homes through Country clubs and golf courses.

(1) *Commercial day care and group day care homes.*

- a. Minimum lot size shall be two acres.
- b. The main and accessory buildings shall be set back at least 40 feet from all property lines.
- c. The facility shall be designed to provide a minimum of 500 square feet of open space for every ten children, or fraction thereof. This open space may include landscaping but shall not include off-street parking, driveways, or other required accessory use areas.

(2) *Commercial kennels or veterinary services.* A residence may also be located on the same property.

- a. Unless required elsewhere in this chapter, the minimum lot area shall be two acres.
- b. Buildings wherein animals are kept, dog runs, and exercise areas shall not be located nearer than 150 feet to any adjacent occupied dwelling or any adjacent building used by the public. Runs and exercise areas shall not be located in any required front, rear or side yard setback area.
- c. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed building.

(3) *Commercial planned unit development (CPUD).*

- a. Intent and purpose. The intent of the commercial planned unit development (CPUD) is to provide specific standards for preplanned development of commercial areas within the township. These standards are meant to promote the opportunities for managed commercial growth and development that is consistent with the township comprehensive development plan. Among the specific purposes of the commercial PUD are:

1. Encourage efficient flow of traffic by minimizing conflicts from turning movements.
2. Make land use and site plan review decisions in conjunction with the transportation system to sustain the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from cross streets.
3. Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the township.
4. Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
5. Encourage the rural and small town character as expressed through the comprehensive development plan by requiring buildings and parking to be set back from the roadway.
6. Ensure landscaping on sites along the roadway to preserve the rural atmosphere of the area and complement existing natural features within the township.

b. *Uses within the commercial PUD.*

1. Permitted uses. Land and/or buildings in the CPUD may be used for the following purposes, subject to the approval of a site plan, in accordance with the requirements of this article.
 - (i) Any permitted use in the B-1 or B-2 district.
 - (ii) Any special land use in the B-1 or B-2 district.
 - (iii) Multiple-family dwellings in accordance with the following requirements:
 - (A) Multiple-family dwellings shall comply with subsection (23) of this section unless stricter requirements are provided as part of the CPUD requirements.

- (B) All residential uses allowed in the CPUD shall occupy not more than 25 percent of the gross site acreage of the CPUD site.
 - (C) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - (D) Such uses shall be permitted only if they will not materially alter the commercial character of the CPUD.
2. Special land uses. Land and/or buildings in the CPUD may be used for the following purposes, subject to the approval of a site plan and special land use approval, in accordance with the requirements of this chapter: Permitted uses in the light industrial district, provided that such uses shall occupy not more than 20 percent of the gross site acreage of the CPUD site.
- c. *Development regulations.* No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement. Should any requirement of this district conflict with any other requirement of this chapter, the stricter of the requirements shall prevail.
- 1. *Minimum regulations.* The minimum site development size for a CPUD shall be 20 acres.
 - 2. *Driveways.* Driveways within the CPUD shall be located as follows:
 - (i) Each lot may be permitted one driveway, provided the spacing requirements of this section can be achieved.
 - (ii) One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
 - (iii) Additional driveways may be permitted by the township board for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
 - (iv) The township board may permit two, one-way driveways rather than a single dual movement driveway for particular

uses where safer, more efficient circulation and function of the drives can be demonstrated.

(v) The applicant shall submit evidence indicating that the sight distance requirements of the state department of transportation (MDOT) or the county road commission, as appropriate, are met.

(vi) Spacing and alignment:

(A) Driveways shall be spaced based on the intended roadway speed (see table).

Posted Speed (miles per hour)	Center-to-Center of Access (feet)	Posted Speed (miles per hour)	Center-to-Center of Access (feet)
25	130	40	300
30	185	45	350
35	245	50 and above	455

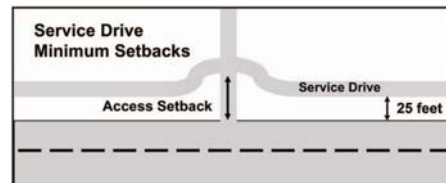
(B) Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.

(C) Driveways shall be spaced at least 150 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.

(D) The township board may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.

3. *Frontage roads and service drives.* The township board may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.

(i) In particular the township board require development of



shall

service

drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress.

- (ii) Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
- (iii) A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.

4. *Setbacks.*

- (i) Where service drives are placed in the front yard, front yard setbacks for main buildings within the CPUD shall be set back not less than 60 feet from the right-of-way of the adjacent roadway.
- (ii) Where service drives are placed in the rear yard, or no service drive exists, front yard setbacks for main buildings within the CPUD shall be set back not less than, nor more than 35 feet from the right-of-way of the adjacent roadway.
- (iii) Parking is not permitted in the front yard setback. The front yard setback, except for necessary entrance or service drives, shall be landscaped.

- d. *Landscaping plans.* The township board shall consider a landscape plan submitted in conjunction with any site plan in the CPUD.
- e. *Outside storage.* No outside storage shall be permitted in any yard adjacent to the road right-of-way.
- f. *Off-street parking.* Off-street parking areas for uses in the CPUD shall be adequately lit to ensure security and safety, and shall meet the requirements of section 28-577.
- g. *Additional evidence to ensure compliance.* The planning commission or township board may specify any additional evidence it deems necessary to ensure compliance with the review standards and other requirements of this subsection, including additional soil borings, soil reports, hydrological tests, traffic studies, or other such evidence which shall be submitted by the applicant prior to approval.
- h. *Site design requirements.*
 - 1. Buildings shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are

encouraged to be incorporated into the site plan.

2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas.
3. Buildings with exterior walls greater than 50 feet in horizontal length should be constructed using a combination of architectural features (see definitions, section 28-7) and a variety of building materials and landscaping near the walls.
4. On-site landscaping should be located so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
5. The predominant building materials should be those characteristic of the township such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products.
6. Exterior colors should be of low reflectance, subtle, neutral or natural tone colors.

i. *Lot and building requirements.*

Front yard	With front service drive	60 feet
	Without front service drive	35 feet
Minimum side yard	Side abutting residential districts or uses	35 feet
	Side abutting other districts	20 feet
	Side yard abutting perimeter boundary of CPUD site	30 feet
Minimum rear yard	Abutting residential districts or uses	30 feet
	Abutting perimeter boundary of CPUD site	50 feet
Maximum lot coverage	40 percent	
Maximum building height	35 feet or 2 1/2 stories	

(4) *Commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.*

- a. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.

