

ARTICLE VIII: USES SUBJECT TO SPECIAL APPROVAL AND SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

Section 8.01 General Requirements

Uses requiring special approval shall be subject to the general provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

Section 8.02 Uses Subject to Special Approval

1. Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:
 - a. Site plan prepared under the requirements of **Section 7.01 (2) Site Plan Review (All Districts) - Site Plan Data Required.**
 - b. Name and address of applicant and owner of the premises.
 - c. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
 - d. A statement by applicant appraising the effect on the neighborhood.
 - e. The application shall be accompanied by the fee established by the Township Board of Trustees.

2. A public hearing shall be held for all special approval requests. A notice of the special approval request and public hearing as required by Township Zoning Act 184 of 1943 as amended (MCL 125.286b), shall be provided. The notice shall be given not less than 5 days and not more than 15 days before the date the application will be considered. The notice shall describe the nature of the special approval request, indicate the subject property, state when and where the special approval request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:
 - a. One notice shall be published in a newspaper which circulates generally in the Township.
 - b. Notice shall be sent by mail or personal delivery to the owners of the subject property.
 - c. Notice shall be sent by mail or personal delivery the owners of property within 300 feet of the boundary of the subject property.
 - d. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property. If a structure contains more than one dwelling unit or spatial area, 1 occupant of each dwelling unit or spatial area shall receive notice. In the case of a structure containing more than 4 dwelling units or other distinct spatial areas, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. Standards for granting Special approval:
Approval of a special approval proposal shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in **Section 7.01**, applicable site development standards for specific uses set forth in **Section 8.03**, and the following standards:

- a. Compatibility with Adjacent Land Uses
 The proposed special approval shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special approval shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
- 1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - 2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - 3) The hours of operation of the proposed use. Approval of a special approval request may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - 4) The bulk, placement and materials of construction of the proposed use in relation to surrounding uses.
 - 5) Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as condition of the special approval.
- b. Public Services
 The proposed special approval shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, emergency services, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special approval is established.
- c. Impact of Traffic
 The location of the proposed special approval within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
- 1) Proximity and access to major thoroughfares.
 - 2) Estimated traffic generated by the proposed use.
 - 3) Proximity and relation to intersections.
 - 4) Adequacy of driver sight distances.
 - 5) Location of and access to off-street parking.
 - 6) Required vehicular turning movements.
 - 7) Provisions for pedestrian traffic.
- d. Detrimental Effects
 The proposed special approval shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes odors, dust, glare and light.
- e. Economic Well-Being of the Community
 The proposed special approval shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.
- f. Compatibility with Natural Environment
 The proposed special approval shall be compatible with the natural environment and conserve natural resources and energy.
4. The Planning Commission may deny, approve, or approve with conditions, requests for special approval, based on the standards above.

5. The Zoning Administrator shall have the right to inspect any special approval use, to ensure continued compliance with the conditions of the special approval.

Section 8.03 Supplemental Site Development Standards

Those permitted uses and uses allowed by Special Approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements, in addition to the standards specified in Section 8.02.3:

1. Businesses with Drive-Through Services, including Restaurants
 - a. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
 - b. There shall be provided on the sides abutting or adjacent to a residential district or use a six (6) feet completely obscuring wall, fence or landscape screen, measured from the surface of the ground on the abutting residential district or use.
2. Campgrounds
 - a. A minimum lot size shall be ten (10) acres.
 - b. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
 - c. Each lot shall be provided with at least one (1) public phone.
 - d. All sanitary stations, privies, or any sanitary facilities shall be located not less than one hundred (100) feet from property lines.
 - e. Campground perimeter shall be completely screened by natural terrain, neatly finished and well maintained wooden fence or masonry wall, or by well maintained live evergreens.
 - f. Campsites shall be located not less than fifty (50) feet from property lines.
3. Car Wash Facilities
 - a. Vacuuming activities may be carried out in the rear yard and at least fifty (50) feet distance from any adjoining residential use. In lieu of providing this requirement, a five (5) foot masonry wall may be erected in a manner that will shield residential uses from undue noise pollution due to said vacuuming activities.
 - b. The entrances and exits of the facility shall be from within the lot and not directly to or from adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
4. Clustered Residential Development/Open Space Preservation Option

The intent of Open Space Preservation Option is to allow single family dwellings to be developed with varied yard and setback requirements on parcels of land which have natural assets that should be preserved or that have characteristics which would make development difficult to accomplish under the usual land development approach. The Open Space Preservation Option provision is intended to provide flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and preserve at least fifty (50%) of the parcel in a undeveloped state.

