

ARTICLE 13 SPECIAL LAND USES

13.01 INTENT AND PURPOSE

- A. Special land uses are those uses of land that are not essentially incompatible with the uses allowed in a zoning district but that possess characteristics or location related qualities that require individual review and discretion to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria to be met before the special land uses are approved.

13.02 APPLICATION PROCEDURES

An application for a special land use shall be submitted and acted upon in accordance with the following procedures:

- A. Applications for a special land use will be submitted through the zoning administrator to the planning commission. Each application will be accompanied by the payment of a fee according to the schedule of fees adopted by the township board to cover the costs of processing the application. No part of this fee will be refundable.
- B. An application for a special land use will be accompanied by the following documents and information:
 - 1. A special land use application form completed in full by the applicant and submitted to the zoning administrator.
 - 2. A site plan as required in the site plan review article of this ordinance.
- C. Upon receipt of an application for a special land use, a public hearing on the application will be scheduled. Notice of the public hearing shall be given in accordance with applicable statutory requirements. *[amended 8-9-06]*
- D. The planning commission shall hold a public hearing to receive public comment on the request. The planning commission, based upon its review of the application for a special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the special land use application. Such determination will be according to the criteria for approval and such other standards contained in this ordinance that relate to the special land use under consideration.

- E. The decision of the planning commission on a special land use will be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the special land use under consideration. Such statement will specify the basis for the decision of the planning commission and any conditions imposed. No alterations may be made to an approved special land use permit without the approval of the planning commission.

13.03 BASIS OF DETERMINATION

Before the approval of a special land use application, the planning commission will ensure that the standards specified in this section, plus applicable standards established elsewhere in this ordinance are satisfied.

- A. The planning commission will review the particular circumstances of the special land use request under consideration as to the following general standards and approve a special land use only upon a finding, by a preponderance of the evidence, of compliance with each of the following standards and applicable standards established elsewhere in this ordinance:
 - 1. The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
 - 2. The special land use will not impair the essential character of the surrounding area.
 - 3. The special land use will not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the general health, safety, and welfare.
 - 4. The special land use will not place demands on public services and facilities in excess of current capacities.
 - 5. The special land use is in general agreement with the township's Master Plan.
- B. The planning commission may impose conditions with the approval of a special land use that is necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this ordinance. Such conditions will be considered a part of the special land use permit and be enforced by the zoning administrator.
- C. In considering such authorization, the planning commission shall consider the following standards:

1. The size, character, and nature of the proposed building to be constructed on the lot.
2. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
3. The effect of the proposed use on light and air circulation of adjoining properties.
4. The effect of increased density of the intended use on the surrounding neighborhood.
5. Available parking for the intended use.

13.04 APPEAL

The planning commission's decisions on the special land use application may not be appealed to the zoning board of appeals.

13.05 SURETY

The planning commission may require reasonable surety arrangement to be posted by the applicant at appropriate stages of development to ensure that the development will be executed according to the approved special land use permit.

13.06 REQUIREMENTS AND STANDARDS

A. Adult entertainment businesses:

The need for special regulation of certain business uses that, by their very nature, are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective. Special regulation is needed to ensure these uses are not concentrated in any one area, thus, preventing adverse effects upon the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property values, and the subsequent negative impact on the community tax base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and, thus, ensuring disbursement of these uses throughout the community.

1. Adult entertainment businesses shall not be approved if there is, already in existence, one or more adult entertainment businesses within 1,500 feet of

the boundaries of the site of the proposed business.

2. Adult entertainment businesses shall not be approved if the proposed location is within 1,000 feet of any residence; 1,500 feet of any licensed day-care facility, adult foster care home, senior citizens center, park, or church; or 2,650 feet from any K-12 school.
3. The planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations as may be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
4. The Planning Commission shall hold a public hearing on an application for an adult entertainment business special land use permit and make a decision thereon within 30 days after a properly completed application is filed with the Township.

A-2 Accessory building on a vacant lot (added February 27, 2009)

Garages intended for automobiles, boats or other personal belongings (i.e. ATV's, motorcycles, lawn mower) when located within 200 feet of another lot, in common ownership, occupied by a single-family dwelling.

1. Such garage shall be setback at least 5 feet from any side or rear lot line, 20 feet from any street right-of-way line.
2. Such garage shall not exceed 20% of the lot area nor shall such garage exceed the floor area of the first floor of the dwelling on the related lot occupied by a single-family dwelling.
3. Both lots shall be in common ownership.
4. The Special Use may only be granted if the owner records a signed agreement, agreeable to the Township, not to sell the lots separately.
5. Such garages shall not be used for dwelling or commercial purposes.