- b. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
 - c. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
- (5) *Commercial "U-pick" operations.*
- a. Such use shall only be permitted during the applicable crop growing season. When such operations involve activity totaling 90 days or more during any one-year period, such use shall require an annual approval by the township board.
 - b. Any building, structure or stand utilized for such use shall be set back a minimum of 25 feet from a public right-of-way line, and no closer than ten feet to any other lot line.
 - c. Adequate off-street parking and safe ingress and egress to the adjacent street shall be provided.
 - d. The use may have one sign, not exceeding 16 square feet in area, mounted flush against the building, structure, or stand, or in the front yard at least 15 feet from a side or rear lot line.
- (6) *Country clubs and golf courses.*
- a. Any outdoor activity areas shall be set back a minimum of 100 feet from any residential district.
 - b. No building or spectator seating facility shall be located within 100 feet of a property line.
 - c. Outdoor lighting shall meet the requirements of Section 28-557.
 - d. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

Sec. 28-606d Special land use specific requirements – Farm equipment sales, service, including general repair and welding of farm implements and farm machinery through Hotel/motel.

- (1) *Farm equipment sales, service, including general repair and welding of farm implements and*

farm machinery.

- a. Minimum lot width shall be 200 feet, unless a greater width is required by the zoning district requirements of the lot on which the site is located.
- b. The township board may require a six foot fence or wall to be constructed along the rear and/or sides of the activity areas of the use to keep trash, paper, and other debris from blowing off the premises.
- c. Ingress and egress shall be at least 100 feet from a street intersection or any other driveway.
- d. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.

(2) *Farm labor housing.*

All facilities, camps, recreational vehicles, or other structures (including, but not limited to, those which are owned by persons other than the owner of the property on which they are located) which are intended to be used to provide housing for seasonal or migrant farm laborers must comply with the following requirements:

- a. All applicable statutes, regulations, and requirements of the state or of the federal government. If a license or permit is required by the state or federal government, then the owner or operator of the facility or camp must maintain the license in full force and effect.
- b. All dwelling units must be set back at least 50 feet from the road right-of-way.
- c. All structures comprising the facility or camp must be set back at least 50 feet from the nearest side and rear lot lines.
- d. The facility or camp must have at least two parking spaces (for vehicles) for each unit in which people are housed. Notwithstanding any other provision of this chapter, such parking spaces may be gravel or other equivalent material.
- e. If premanufactured housing, prefabricated housing, or manufactured homes are to be utilized for dwelling units, then each unit shall comply with the following requirements:
 1. Each unit must be firmly attached to a permanent foundation, or firmly anchored to the ground, in a manner which complies with the

anchoring requirements of the state manufactured home park commission. If the unit is attached to a foundation, the foundation must be constructed on site and in compliance with all requirements of the state construction code. If the unit is a manufactured home, the frame must be supported by concrete piers or concrete block piers, which are spaced at no more than ten foot intervals.

2. The unit must satisfy the design and manufacturing standards of the U.S. Department of Housing and Urban Development (24 CFR 3280), which were in effect at the time of the manufacture of the unit; provided, however, that any unit manufactured prior to January 1, 1976 must comply with the regulations which were adopted by the U.S. Department of Housing and Urban Development in 1976. If the abovementioned standards were not or are not applicable, then the unit must comply with the requirements of the state construction code.
3. Each unit intended for human habitation must be connected to a potable source of water, with plumbing inside the unit and electrical connections which satisfy the requirements of the state construction code, even though the unit may be exempt from the state's plumbing code, and the electrical code in effect in the township. Each dwelling unit must have at least one bathroom within the unit, equipped with a functioning water closet and lavatory. Each dwelling unit from which human waste is discharged must be connected to either a public sewer or to such system as approved by the Mid-Michigan Health Department. No outdoor privies or outhouses shall be permitted. However, these regulations shall not be interpreted or construed as imposing greater requirements than would apply to typical single- or multiple-family dwellings.
4. All garbage, refuse, and other waste materials must be stored and disposed of in accordance with the requirements of this chapter and other applicable township ordinances, as well as all applicable state and federal laws and regulations.
5. Each dwelling unit shall conform to the state construction code adopted by the township.

(3) *Greenhouses and nurseries, including retail operations for products not grown or produced on the premises.*

- a. A residence meeting the requirements of the zone district in which the property is located may also be located on the same property as the

greenhouses and nurseries.

- b. Greenhouses or other structures accessory to the greenhouse or nursery operation shall meet the setbacks required for accessory buildings.
- c. The storage or materials display areas shall meet all the yard setback requirements applicable to a main building.
- d. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

(4) *Greenhouses and nurseries, including retail operations. A residence may also be located on the same property.*

- a. A residence meeting the requirements of the zoning district in which the property is located may also be located on the same property as the greenhouses and nurseries.
- b. Greenhouses or other structures accessory to the greenhouse or nursery operation shall meet the setbacks required for accessory buildings.
- c. The lot area used for display or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to properly dispose of surface water.
- d. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
- e. 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.

(5) *Hospitals, urgent care facilities, private ambulance services and outpatient surgery facilities.*

- a. All hospitals, urgent care facilities, private ambulance services and outpatient surgery facilities shall be operated and maintained in conformance with applicable state and federal laws.
- b. Any ambulance and emergency entrance areas shall be screened from view from any residential district or use with major buffer zone in accordance with Article VIII.

- c. Any mobile, transportable or relocatable units on site shall be in accordance with Section 28-566, Temporary buildings and uses.
 - d. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.
- (6) *Hotel/motel*
- a. Each guest unit shall contain not less than 250 square feet of floor area.
 - b. Minimum lot size shall be one acre, provided there shall be no less than 800 square feet of lot for each guest unit.
 - c. The main building shall be setback from all lot lines at least 50 feet. When the lot is adjacent to a residential zoning district, the main building shall be setback from the residential property line at least 100 feet.
 - d. Ingress and egress shall be from a paved public road.
 - e. Accessory uses shall include, but are not limited to meeting rooms, ballrooms, restaurants, bars, recreational uses including swimming pools, and gift shops, provided such accessory use is conducted within the main building.

Sec. 28-606e Special land use specific requirements – Intensive livestock operations through Landscaping, lawn service, snowplowing (including other closely related operations).

- (1) *Intensive livestock operations.*
- a. *Lot area.* Minimum lot area shall be 40 acres.
 - b. *Setback.* Any part of the operation, including storage pens, manure storage, feeding areas, and other similar activity areas shall be set back a minimum of 500 feet from the property lines of an adjacent residential district or use, or a standing body of water, or flowing stream.
 - c. *Direct runoff.* No direct runoff from any part of any activity area shall be permitted to flow onto any adjacent property.
 - d. *Proximity to water wells.* All buildings, structures, enclosed areas, and storage areas for animals or animal waste associated with the operation shall be located at least 100 feet from a water well.