Since preservation of natural resources and the protection of the natural environment are important objectives, great care and much diligence must be taken when evaluating the potential development under the Open Space Preservation Option of a parcel of land and application of the provisions contained herein.

Approval Standards: A proposed development under the Open Space Preservation Option shall be approved by the Planning Commission when all of the following standards are met:

- a. Dwelling Units. Single family dwelling units permitted within the Cluster Housing Option may be attached and/or detached, or any combination thereof within the limitations of the requirements set forth herein. No more than four (4) attached single family units may be contained within one structure.
- b. Attached Dwelling Unit Design. So as to prevent the development of attached cluster housing units that are not compatible in terms of general character or layout with the surrounding development and natural environment, the following design guidelines shall be complied with:
 - 1) In the case of attached cluster units that are generally rectangular in shape, the common walls of the adjoining dwelling units shall not overlap by more than thirty (30) percent. However, common garage wall may overlap for their full distance on both sides.
 - 2) In the case of attached cluster units that are irregular in shape, the applicant shall demonstrate to the satisfaction of the Planning Commission that the building layout effectuates an offset between units and results in a design that is compatible with the natural environment and existing surrounding development.
- c. The Open Space Preservation Option has not been exercised on the parcel of land on which the development will be located.
- d. Lot Standards. Minimum lot area, minimum lot width, minimum setbacks, and maximum lot coverage standards may be reduced with Planning Commission approval, provided the total project density is no greater than allowed according to **Section 6.09** *Schedule of regulations*.
All setbacks shall be measured from the edge of the proposed right-of-way of any street which is abutting, adjacent, or within the cluster development. The minimum setback from the right-of-way line of a major thoroughfare or collector road shall be seventy (70) feet. In no instance shall a dwelling unit directly access onto a major thoroughfare or collector road.
- e. Density. The maximum density of development (dwelling units per acre) shall be based on the standards set forth in **Section 6.09**. Underwater areas, such as lakes, streams, ponds, and similar watercourses shall not be included as part of the total lot area in the calculation of density, except where such underwater areas are proposed to be constructed by the applicant, in which case fifty (50) percent of the proposed underwater area can be included in the calculation of density.
- f. Off-street Parking. The minimum number of parking spaces shall be based on the requirements of **Section 8.04**.
- g. Screening or Buffering: A landscape buffer, landscaped berm or fence (per Section 4.13) shall be provided along the entire property line abutting a major thoroughfare or collector road. The landscape buffer, landscaped berm or fence shall not be within a required side or rear yard setback.
- h. Open Space. At least fifty (50) percent of the total land area shall be designated as permanent open space and remain in an undeveloped state. The open space may consist of areas which contain physical characteristics that limit the development potential such as steep slopes or wetlands.
The required open space shall be set aside by the developer in a conservation easement or a deed restrictions placed on the property, whereby the open space shall be developed according to an approved site plan, and shall never be changed to

another use. Said conveyance shall specify that the open space is an integral component in the overall development for the use and enjoyment of the residents within the cluster housing development.