B. Bed and breakfasts:

1. Such uses shall only be established in single-family dwellings.
2. One parking space per room to be rented shall be provided on the site besides the parking required for a single-family dwelling. Parking will be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
3. Kitchen facilities are allowed, as approved by the appropriate county, and state agencies.

4. Physical modifications to the structure may be allowed including, but not limited to, the provision of barrier-free access to meet building code requirements,
5. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling will be prohibited.
6. Only one sign will be allowed for identification purposes, with approval of the planning commission. Such signs shall be non-illuminated and unanimated and not exceed 12 square feet in area.
7. The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the homeowner, who shall live on the premises while the operation is active.
8. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including, but not limited to, gift shops, antique shops, restaurants, and bakeries.
9. Meals may be served only to residents, employees, family members, and overnight guests.
10. The effect of the bed and breakfasts on the surrounding neighborhood and adjacent properties.

C. Campgrounds and recreational vehicle (RV) parks:

Campgrounds and RV parks shall be allowed subject to the following procedures and conditions:

1. The total area of the campground shall be at least 20 acres.
2. There shall be a required setback of not less than 50 feet along all property lines. No campsite or any structure shall be located in this required setback.
3. There shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the 50-foot setback as required in this ordinance. Such greenbelt will contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than eight feet apart that grow to an ultimate height of 12 feet.
4. There shall be recreational areas at a ratio of at least 20 percent of the gross area of the campground. These recreational areas may be located

within the 50 foot required setback but not within the 20-foot greenbelt.

5. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
6. No structure shall exceed 25 feet in height.
7. The grounds of the campground shall be sloping to drain properly and to satisfactorily meet the approval of local engineering standards.
8. Each site will be arranged satisfactorily and safely to accommodate a travel trailer, camper, or other similar camping apparatus.
9. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required setback but not within the greenbelt.
10. There shall be allowed a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and have hours of operation coincidental with hours of operation of the campground.
11. There shall be no sales or display of camping vehicles.
12. There shall be located, within the campground, approved sanitary dumping facilities.
13. All requirements, as regulated by Act 368, P.A. 1978, as amended, shall be complied with.
14. The planning commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the community and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner but, in so doing, complying with other applicable provisions of this ordinance.

D. Child-care centers:

In considering authorization of child-care centers, the planning commission shall consider the following standards:

1. All entrance ways and outdoor play areas shall be designed and located to maximize safety of the children.
2. All outdoor play areas shall be enclosed by a fence at least 6 feet in height for safety purposes as approved by the planning commission.
3. The proposed location of the child-care centers and the proximity of the child-care centers to adjoining properties.
4. The size, nature, and character of the building and/or structure to be utilized for the Child-care centers.
5. The time or season during which the child-care centers will operate.
6. The parking facilities provided for the child-care centers.
7. Any traffic congestion or hazards which would result from the child-care centers; and
8. The effect of the child-care centers on adjoining properties and the surrounding neighborhood.
9. Must have current state operating license.

E. Commercial recreation (outdoor):

Notwithstanding any other provisions in this ordinance, in considering authorization, the planning commission shall consider the following standards:

1. Except for provisions in this section, all activities shall be set back a minimum of 50 feet from any lot line in a residential district, except as required below.
2. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.
3. The proximity of the intended use to adjoining properties specifically including 100-foot setbacks to occupied dwellings.
4. The size, nature, and character of the proposed use. Uses with more than 50 parking spaces must have a setback of 200 feet. Hunting and shooting facilities must have setbacks of 500 feet.

5. Potential traffic congestion which might be occasioned by the intended use.
6. The effect of proposed use on adjoining properties and the surrounding neighborhood.
7. The compatibility of the proposed use with the surrounding neighborhood.

F. Communication Towers: *(amended June 27, 2008)*

1. Communication towers are permitted as a special land use in the R-1, C-1, C-2, and I zoning districts and are subject to the application and approval procedures for Special Land Uses in Article 13 of this Ordinance.
2. The parcel size shall be sufficient to allow for a fall zone equal to the height of the tower in all directions from any adjacent property line or public road and the tower must be placed on the property to allow for a fall zone equal to the height of the tower from any adjacent property line or public road.
3. No new communication towers shall be constructed within two (2) miles of an existing communications tower unless evidence is submitted to the Planning Commission demonstrating that:
 - A. No existing communication towers' support structures are located within the geographic area which meets the applicants' installation and engineering requirements.
 - B. Existing wireless communication support structures are not of sufficient height to meet applicant's engineering requirements.
 - C. Existing communication towers support structures do not have sufficient structural strength to support proposed antenna and related equipment.
 - D. Proposed antenna would cause interference with the antenna on an existing communication tower support structure, or the antenna on the existing communication tower support structure would cause interference with the proposed antenna.
 - E. The fees, costs, or contractual provisions required by the owner in order to share an existing communication tower's support structure or to adapt an existing communications tower support structure for co-location would be higher than the cost of establishing a new communications tower as demonstrated by the applicant to the satisfaction of the Planning Commission.