- e. *Discharge of animals waste.* No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
- f. *Waste storage; design; pollution of groundwater.* Animal waste storage facilities must be of a sufficient capacity, design and maintenance to store animal waste until such time as it can be transported and/or used as fertilizer. Storage facilities for manure and related waste must be designed, sited, constructed, maintained and operated so as to prevent any escape of livestock waste which may cause pollution or degradation of any surface water, groundwater or soil and be constructed and operated in accordance with an approved animal waste management plan, as required by subsection (18)j of this section.
- g. *Field storage.* Field storage of manure shall be sited and contained so as not to cause pollution or degradation of surface water, groundwater or soil.
- h. *Proximity to other operations.* No such operation shall be permitted where any lot line is within 1,000 feet of another intensive livestock operation's lot line.
- i. *Site plans.* Site plans shall be submitted in accordance with the requirements of article II, division 2 of this chapter including the locations of manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted and separation distances between all facilities and uses associated with the use, and on-site water wells, single-family dwellings, and any water body or floodplain, including wetlands, streams, or designated county drains.
- j. *Animal waste management plan.* Upon commencement or expansion of an intensive livestock operation, the owner of the operation shall submit a written animal waste management plan (herein referred to as "the plan") prepared and signed by a professional agrologist, a person certified to develop such plans (e.g., the Certified Crop Advisor Program of the American Society of Agronomy), or a qualified state agency official (e.g., cooperative extension agent). The plan shall be prepared using generally accepted agricultural and management practice guidelines including but not limited to adopted procedures prepared by the state agricultural commission, natural resource conservation service (field office technical guide), and cooperative extension service (resource notebook). Such plan shall be submitted as part of the special land use application and include and conform to the following narrative description including necessary drawings and/or diagrams as applicable:
 - 1. Runoff control and wastewater management methods (for all areas

where livestock density precludes sustaining vegetative growth on the soil).

2. Design, construction, operation, and maintenance methods for the treatment, storage and transportation of animal waste.
3. Method and quantities of manure utilization for crop production based on crop nutrient needs and soil nutrient levels.
4. Specifications on how excess manure that cannot be used for crop nutrients or another beneficial purpose will be treated to minimize environmental threats.

(2) *Junkyards and salvage yards.*

- a. Requests for a salvage or junk yard shall also require submission of detailed information identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and township laws.
- b. The site shall be provided with suitable access to a county primary or state highway to ensure safe, direct transport of salvage to and from the site.
- c. No portion of the storage area shall be located within 200 feet of any residential district or use property line.
- d. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight feet in height, notwithstanding the provisions of section 28-560, constructed of a sturdy, durable material as approved by the township board and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two nontransparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
- e. Stored materials shall be stacked and stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
- f. The fence or wall enclosing the storage area shall meet the applicable main

building setback requirements.

- g. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator meeting the requirements of the R-1 zone district.
 - h. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 - i. All portions of the storage area shall be accessible to emergency vehicles.
 - j. Vehicles or vehicle bodies shall be stored in rows with a continuous loop drive with a minimum width of 20 feet, separating each row of vehicles.
 - k. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 - l. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 - m. Minimum site size for such facilities shall be six acres.
 - n. All fences shall be set back a minimum of 50 feet from any residential district or use property line.
 - o. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to 8:00 a.m. to 6:00 p.m.
 - p. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township. These conditions can include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.
- (3) *Kennels, not including commercial kennels.* A residence may also be located on the same property. Buildings, dog runs and/or exercise areas, or any other area where animals are kept shall be set back 50 feet from any property line.
- (4) *Landscaping, lawn service, snowplowing (including other closely related operations).* Retail service businesses with no retail operations on the premises, including, but not

limited to: landscaping, lawn service, snow removal/plowing, tree removal/brush chipping, etc., the nature of such business being that services are rendered off site. The SLU would be for those instances where the intensity of the business exceeds the definition of a home occupation.

Any business related to the use shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading and unloading operations are permitted, subject to the following:

- a. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
- b. Materials stored outdoors shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
- c. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building. No storage area shall be permitted in the required front yard setback.
- d. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
- e. The storage of any salt, soil, fertilizer, or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- f. All chemical and hazardous substances shall be contained and stored within the requisite areas provided within federal, state and local government regulations.
- g. All portions of the facility shall be accessible to emergency vehicles.
- h. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
- i. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

Sec. 28-606f Special land use specific requirements – Metal working shops through Nursing homes.

(1) *Metal working shops.*

- a. The principal and accessory buildings and structures shall not be located within 300 feet of any residential district or use property line. A landscape buffer as approved by the township board may be required between the use, and any adjacent residential uses.
- b. Any outside storage shall be screened to obstruct outside vision of the materials from any public road, or adjacent property.
- c. All loading and storage shall be paved or treated so as to prevent dust.

(2) *Mini-storage (commercial storage warehouse).*

- a. Minimum area shall be two acres.
- b. One parking space shall also be required for every 20 storage cubicles, up to a maximum of ten spaces to be located adjacent to the rental office, for the use of customers.
- c. Access aisles adjacent to the individual storage facilities shall be required, at a minimum of 30 feet wide.
- d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

(3) *Mortuaries and funeral homes.*

- a. Minimum lot area shall be one acre with a minimum lot width of 150 feet.
- b. A well-designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
- c. A caretaker's residence of at least 600 square feet of living area may be provided within the main building.

- (4) *Multiple-family dwellings.*
 - a. Parking areas shall have a front yard setback of a minimum of 20 feet and side and rear yard setbacks of a minimum of ten feet.
 - b. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
 - c. Buildings shall not be constructed closer to one another than a distance equal to 1 1/2 times the height of the taller building.
 - d. A buffer zone is required between multiple-family dwellings as required in article VIII of this chapter.
 - e. All parking lots and drives shall be curbed as required in section 28-670(d).

- (5) *Nursing homes.*
 - a. All nursing homes shall be operated and maintained in conformance with applicable state and federal laws.
 - b. Parking lots shall be set back at least 50 feet from the property line of any residential district or use.
 - c. The planning commission and township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

Sec. 28-606g Special land use specific requirements – Office buildings for executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional activities through Public or private schools.

- (1) *Office buildings for executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional activities.*
 - a. Minimum lot size of one acre is required.
 - b. The proposed site shall front upon a paved street. All ingress and egress shall be from said street.

- (2) *Open air businesses.*
 - a. Minimum lot area shall be one acre and minimum lot width shall be 200 feet.
 - b. The township board may require a six-foot fence or wall to be constructed

along the rear and/or sides of any activity areas to keep trash, paper, and other debris from blowing off the premises.