- i. Landscaping. Any site plan submitted for approval under the Open Space Preservation Option shall retain as much natural vegetation as practicable. All trees and other vegetation which the applicant does not intend to remove shall be indicated on the site plan. All such natural vegetation so designated shall be left remaining on the site in a living condition upon completion of the development. If any natural vegetation so designated to be retained is not living or is destroyed as a result of any action related to construction or land development, said vegetation shall be replaced with landscaping that the Planning Commission determines is substantially similar to the designated natural vegetation. Said landscaping must be replaced prior to issuance of a Certificate of Occupancy unless, upon approval of the Planning Commission and Zoning Administrator, the applicant deposits a financial guarantee with the Township Clerk to insure completion of required landscaping. The financial guarantee shall be deposited in accordance with the requirements set forth in **Section 9.04**.
 - j. A proposed development under the Open Space Preservation Option shall comply with all other regulations of the Banks Township Zoning Ordinance.
 - k. All lots created under the Open Space Preservation Option shall be required to have at least one shared boundary with another lot of the said development.
5. Gas and Oil Processing Facilities
- a. The facility shall comply with all federal, state and local building, environmental and health codes and regulations.
 - b. The applicant shall provide copies of the application for permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells, Department of Natural Resources, as part of the permit process for the location and erection of oil and gas processing facilities.
 - c. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, the lease documents shall be submitted to the Planning Commission, and the Township Board of Trustees shall be informed of the length of the lease.
 - d. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
 - e. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state.
 - f. The sound level of the facility shall not exceed sixty (60) decibels as measured four hundred and fifty (450) feet in any direction from the facility.
 - g. The facility shall be built no closer than four hundred and fifty (450) feet from an existing dwelling.
 - h. The facility shall be built no closer than one hundred (100) feet from any public road.
6. Gasoline / Service Station
- a. Minimum lot size shall be fifteen thousand (15,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
 - b. Minimum lot width shall be one hundred twenty (120) feet for a service station or repair garage and one hundred (100) feet for a filling station.

- c. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the street right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
 - d. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
 - e. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
 - f. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way.
 - g. When adjoining residential property, a masonry wall shall be constructed parallel to the property line of such residential property as required in **Section 4.16 Fences, Walls and Hedges**. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
 - h. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) foot high (**Section 4.16 Fences, Walls and Hedges**). Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
 - i. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is prohibited.
 - j. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
 - k. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be shielded from the view of adjacent properties.
 - l. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this ordinance.
7. Kennels or Veterinary Hospital
- a. All kennels or veterinary hospitals shall be operated in conformance with County and State regulations.
 - b. Animals shall be confined in a fenced area to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
 - c. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
 - d. All principal use activities shall be included within an enclosed main building.
8. Manufactured Home Developments
- Manufactured home developments shall be permitted in the Mobile Home District, MH, after a hearing by the Planning Commission, provided the following conditions are satisfied:
- a. Manufactured home parks for the location of three (3) or more manufactured or mobile dwelling units shall be developed pursuant to the requirements of The Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.

- b. Internal roads in manufactured housing developments shall have access to a public thoroughfare or be connected to such road by a permanent easement, shall be hard surface, and shall follow additional requirements of Manufactured Housing Commission Rules 920-923. Each home site shall be provided with two (2) parking spaces. A minimum of one (1) additional parking space for every three (3) home sites for visitor parking shall be provided within five hundred (500) feet of the home sites. Additional parking requirements per Manufactured Housing Commission Rules 925-926 shall be followed.
- c. The layout of the manufactured housing development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety and welfare of the residents.
- d. An obscuring wall, fence or landscape screen not less than four (4) nor more than six (6) feet in height may be provided on all sides of the manufactured housing development, with the exception of that portion providing ingress and egress to the development.
- e. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
- f. Manufactured or mobile dwelling units shall be placed in such a manner as to provide minimum safe distance on all sides from neighboring units and other structures, according to the Manufactured Housing Commission Rules 941 and 944.
- g. Recreation and/or open space :
 - 1). A manufactured housing development that contains fifty (50) or more home sites shall have not less than two percent (2%) of the development's gross acreage designated as open space, but not less than twenty-five thousand (25,000) square feet. Such area (including accompanying equipment) shall be developed and maintained by the management to provide safe and healthful recreation for residents of the development.
 - 2) Any yard areas and open spaces shall be maintained in a clean, presentable condition at all times.

9. Migratory Labor Dwellings

Migratory labor dwellings as an accessory use to a farm, provided the following conditions are met in addition to the other requirements of the Agricultural District:

- a. Compliance with Michigan Public Health Code, being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto;
- b. The occupants are employed for farm labor by the owner of the property while they occupy the housing;
- c. Mobile homes may be used to provide such housing per (Section 4.07 under General Provisions of the Banks Township Zoning Ordinance);
- d. Migratory labor dwellings must be at least 100 feet from all side and rear property lines and must be at least 75 feet from the street right-of-way on which the property fronts. Migratory labor dwellings must also be at least 150 feet from any single-family residence located on a separate parcel of property owned by another individual or entity;
- e. Migratory labor dwellings may be permitted as a principal use on a parcel which contains a minimum of one acre and which complies with all other requirements of this section. This parcel shall be adjacent to the farm parcel where laborers are employed and both parcels shall be under the same ownership.