- F. There are other limiting factors that render existing communication towers support structures unsuitable.
4. Co-location on Existing Towers and Other Structures- Telecommunications facilities located on any existing tower or other existing support structure shall be permitted in any zoning district after administrative review and approval by the Zoning Administrator. Additional antennas and small equipment buildings (under 600 square feet) may be added to any communications tower without site plan review by the Planning Commission.
 5. New communication towers must be of a monopole construction, and may not exceed 199 feet in height. Towers will not be lit unless required by the Federal Aeronautics Administration.
 6. Engineering certification shall be provided verifying that the antenna mount and structure have been reviewed and approved by a professional engineer and is in compliance with all applicable codes. Newly proposed towers shall have the structural capacity to support at least two (2) additional co-locators along with equipment. The plans shall be sealed by a registered structural engineer and meet all federal and state requirements.
 7. Communications towers shall be enclosed by a security fence not less than six (6) feet in height. The tower structure itself shall be equipped with appropriate anti-climbing devices.
 8. If, subsequent to the approval of a communications tower, a residential dwelling meeting all lot setbacks is constructed in the tower fall zone, the tower shall not be considered a lawful non-conforming use.
 9. Abandonment of Unused Towers or Portions of Towers - Abandoned or unused towers or portions of towers and associated facilities shall be removed within 180 days of the cessation of the operations at the site unless a time extension is approved by the Planning Commission upon a showing of good cause. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the removal of the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township. A removal bond shall be provided in the amount of five thousand dollars (\$5,000.00) to insure that the tower will be removed within one-hundred and-eighty (180) days from the time of the cessation of operations.
 10. Towers or Antennas on Township Property. Antennas or towers located on property owned, leased, or otherwise controlled by the Township of Clyde shall be allowed as

a permitted use in all zoning classifications provided a license or lease authorizing such antenna or tower has been approved by the Township Board.

H. Golf courses:

Notwithstanding any other provisions in this ordinance, in considering authorization, the planning commission shall consider the following standards:

1. All activities shall be set back a minimum of 50 feet from any lot line in a residential district, except as described below.
2. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.
3. The proximity of the intended use to adjoining properties specifically including 100-foot setbacks to occupied dwellings.
4. The size, nature, and character of the proposed use. Uses with more than 50 parking spaces must have a setback of 200 feet.
5. Potential traffic congestion which might be occasioned by the intended use.
6. The effect of proposed use on adjoining properties and the surrounding neighborhood.
7. The compatibility of the proposed use with the surrounding neighborhood.
8. The minimum lot size shall be 20 acres.
9. The golf course must meet the requirements of the township wetlands ordinance.

I. Group day-care homes:

1. Play areas shall be enclosed by a fence at least 6 feet in height for safety purposes as approved by the planning commission.
2. Must have a current State operating license.

J. Home occupations:

In considering home occupations the planning commission shall consider the following standards:

1. The nature of the home occupation.
2. The effect of the home occupation on the surrounding neighborhood.

3. The environmental effects of the home occupation.
4. The nature of the surrounding neighborhood.
5. Potential traffic congestion because of the home occupation.
6. Provision for parking for traffic or clientele which may result from the operation of the home occupation.
7. Must meet the additional conditions for home occupations set forth in Section 3.17. *[amended 8-9-06]*

K. Intensive livestock feedlots:

1. All structures and confined lots designed to house or contain livestock shall be set back at least 500 feet from any existing family residence except that of the confined feeding operator.
2. All structures of confined lots designed to house or contain livestock shall be set back at least 1,000 feet from any existing church, business, school, recreational area or any public buildings; and 1,300 feet from R-2, R-3, and R-4 zoned residential areas or any area that has a recorded residential plat or site condominium.
3. All such structures shall be set back at least 50 feet from the road right-of-way.
4. If the waste handling facility of an operation is an open earthen pit, the minimum setback distance of structure and lots should be increased to: 1,000 feet from any existing family residences (except that of the feedlot operator); 1,500 feet from any church, business, school, recreation area, public buildings; 2,000 feet from a residential zone or recorded plat; and 50 feet from the road right-of-way.
5. The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the following provisions:
 - a. All manure from confinement manure storage pits or holding areas, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner, taking into account the season of the year and wind direction. Each feedlot shall have sufficient area to allow proper incorporation of disposed manure.