- c. All open air businesses shall comply with all applicable regulations regarding sanitation and general health conditions.
 - d. The lot area used for storage or display of materials shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
 - e. Ingress and egress shall be at least 100 feet from an intersection.
- (3) *Personal service establishments conducting services on the premises, such as barber, beauty shops, shoe repair, tailoring and dry cleaning, fitness centers, travel agencies, and other similar uses.* Where the site abuts a residential district or use, the township board may require a landscape greenbelt, or approved fence or wall along such property line.
- (4) *Public buildings and public utility offices, including storage yards, substations, or regulator stations.*
- a. Any such building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 - b. Any such building shall comply with the main building setback requirements of the district in which it is located.
- (5) *Public or private campgrounds.*
- a. Access driveways shall be located no less than 50 feet from an intersection of any street or any other driveway.
 - b. Minimum lot area shall be ten acres.
 - c. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - 1. All commercial uses allowed shall occupy no more than five percent of the lot for building and parking areas.
 - 2. No merchandise for display, sale or lease shall be placed or stored outside the main building.

(6) *Public or private schools.*

- a. Minimum lot sizes for schools shall be as follows:
 1. Elementary schools ten acres;
 2. Middle schools 20 acres;
 3. High schools 30 acres.
- b. There shall be a minimum lot width of 200 feet abutting a paved street. At least one 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. The playground must be at least 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. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
- f. The main school building shall be a minimum of 100 feet from any property line.
- g. Athletic fields shall not be located closer than 200 feet from any property line abutting a residential district or use.
- h. Access driveways shall be located at least 75 feet from any intersection of any street or any other driveway.
- i. Parking areas shall have a minimum front yard setback of 50 feet, and side and rear yard setbacks of at least 20 feet.

Sec. 28-606h Special land use specific requirements – Radio and television transmitting buildings and towers through Restaurants, not including drive-through facilities.

(1) *Radio and television transmitting buildings and towers.*

- a. Minimum lot size shall be 20,000 square feet or as required by the district in which it is located, whichever is greater.

- b. Any towers shall be of monopole design.
 - c. A security fence at least six feet in height shall be constructed around the tower and any other related appurtenances.
 - d. The tower base shall be set back from all lot lines a minimum distance equal to one-half the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the district in which it is located.
 - e. Where possible, joint use of tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or collocate on an existing tower.
 - f. Unless located on the same site or tower with another user, no new tower shall be erected within a two mile radius of an existing radio, television, or cellular communication tower.
 - g. No signs, except warning or other cautionary signs shall be permitted.
- (2) *Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.* The township board shall not approve such use until the following information is provided and the commission finds that the proposed use will not adversely impact surrounding properties and the township in general, in accordance with the following:
- a. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed;
 - b. The amount of topsoil, sand, gravel or other such materials which is to be removed;
 - c. The purpose of such removal;
 - d. The effect of such removal on adjoining property; all removal activities shall be set back a minimum of 200 feet from any adjoining residential district or use;
 - e. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;

- f. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
- g. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
- h. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed;
- i. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition;
- j. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the district in which the extraction activity is located;
- k. No storage or truck parking shall be located within 200 feet of any adjacent residence or within 50 feet of any other adjacent property;
- l. All of the operation shall be screened with an evergreen screen planting approved by the township board on any side adjacent to a residential district or use or occupied property;
- m. As removal activities are completed that portion of the property shall be restored by the placement of topsoil where feasible.
- n. All excavations shall be sloped to a gradient with not more than a 30 degree slope and the contour is caused to blend as nearly as possible with the natural surroundings;
- o. All truck operations shall be directed away from residential streets and utilize paved county primary roads wherever possible;
- p. The township board may require such performance guarantee as deemed necessary to ensure that requirements are fulfilled, in accordance with the provisions of section 28-49(b) and may revoke permission to operate at any time specified conditions are not maintained;
- q. The applicant shall secure all necessary permits from county and state authorities.
- r. The proposed operation will adhere to the following operational schedule:

Monday--Saturday:	8am--5pm
Sunday:	No operation allowed
Holidays:	No operation allowed
New Year's Day	
Easter Sunday	
Memorial Day	
Independence Day	
Labor Day	
Thanksgiving Day	
Christmas Eve	
Christmas Day	

(3) *Restaurants, including those with drive-through facilities.*

- a. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into a public right-of-way. A minimum of ten stacking spaces for the service ordering station shall be provided and shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive through area.
- b. In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through area to allow for customers waiting for delivery of orders.
- c. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
- d. Public access to the site shall be located at least 50 feet from any intersection or driveway.
- e. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent, as approved by the township board.
- f. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

(4) *Restaurants, not including drive-through facilities.*

- a. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
- b. Public access to the site shall be located at least 50 feet from any intersection.

- c. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent as approved by the township board.

Sec. 28-606i Special land use specific requirements – Retail business establishments which supply commodities of a neighborhood character such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings including those with drive-through facilities through Rural planned unit development (PUD).

- (1) *Retail business establishments which supply commodities of a neighborhood character such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings including those with drive-through facilities.*
 - a. Parking areas shall have minimum setbacks of 20 feet in the front yard and 15 feet in the side and rear yards.
 - b. The site shall have access to at least one paved street.
 - c. The design of the site shall ensure that vehicular circulation patterns reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the retail establishment on adjacent streets.
 - d. Any delivery areas shall be located in the rear or interior side yard.
 - e. Access driveways shall be located no less than 100 feet from the intersection of any street or any other driveway.
 - f. Outside storage of materials, merchandise, or products for sale may only be displayed in an area adjacent to the main building and parking area, provided such display area does not encompass more than five square feet for each one linear foot of wall length adjacent to said parking area.
- (2) *Retail businesses not exceeding 5,000 square feet gross floor area conducting business entirely within an enclosed building.*
 - a. Public access to the site shall be located at least 25 feet from the intersection of any street or any other driveway.
 - b. Any main building shall be generally compatible with respect to materials and color with the surrounding neighborhood.
 - c. The township board may require landscaping or a six-foot fence or wall

along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

- d. No mechanical rooms or loading area shall be located nearer than 50 feet to any residential district or use.

(3) *Rural planned unit development (PUD).*

- a. *Purpose and objectives.* The rural planned unit development is intended to implement the township comprehensive development plan, which calls for the promotion of "opportunities for managed growth and development in a manner which preserves the township's open spaces." The objective of the rural PUD is to provide a sense of rural character for the residents of the PUD as well as for the township as a whole. These regulations also foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural condition.
- b. *Definitions.* The following words, terms and phrases, when used in this subsection (37), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Base density means the density permitted within a rural planned unit development as determined through submission of a plan drawn in conformance with the existing zoning of the property which is the subject of the rural PUD.

Building envelope means that portion of a lot within which the main building, accessory buildings, and driveways are to be constructed, and including all yards and setbacks required by this chapter or as approved as part of the rural PUD approval.