10. Outdoor Sales Facilities

- a. Lighting should be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties.
- b. Parking area shall be provided on-site so as to prevent on-street parking.

11. Sexually Oriented Business

- a. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- b. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned R-1, R-2 or MH.
- c. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, park, school, child care organization, or place of worship, or other sexually oriented business. This distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship, or other sexually oriented business.
- d. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- e. The proposed use must meet all applicable written and duly promulgated standards of Banks Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- f. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
- g. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- h. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- i. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- j. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
- k. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- l. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1) Is handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2) Is unobstructed by any door, lock or other entrance and exit control device;
 - 3) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

- 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
 - 5) Has no holes or openings in any side or rear walls.
- m. Review Procedures for Sexually Oriented Businesses
The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.
- 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
 - 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in Sections 8.02.3 and 8.03.11 (a-l). If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
 - 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall within three (3) business days of the receipt of such written notice do the following:
 - a) File a petition in the Circuit Court for the County of Antrim seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
 - b) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.
In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.
The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect

the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

12. Sand and Gravel Extraction

- a. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than 2,000 cubic yards of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the Township without first submitting a site plan and procuring approval from the Planning Commission.
- b. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.
- c. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in **Section 7.01 (B) Site Plan Review (All Districts) - Site Plan Data Required**, a site plan prepared under this section shall also include:
 - 1) Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
 - 2) Full legal description of the premises where operations are proposed.
 - 3) Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - 4) Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
 - 5) Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
 - 6) Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.
- d. The sand and gravel operations application shall provide information to confirm compliance with the following standards:
 - 1) Hours of Operation

The operation of mechanical equipment of any kind shall be limited by the day and/or the hour. Site Specific Hours of Operation for mining, processing and reclamation activities must be approved, but shall not exceed the following schedule Monday through Saturday, excluding legal holidays, during the following times:

 - a) Mining or extracting operations, and processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
 - b) Loading and hauling operations shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
 - c) Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
 - 2) Screening

Fences, berms, walls, and visual screening devices may be required, if necessary, in the opinion of the Planning Commission, to protect adjoining

properties and/or ensure the health, safety and welfare of persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed

- 3) Noise, Dust, Debris
All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive dust, debris, or other impacts beyond the property line. Noise levels shall not exceed 70 dBA at the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
- 4) Groundwater Impact
Extractive operations shall be managed and designed so as to not cause any negative impact on groundwater and potable water supply, whether as a result of contamination or reduction in the rate and volume of flow.
- 5) Road Impact
 - a) Extractive operations shall be managed and designed so as to have minimum negative impact on existing roadways. The truck route to be utilized in the accessing of the extraction site shall be designated and subject to approval by the Planning Commission.
 - b) Dust caused by truck traffic of the entrance drive to be treated as needed with dust suppression material.

13. Transmission and Communication Towers (Commercial), Public Utility Microwaves and Public Utility T.V. Transmitting Towers

- a. Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers, and their attendant facilities shall be permitted by the Planning Commission after a hearing, provided said use shall be located centrally on a continuous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The setback may be reduced by up to fifty (50) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback standards of the district.
- b. Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Planning Commission) unless the applicant can demonstrate that such a structure can not accommodate the user or future co-locators. Towers shall have a neutral surface finish color to reduce the visual obtrusiveness, except as otherwise required by a state or federal agency.
- c. Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers shall not be used for advertising purposes nor shall such tower display any signs other than one sign, not to exceed two square feet, which identifies the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
- d. Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers, and their attendant facilities shall be enclosed by a security fence not less than six feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
- e. Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers, and their attendant facilities shall be effectively screened to obscure views of the tower base, shelter, security fencing or guy wire anchors from adjacent uses and public right-of-way.