Clearance limit means those portions of a building envelope which are required to be excavated or cleared of existing vegetation and/or topsoil for the purposes of construction of main and accessory buildings, utility lines, driveways, sidewalks, and other similar necessary structures or facilities.

Landmark tree means any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living, healthy trees equal to or greater than 36 inches in diameter will generally be considered a landmark tree regardless of location or type.

Open space means any lands outside a building envelope, excluding easements for public or private streets.

Rural planned unit development or rural PUD means any development of two or more single-

family dwelling units meeting the qualifications of a rural PUD as stated in this section. A rural planned unit development site shall be composed of all lots or parcels included as part of the application for the rural PUD.

Sensitive lands means lands classified for purposes of preserving lands from development that contain a minimum contiguous area of two acres and which contain significant natural features or farmland in active production.

Significant natural feature means any natural area as designated by the planning commission, township board, state department of environmental quality, or other appropriate agency which exhibits unique topographic, ecological, or hydrological characteristics such as a wetland, floodplain, water features, or other unique natural features.

Unconstrained lands means lands which are not classified as sensitive lands.

c. *Qualifications and application processing.*

1. In order to apply for review of a rural planned unit development, the property proposed for development shall meet all of the following minimum qualifications:

(i) The minimum rural PUD site shall be 40 acres and a minimum width on an existing public street of 660 feet, as measured at the front lot line.

(ii) The applicant shall demonstrate that the property proposed for rural PUD contains unique site conditions, significant natural features, large open spaces, or active agricultural lands which would otherwise be developed but which are preserved from development as a result of the rural PUD.

(iii) The applicant shall demonstrate, in writing and other appropriate material, that the proposed rural PUD meets the purpose and objectives of these regulations.

2. Applications shall include the following information, in addition to that are required in article II, division 2 (site plan review) of this chapter:

(i) Location of building envelopes and permitted clearance limits for all lots.

(ii) Location of all preserved landmark trees and locations of landmark tree replacements, if any.

- (iii) Location and description of any areas to be included as sensitive lands, as defined by this subsection (37).
- (iv) Parallel development plan.

d. *Design requirements.*

1. *Land classification.*

- (i) The land area within the rural PUD shall be classified into either sensitive or unconstrained lands. This classification shall be provided on a separate topographic survey or aerial photograph of the proposed development site.
- (ii) The proposed classification map shall indicate the acreage included in each area of the classified lands.
- (iii) Any area classified as sensitive lands shall include a detailed description of the character of such lands, including a breakdown of the approximate square footage/acreage of major types of significant natural features (wetlands, woodlands, steep slope, etc.).

2. *Development regulations.*

- (i) *Landmark trees; replacement ratio.* Landmark trees shall be preserved unless the township board deems removal necessary to preserve other significant natural features or for purposes of safety. Landmark trees shall be replaced with an equivalent type of tree having a diameter of not less than four inches. The replacement ratio shall be four replacement trees for every landmark tree removed. Replaced trees shall be kept in a living condition or replaced. The planning commission or zoning administrator shall approve the location of replacement trees.
- (ii) *Building setback.* Main and accessory buildings shall maintain at least a 30-foot setback from the boundaries of the rural PUD site, unless a greater distance is required by this subsection (37)d.2.
- (iii) *Floor area.* Minimum floor area and height regulations for dwelling units within the rural PUD shall conform to the zone

district in which the site is located. Where more than one zone district lies within the site, regulations regarding minimum floor area and height for the stricter of the districts shall apply.

- (iv) *Units allowed per building.* Two- or multiple-family dwellings, with up to four units per building, may be permitted as part of the rural PUD.
- (v) *Commercial uses.* Commercial uses shall be permitted in accordance with the requirements of subsection (37)d.2(ix) of this section (commercial uses).
- (vi) *Access to public or private streets.* No building site shall be permitted to gain direct access to any public or private street not constructed or planned as part of the rural PUD.
- (vii) *Sensitive lands.* The following development regulations apply to all lands classified as sensitive:
 - (A) The total clearance limit area of any lot shall be limited to that necessary to construct buildings, drives, sidewalks, or other facilities or structures related to the use, but shall be limited to 15,000 square feet, or 25 percent of the area of the lot, whichever is less. The township board may allow additional lot clearance area upon finding that any of the following conditions exists:
 - (I) The applicant demonstrates to the township board that such a limitation does not allow sufficient area for building and lot development, due to the presence of natural features or other limitations related to the physical features of the site.
 - (II) Where the Mid-Michigan Health Department, or other applicable agency, requires additional land clearance for septic systems, water wells, roadways, or other similar requirements.
 - (III) The applicant demonstrates to the township board that the clearance limit prevents development of the site in a manner that

would contribute significantly to the purpose and objectives of the rural PUD.

- (B) Clearance limits shall be clearly staked on each lot prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the clearance limit.

(viii) *Development setbacks.*

- (A) No building envelope shall be located nearer than 200 feet to any existing public street right-of-way, not included as part of the rural PUD.

- (B) No native or natural vegetation shall be removed from the development setback, except for that necessary for entrance roads. The township board may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the rural PUD.

- (C) No grading or changes in topography shall be permitted, except as may be necessary to construct entrance roads, or provide screening, as noted in this subsection (37)d.2.vii.

- (D) This setback may be reduced to 100 feet if an opaque natural screen is present for at least 70 percent of the lineal distance of the property line abutting any public street right-of-way and having a depth of at least 50 feet and is either present or provided within the design of the rural development. The natural screen shall be approved by the township board and shall have at least 50 percent opacity from the roadside view, as determined by the township board, and consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

- (E) Rural development sites abutting more than one public street for at least 300 feet shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. The other

relevant provisions of this subsection shall apply.

- (ix) *Commercial uses.* The township board may allow the permitted uses in the B-1 district, within the rural PUD, subject to the requirements of this section and the requirements of the B-1 district.
 - (A) All commercial uses allowed in the rural PUD shall occupy not more than five percent of the acreage of the rural PUD included as unconstrained lands.
 - (B) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - (C) Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the rural PUD.
 - (D) All merchandise for display, sale or lease shall be entirely within an enclosed building.
 - (E) Buildings designed for nonresidential uses shall be constructed according to the following requirements:
 - (I) If the entire PUD contains fewer than 20 dwelling units, 75 percent of these units must be constructed prior to construction of any nonresidential use.
 - (II) If the PUD contains more than 20 dwelling units, 50 percent of these units shall be constructed prior to the construction of any nonresidential use.
- (x) *Density calculation.*
 - (A) *Base density.* The base density for the proposed rural PUD shall be calculated for the entire open space development which is intended to be used for residential purposes, or any individual phase thereof, through the use of a parallel development plan.
 - (B) *Parallel development plan.* The applicant shall prepare,

and present to the township board for review, a parallel design for the project that is consistent with state and township requirements and design criteria for a tentative preliminary plat.

- (I) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this subsection shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
- (II) Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable areas, but may be included in the lot area calculations.
- (III) The township board shall review the design and determine the number of lots that could be feasibly constructed following the parallel design.
- (IV) The number of lots, as determined by the township board, shall be the base density for the number of dwelling units allowed in the open space development.

(xi) *Open space requirements.*

- (A) *Land outside the building envelope.* Any land outside a building envelope, excluding any easements for public or private streets, used for the calculation of overall density, shall be considered open space and designated as such on the rural PUD plan.
- (B) *Minimum open space.* The rural PUD shall provide a minimum open space area according to the following chart.

Percent of unconstrained lands (percent)	Minimum percent open space required (percent)
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70 or greater	40
40 to 69	30
Less than 40	20

(C) *Density bonus.* A density bonus shall be based on an aggregate of one or more of the following elements, provided the total density bonus shall not exceed a maximum of 40 percent:

(I) *Density bonus for open space.* A density bonus of not more than 30 percent shall also be available for open space developments which provide open space in addition to that required by this subsection. Each full increment of ten percent additional open space shall be permitted a density bonus above the base density equal to that percentage of open space provided. For example, an additional ten percent open space shall be permitted an additional number of lots equal to ten percent of those lots permitted above the base density.

(II) *Density bonus for providing public sanitary services.* A density bonus of 25 percent shall also be available for open space developments which provide public sanitary sewer and public water for all uses within the development.

(D) *Open space areas; dimensions.* To the extent possible, open space areas shall be continuous and contiguous throughout the rural PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the rural PUD.

(E) *Open space maintenance.*

(I) All open spaces shall be in the joint ownership of the property owners within the rural PUD. A property owner's association shall be formed which shall be responsible for the maintenance of the open space; or evidence shall be given

that satisfactory arrangements will be made for the maintenance of such designated land to relieve the township of the future maintenance thereof.

(II) The maintenance requirements of dedicated open space are not intended to include regular clearing and mowing or other active maintenance. For the purposes of this article, maintenance is intended to include such items as the removal of any accumulation of trash or waste material within the dedicated open space area, cleanup of storm damage, or removal of diseased plant materials.

(F) *Applicants for development; restrictions; requirements.* The applicant for the proposed development shall provide the township with a recordable maintenance or restrictive covenant agreement between the owner of the open space, or other documentation satisfactory to the township which shall provide for and ensure that the open space shall be preserved in perpetuity and maintained as needed. Open space may be deed restricted, placed in a conservation easement, or otherwise held as open space in perpetuity. Suitable recorded instruments shall be submitted to the township for review prior to final approval of the rural PUD.

e. *Review standards.*

1. The following review standards will be used by the township board in their consideration of a rural PUD, in addition to those of this article and article II, division 2 of this chapter (special land use and site plan review). Before such developments may be approved the township board shall find:

(i) That the rural PUD does not substantially alter the residential quality of the general neighborhood in which the development is proposed;

(ii) That the location of the buildings of the rural PUD do not unduly impact other single-family uses on adjacent properties;

- (iii) That the rural PUD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate to the satisfaction of the township board that the land preserved would otherwise be capable of development under the existing zoning;
 - (iv) That the rural PUD can accommodate adequate and safe disposal of sanitary sewer and provide an adequate, assured source of water for domestic use;
 - (v) That the rural PUD meets the purpose and objectives of this article.
2. The planning commission or township board may require specific evidence that groundwater sources will be protected and that environmental, traffic, or other concerns are met. Approval of the Mid-Michigan Health Department, the county road commission, or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.
 3. The planning commission or township board may specify any additional evidence it deems necessary to ensure compliance with the review standards and other requirements of this subsection, including additional soil borings, soil reports, hydrological tests, traffic studies, or other such evidence which shall be submitted by the applicant prior to approval.

Sec. 28-606j Special land use specific requirements – Sales and storage of building materials including building trade contractors and related outdoor storage yards through Service centers with vehicle service stations, retail convenience goods, and food service, with or without drive-through facilities.

- (1) *Sales and storage of building materials including building trade contractors and related outdoor storage yards.* Any business related to the use shall be conducted wholly within a completely enclosed building, except that outside storage of materials, equipment, or vehicles and loading operations are permitted, subject to the following:
 - a. Minimum lot width shall be 200 feet.
 - b. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material. Said fence

or wall shall be continuously maintained in good condition and shall contain only signs in accordance with Article VI of this chapter. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.

- c. The fence or wall enclosing the storage area shall meet all setback requirements applicable to an accessory building. No storage area shall be permitted in the required front yard setback.
- d. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface.
- e. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety. All chemical and hazardous substances shall be contained and stored within the requisite areas provided within federal, state and local government regulations.
- f. The township board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and welfare of the township.

(2) *Sanitary and hazardous waste landfills.*

- a. Approval of site plan. Approval of the general site plan and geologic suitability must be obtained from the department of environmental quality, waste management section, prior to the issuance of a special land use permit.
- b. Qualifications and application requirements.
 - 1. Minimum qualifications. In order to apply for review of a sanitary or hazardous waste landfill, the property proposed for development shall meet all of the following minimum qualifications:
 - (i) The minimum site area shall be 40 acres.
 - (ii) A landfill of any type shall not be located within a floodplain or wetland.
 - (iii) A landfill shall not be located over a sole source aquifer or the recharge zone of a sole source aquifer.
 - (iv) A landfill shall not be located within 1,000 feet of a residential well.

- (v) A landfill shall not be located near an earthquake fault.
- (vi) A landfill shall not be within 5,000 feet of a navigable waterway.
- (vii) The following minimum setbacks shall apply:

Setback distance	Setback from:
500 feet	Residential district
400 feet	AG district
300 feet	Public right-of-way
250 feet	B-1, B-2 district
100 feet	LI district

- (viii) Access to the landfill shall be from a paved county primary road or state highway. A hard surface, all weather, nonseasonal road which satisfies the criteria of the county road commission shall connect the landfill to the county roadway.
- (ix) The entire perimeter of any landfill site shall be enclosed by a six-foot high chain-link fence along any portion of the site having frontage. A four-foot woven wire farm fence, with one strand of barbed wire at the top shall be placed along all property lines to deter trespassers and effectively retain blown papers and other waste. Additional fencing may be required by the township board to minimize loose garbage leaving the site, control views, and/or control access.
- (x) There shall not be more than one gated entrance to the landfill site. The entrance gate shall be not less than six feet high and securely locked when the landfill is not in operation.

2. *Application.* Landfill applications shall include the following information, in addition to that required in article II, division 2 (site plan review) of this chapter:

- (i) Name, address, and telephone number of the person, firm, or corporation who will be conducting the actual filling operation (operator).
- (ii) Location, size and legal description of the total site area to be

filled.