- f. Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative approved by the Planning Commission shall cause the least disturbance possible.
- g. The approval for any of the above mentioned towers shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
- h. The applicant shall be responsible for the maintenance of any permitted Tower, in a safe condition for as long as the tower remains in operation, and shall dismantle the tower within nine (9) months after operations cease. The applicant shall post a bond for the dismantling of the tower, the amount of which shall be based on the size and type of tower.
- i. The multiple-use of each tower shall be encouraged to limit the number of towers within the Township. The Township reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.
- j. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- l. The installation and/or operation of the above mentioned towers, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- m. The maximum height for a transmission and communication tower, utility microwave, and public utility T.V. or radio transmitting Tower shall be ninety-nine (99) feet. The Planning Commission may approve an increased height for these towers, not to exceed three hundred (300) feet, if both of the following conditions are met:
 - 1) The need for the increased height is the result of a stand of trees, existing land forms, or structures that would substantially hinder the reception/transmission of an antenna on the tower.
 - 2) The increased height is the minimum necessary to achieve a reasonable level of antenna reception/transmission on the tower. A reasonable level of antenna reception is not equivalent to maximizing the antenna reception. The Planning Commission shall not grant the increased height if the reasonable level of antenna reception/transmission is not met due to the use of inefficient equipment that does not utilize current commercial technologies.

14. Wind Turbine Generators and Anemometer Towers (WTG)

Commercial wind turbine generators and anemometer towers shall comply with all of the following standards:

a. Minimum Site Area

The minimum site area for a commercial wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

b. Setbacks

Each proposed commercial wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- 1) A wind turbine generator or anemometer tower shall, in all cases, be setback at least a distance equal to the height of the tower from the closest location an off-premise residential structure could be located, based on the required setbacks for the given zoning district.

Maximum Height

- 1) The maximum wind turbine generator tower height or the height of an anemometer tower erected prior to the wind turbine generator shall be 400 feet.
- 2) The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower, if the following condition is met:
 - a) The increased height will not result in increased intensity on lighting of the tower due to FAA requirements.
- c. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet above ground level.
- d. Maximum Noise Levels. Any proposed wind turbine generator shall not result in sound levels in excess of sixty (60) decibels as measured on the dB(A) scale at the property lines of the site in question.
- e. Maximum Vibrations. Any proposed wind turbine generator shall not produce ground vibrations humanly perceptible beyond the property on which it is located.
- f. Transmission Lines. The electrical transmission lines connecting the wind turbine generator to the public utility electricity distribution system shall be located underground, unless the Planning Commission finds that it is technologically infeasible or finds that the cost of placing those electrical transmission lines underground is unreasonably burdensome. If the Planning Commission allows overhead electrical transmission lines to connect the wind turbine generator to the public utility electricity distribution system, then those electrical transmission lines shall be placed at a height consistent with industry standards to ensure public safety.
- g. Interference with Residential Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
- h. Landscaping. Each proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
 - 1) The base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
 - 2) Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to construction of a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
 - 3) Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
 - 4) To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator or anemometer tower.
- j. State or Federal Requirements. Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan

Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special approval is granted.

- k. Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. Such foundation shall be installed to a depth of three (3) feet below grade or greater to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.
- l. Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:
 - 1) Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2) Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium grey shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - 3) Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen
 - a) Shall be the lowest intensity allowable under FAA regulations.
 - b) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA.
 - c) May be a red top light that does not pulsate or blink.
 - d) All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.
 - 4) Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - 5) Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- m. Sign. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
- n. Hazard Planning. An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
 - 1) Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard.

- 2) The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - 3) The following shall be submitted with the application for a special use permit for a wind turbine generator:
 - a) A listing of any hazardous fluids that may be used on site shall be provided.
 - b) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - c) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - d) A Hazardous Materials Waste Plan shall be provided.
- o. Removal of Abandoned Wind Turbine Generators or Anemometer Towers. Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Planning Commission shall conduct a hearing following notice to determine whether it is abandoned. If the Planning Commission determines it is abandoned, the owner of such wind turbine generator or anemometer tower shall remove the same within ninety (90) days of receipt of notice from the Township regarding its determination of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the ninety (90) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.