- (iii) The progressive phase unit filling and reclamation plan for the total project. Each phase unit shall include the following information:
 - (A) The method and direction of filling.
 - (B) Surface overburden stripping and stockpiling plan. Provisions for grading, revegetation, and stabilization that will minimize soil erosion and sedimentation.
 - (C) Provisions for buffering, landscaping, and screening.
 - (D) Legal description and physical location of each phase, number of acres included in each phase unit, estimated length of time to complete filling of each successive phase unit. Each phase unit shall not be greater than 20 acres.
 - (E) Cross section drawings showing present elevations, invert elevations, and the final elevation.
 - (F) Proposed use of parcel after completion.
 - (G) Drainage on and away from the fill area showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including discharge from the filling operation.
 - (H) Demonstrated on-site capacity to store the expected volume of leachate generated during a 72-hour period during the active life of the landfill.
 - (I) Minimum thickness of natural clay base of 20 feet with a leachate collection and removal system installed over the natural clay base. Leachate shall not be reintroduced into the landfill.
 - (J) A fire control plan shall be submitted to the township board for approval for spontaneous combustion in the landfill waste, not to include fire protection and control measures in the accessory buildings for equipment which will be the responsibility of the local

fire department.

- (K) A siren warning system shall be installed at the landfill site to be used in the event toxic pollutants are emitted into the air and pose a threat to surrounding residents including a plan for evacuation of the surrounding areas.

3. *Financial guarantee.*

- (i) Before issuance of a special land use, there shall be filed by the applicant a surety bond, executed by a reputable surety company authorized to do business in the state, or an irrevocable bank letter of credit or cash bond running to the township board of trustees, conditioned upon the prompt compliance with all provisions of this chapter.
 - (ii) The township board shall, in establishing the amount and type of financial guarantee, consider the scale of operations; the prevailing cost to rehabilitate the property upon default of the operator; court costs; and other reasonable expenses which will be incurred by the county or township.
 - (iii) The amount of the bond may be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvement" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety, and welfare of the township's resources and future users or inhabitants of the proposed project.
 - (iv) The owner/operator shall be required to retain the same liability coverage throughout the post-closure period as that which is required by state law during operation periods.
- c. *Conditions and safeguards.* The township board may impose such additional conditions and safeguards deemed necessary for: the public health, safety, and general welfare; the protection of individual property rights; and for ensuring the intent and purpose of this chapter. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- d. *Maintenance, completion of phases, and closure.*

1. The landfill permit shall be issued to the operator. When an operator disposes of his interest in an extraction area prior to final reclamation by: sale, lease, assignment, termination of lease, or otherwise, the township board may release the operator from the duties imposed by this chapter as to the operation but only if the successor, operator, or owner, specifically assumes, in writing, the obligations of the former operator with reference to reclamation activities. At that time the special land use permit may be transferred.
 2. Prior to excavating or filling of any phase, written notification must be submitted a minimum of five days in advance to the zoning administrator. An approved inspection ticket shall be issued by the zoning administrator upon compliance with the chapter and the submitted general plan.
 3. Reestablishment of vegetation on the areas to be abandoned, as outlined on the plans and specifications on file, shall be accomplished prior to moving to the next phase to ensure conformance.
 4. Vegetative cover shall be inspected quarterly by the licensee and measures taken to establish and maintain the cover throughout the post-closure by the licensee.
 5. All types of landfill to the post construction settlement of earth shall be monitored by the licensee periodically during a 15-year maintenance period and, if necessary, final cover shall be adjusted by the licensee periodically to compensate for anticipated future settlement.
 6. Owner/operator shall be required to retain the same liability coverage throughout the post-closure period as that which is required by state law during operation periods.
 7. The township board shall charge "tipping" fees to the operator for use in maintaining the township's share of county roads or for recycling projects within the township.
 8. Final slope for a sanitary landfill shall not be less than four percent.
- e. *Hours of operation.* Operating hours shall be determined by the township board based on nuisance potential to adjoining property owners.
- f. *Covered loads.* All refuse collection vehicles shall be covered with a rigid or

fabric cover upon entering the site. The cover must be securely attached to prevent any loss of materials from the vehicle during transit.

g. *Litter.* Policing of the adjoining property, perimeter berms, and/or fencing to prevent unauthorized dumping and limit wind blown debris shall be required at the expense of the operator.

h. *Nuisances.* Litter, odor, smoke, fumes, and dust shall be controlled so as not to cause a nuisance or hazard.

i. *Provisions specific to hazardous waste landfills.*

1. A treatment, storage, or disposal facility for hazardous wastes shall not be located in a wetland.

2. Heavy metals and other hazardous wastes where possible shall not be placed in the same landfill cell unless segregated within the cell and adequately protected from contact with each other.

3. Hazardous metal containers shall not be disposed of unless first emptied and flattened.

4. Hazardous waste landfills shall have at least 90 cm of additional material (60 cm topsoil and 30 cm of subsurface drainage media, or cobbles to prevent animal burrowing) such that any synthetic components of the cover will be protected from the effects of temperature, erosion, and rooted vegetation.

5. A plan shall be submitted by hazardous waste landfills to the township which will provide for the temporary restriction of traffic through the area of the landfill in the event of spontaneous toxic emissions or accidental "hauler" spills occur in the immediate vicinity of the landfill area which would be dangerous to the public health.

6. A 24-hour citizen hot-line for citizen complaints or questions will be established and maintained by the owner/operator of hazardous landfill during the active life and throughout post closure.

(3) *Service centers with vehicle service stations, retail convenience goods, and food service, with or without drive-through facilities.* The special land use specific requirements applicable to vehicle service stations and restaurants with drive through facilities (where drive-through facilities are provided) shall be applicable to this use.

Sec. 28-606k Special land use specific requirements – Site condominium/condominium subdivisions through Truck and freight terminals, and maintenance facilities.

- (1) *Site condominium/condominium subdivisions.*
 - a. *Site condominiums:* Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium lot owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself or the condominium unit taken together with contiguous, appurtenant limited common elements, shall be considered to constitute a building site which is the equivalent of a "lot" for purposes of determining compliance with the requirements of the zoning ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provision applicable to the project's location, any land use permitted by the Watertown Charter Township Zoning Ordinance may be permitted in a site condominium project.
 - b. *Site condominium/condominium review and approval procedures:* Application for review and approval of a site condominium subdivision shall be in accordance with Division 2, "Site Plan Review" and Article 5, "Special Land Uses" of the Watertown Charter Township Zoning Ordinance, as well as the Watertown Charter Township Subdivision Ordinance, as amended.
- (2) *State licensed residential group home facilities.*
 - a. Off-street parking shall be provided for family members and employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
 - b. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
 - c. The facility shall be in compliance with all applicable state licensing requirements.

(3) *Tool and die.*

- a. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.
- b. Access driveways shall be located no less than 100 feet from the intersection of any street or any other driveway.
- c. Outside storage of materials shall be limited to the rear yard of the lot, and screened from view from any public right-of-way or adjacent property. Screening may be achieved by the use of a solid wall or fence, or a chain-link fence with proper landscaping as approved by the township board.

(4) *Towers in excess of 50 feet in height for commercial wireless telecommunication services.*

- a. Antennas for commercial wireless telecommunication services shall be required to locate on any existing or approved tower within a one-mile radius of the proposed tower unless one or more of the following conditions exists:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a registered professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within a two mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a registered professional engineer.
 4. Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing tower or building.
- b. Any proposed tower for commercial wireless telecommunication services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for

future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.

- c. Towers for commercial wireless telecommunication services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the township board determines that an alternative design would better blend into the surrounding environment.
- d. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial wireless telecommunication services shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than 25 feet from any adjacent lot line or main building. This provision shall not apply to towers located on existing buildings, towers, or other existing structures. The township board may require such structures or equipment on the ground to be screened by a landscaped screen, fences, berms, or a combination of these elements.
- e. Towers for commercial wireless telecommunication services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
- f. Towers for commercial wireless telecommunication services which are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations, unless a time extension is granted by the zoning administrator. Only one, three-month extension shall be permitted and then only if the zoning administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
- g. The township board shall not approve any tower for commercial wireless telecommunication services or any part of which that is located within 200 feet of any residential district lot line.

(5) *Truck and freight terminals, and maintenance facilities.*

- a. Minimum lot size shall be three acres.
- b. The lot location shall be such that at least one property line abuts a paved county primary road or state highway. 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 75 feet from all property lines.
- d. Truck parking and staging areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent, as approved by the township board.

Sec. 28-6061 Special land use specific requirements – Vehicle repair through Vehicle wash establishments.

(1) *Vehicle repair.*

- a. A vehicle repair facility shall be located not less than 50 feet from any right-of-way line or from any side or rear lot line abutting residentially zoned property unless separated therefrom by a street or alley.
- b. Where adjoining residentially used or zoned property, a landscape screen, solid wall and/or solid fence having a minimum height of four feet and a maximum height of six feet shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line.
- c. If gasoline or other pumps are provided, they shall be located a minimum of 40 feet from any public right-of-way or lot line.
- d. Accessory sales of merchandise related to the vehicle repair facility shall take place exclusively within the enclosed building.
- e. All storage of material, merchandise and equipment other than liquid fuel shall be within the building. No outside storage or display of materials for sale shall be permitted.
- f. Accessory vehicle wash facilities are allowed subject to the same setback and location requirements of the principal buildings for the vehicle repair facility.
- g. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties in compliance with section 28-577. There shall be no flashing or revolving lights.
- h. All lubrication, repair and servicing equipment, and all repair work shall be done within the principal building.

- i. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six-foot high solid wall or solid fence.
- j. No operator shall permit outside storage of automobiles, trucks or trailers for a period in excess of 72 hours, unless enclosed by a six-foot high solid wall or solid fence.
- k. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the township board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the township board.
- l. Gasoline or other flammable mixtures shall not be used to wash down the premises.
- m. In the event that a vehicle repair facility has been abandoned or not used as a vehicle repair facility for a period of more than one year all underground gasoline storage tanks shall be removed from the premises, in accordance with the requirements of state and federal laws.

(2) *Vehicle service stations.*

- a. All buildings, structures, and equipment shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear lot line abutting a residential district.
- b. No more than one curb opening shall be permitted for every 100 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot.
- c. No drive or curb opening shall be located nearer than 75 feet to any street intersection nor less than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the township board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- d. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- e. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or

occupied by buildings or structures shall be landscaped.

- f. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 35 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 overhanging any public sidewalk, street or right-of-way.
- g. 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 decorative fence or wall, or a landscaped equivalent.
- h. All outside storage areas for trash, used tires, autos under repair, auto parts and similar items shall be enclosed by a six-foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of 200 square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five such vehicles) shall not be permitted for a period exceeding ten days.
- i. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the township board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the township board.
- j. The lot shall be located such that it is at least 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.
- k. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this chapter.
- l. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
- m. Canopy roofs shall have a minimum setback of ten feet from any property line. The height of such roof shall not exceed 14 feet and be open on all sides. The colors and design of the canopy shall be compatible with the main building. No part of any lighting, including fixtures, lenses, or other parts associated with such lighting, on or within the canopy shall be mounted other than flush to the canopy (rather than extending down from the canopy) to limit any negative effects associated with glare beyond the lot. Signs on the canopy shall comply with the sign provisions of this chapter.

- n. Site lighting shall comply with the requirements of section 28-577.
- (3) *Vehicle wash establishments.*
- a. All washing activities must be carried on within a building.
 - b. Vacuuming activities may not be conducted in the front yard setback area.
 - c. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

ORDINANCE NO. 37 - CERTIFICATION

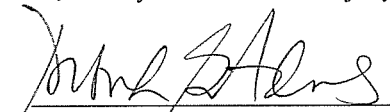
PASSED by roll call vote of the members as follows:

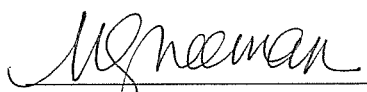
Yes: Trustee Weitzel, Supervisor Adams, Trustee Maahs, Treasurer Thelen, Trustee Westrick,
Clerk Freeman, Trustee Mitchell

No: None

AND ADOPTED by the Township Board December 19, 2011.

AND EFFECTIVE January 1, 2012 *(seven days after date of final publishing)*

BY: 
Deborah Adams, Supervisor
Charter Township of Watertown

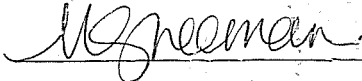

Melissa Freeman, Clerk
Charter Township of Watertown

Public Hearing: 9/7/2011
First Reading: 11/21/2011
First Publication: 12/4/2011 (Grand Ledge Independent and DeWitt-Bath Review)
Adoption: 12/19/2011
Final Publication 12/25/2011 (Grand Ledge Independent and DeWitt-Bath Review)
Effective Date: 1/1/2012

Published December 4, 2011 and December 25, 2011 in the Grand Ledge Independent & DeWitt-Bath Review Newspapers

I, the undersigned, the duly qualified Clerk of the Charter Township of Watertown, Clinton County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of the ordinance adopted by the Township Board at the date set forth above.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 20th day of December, 2011.


Melissa Freeman, Clerk, Charter Township of Watertown