Section 8.04 Off-Street Parking, Loading and Unloading Requirements and Standards

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the requirements listed below, and including at least the minimum number of spaces required by the table in **Section 8.04.2 Minimum Number of Parking Spaces per Unit.**

Section 8.04.1 Parking Requirements

1. Parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. In a residential district, a

- licensed commercial vehicle may be parked provided it is owned or operated by someone residing on the premises.
3. Adequate space should be provided in all parking, loading and unloading areas to facilitate turning around of vehicles so that the entry on to streets and county roads may be in a forward manner and not by backing. Furthermore, in parking, loading and unloading areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
 4. A minimum of one hundred sixty-two (162) square feet shall comprise one (1) vehicular parking space or nine (9) feet by eighteen (18) feet.
 5. Computation of floor area of buildings shall be exclusive of basements, cellars or attics where these areas are used for storage or utilities; calculated using the outside perimeter of building. In the case of a single story structure, the floor area may be reduced by ten (10) percent to accommodate storage or utilities.
 6. The Township Planning Commission shall determine the required parking space not specified in **Section 8.4.2 Minimum Number of Parking Spaces per Unit**.
 7. Adequate area must be provided for snow piling and on-site drainage. Handicap parking must be provided as required by State and Federal regulations. Designation of parking area must be clearly identifiable for use by the public.

Section 8.04.2 Minimum Number of Parking Spaces per Unit

- | | | |
|----|--|--|
| 1. | Banks, business offices, studios and professional offices of architects, lawyers, and similar professions. | Three (3) parking spaces; plus one (1) additional parking space for each three hundred (300) square feet of floor area. |
| 2. | Barber shops and beauty parlors. | Two (2) parking spaces for each operator chair; plus one (1) parking space for each two (2) employees. |
| 3. | Bowling establishments. | Five (5) parking spaces for each bowling lane. |
| 4. | Churches, theaters and auditoriums except schools. | One (1) parking space for each four (4) seats; plus one (1) parking space for each two (2) employees. |
| 5. | Community center, library, museum or art center. | One (1) parking space for each two hundred (200) square feet of floor area. |
| 6. | Dwellings. | Two (2) parking spaces for each dwelling unit. |
| 7. | Hospitals, clinics and similar establishments. | One (1) parking space for each bed and/or examining room; plus one (1) parking space for each two (2) employees on maximum working shift; plus one (1) parking space for each two hundred (200) square feet of floor area. |
| 8. | Laundromats. | One (1) parking space for each two (2) |

- washing machines and/or dry cleaning machines.
9. Hotels, motels, tourist homes and lodging house. One (1) parking space for each sleeping room; plus one (1) parking space for each two (2) employees on the maximum working shift.
 10. Manufacturing or industrial establishments, warehouse or similar establishment. Two (2) parking spaces for each two (2) employees on maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment.
 11. Plumbing, printing and similar service shops and businesses. One (1) parking space for each employee; plus one (1) parking space for each three hundred (300) square feet of floor area.
 12. Private clubs, night club, dance halls and similar recreational establishments. One (1) parking space for each one hundred (100) square feet of floor area.
 13. Professional offices of doctors, dentists and similar professions. One (1) parking space for each one hundred (100) square feet of floor area or a minimum of four (4) parking spaces, whichever is greater.
 14. Restaurants, and similar establishments for sale and service of food and drink, except liquor and drive-ins. One (1) parking space for each one hundred (100) square feet of floor space.
 15. Retail stores. One (1) parking space for each one hundred fifty (150) square feet of floor area.
 16. High schools. One (1) parking space for each six (6) seats in main auditorium or one (1) parking space for each employee; plus one (1) parking space for each four (4) students, whichever is greater.
 17. Schools (except high schools). One (1) parking space for each ten (10) seats in main assembly room, or one (1) parking space for each employee plus two (2) parking spaces for each classroom, whichever is greater.
 18. Home occupations. Two (2) parking spaces for dwelling use; plus additional parking spaces as determined by Planning Commission to accommodate customers or clients.

- | | | |
|-----|-----------------------------------|---|
| 19. | Auto repair and service stations. | Two (2) parking spaces for each service bay; plus one (1) parking space for each employee on maximum working shift. |
| 20. | Bed and breakfast establishments. | Two (2) parking spaces for the operator; plus one (1) parking space for each guest room; plus one (1) parking space for each non-resident employee. |

Section 8.04.3 Loading and Unloading Space

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway.

Section 8.05 Conditions on Special Approvals

The Planning Commission has the authority to impose reasonable conditions on any special approval granted.