- b. No animal manure shall be disposed of within the right-of-way of any public road or street.
 - c. All vehicles used to transport animal manure on township, county, state and interstate highways or through municipalities shall be leak proof.
6. No feedlot shall be located within a floodplain.
 7. Agricultural products such as, but not limited to, grain, bedding plants, and livestock that are not raised on the owner's or operator's property are prohibited from being transported to the feedlot site for commercial processing and/or shipping.

L. Kennels:

In considering kennels, the planning commission shall consider the following standards:

1. Such use shall be in conformance with the character of the adjacent neighborhood.
2. Requirements for setback, lot size, side setback, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood and to protect adjacent properties.
3. The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings.
4. The size, nature, and character of the proposed use.
5. Potential traffic congestion which might be occasioned by the intended use.
6. Parking facilities to be provided for the proposed use.
7. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

M. Liquor stores (establishments with a liquor license):

In considering liquor stores, the planning commission shall consider the following standards:

1. The nature of the business.

2. The effect of the business on the surrounding neighborhood.
3. The nature of the surrounding neighborhood.
4. Potential traffic congestion because of the business.
5. Provision for parking for traffic or clientele which may result from the operation of the business.

N. Fraternal organizations:

1. Lot size of 5-acres.
2. Not within 1,000 feet of a church or a school.

O. Outdoor sales:

1. No merchandise shall be located in the road right-of-way or within 5 feet of any adjacent lot line.
2. All structures shall be set back a minimum of 30 feet from any lot line in a residential district.
3. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.
4. No outdoor storage overnight of vehicles needing repair.

P. Overnight parking of commercial vehicles:

Overnight parking of commercial vehicles over 1-1/2 ton rated capacity is allowed providing:

1. There is adequate area so that the vehicle does not constitute a visual impediment to street traffic.
2. Parked vehicles must be at least 100 feet from adjacent dwellings.
3. The special land use permit shall be revoked if the township noise ordinance is violated more than two times.

Q. Public and institutional uses:

In considering public and institutional uses such as private and public schools, libraries, museums, art galleries, and similar institutional uses when owned and operated by a governmental agency or nonprofit organization the planning commission shall consider the following standards:

1. The size, character, and nature of the public and institutional use or building.
2. The proximity of the public and institutional uses to adjoining properties.
3. The off-street parking that is to be provided for the public and institutional use.
4. The potential traffic congestion and hazards that will be caused by the public and institutional use.
5. The degree with which the public and institutional uses harmonize, blend with, and enhance adjoining properties and the surrounding neighborhood.
6. The effect of the public and institutional uses on adjoining properties and the surrounding neighborhood.
7. The use shall meet the setback, lot size, side setback, parking, screening, and other conditions required by the district in which it is located.

R. Mining and quarrying operations: removal of sand, earth, clay, gravel or similar materials. (amended May 9, 2007)

1. The regulations contained within this Section shall apply to all commercial operations relating to the removal of sand, earth, clay, gravel, peat or similar natural material, and shall include any and all mining or commercial excavation operations or any quarrying or gravel processing operations.
2. Location:
 - (a) All such operations shall be located on a primary road, as defined by the County of Allegan, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes.

- (b) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation business shall be permitted closer than 200 feet from interior boundary lines of property, unless commercial mining or excavation is being conducted on the adjoining property and further providing that all setback provisions contained in this Ordinance are complied with as applied to other properties. In addition, no such excavation business shall be permitted closer than 400 feet of any properties used for residential purposes or within 400 feet of any neighboring properties in an AR-2@AR-3@AR-4@or AR-5@ zoning district.
- (d) The permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from any neighboring properties in an AR-2@AR-3@AR-4@or AR-5@ zoning district, and shall where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and transportation equipment.
- (e) No such excavation businesses shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality, or such other State agency having jurisdiction thereof. No such mining operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby water course.

3. Site Barriers and Fencing:

- (a) Site barriers shall be provided along all setback lines of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- (i) Earth berms constructed to a height of ten (10) feet above the mean elevation of the center line of the adjacent public highway or ten (10) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess on one vertical to three (3) feet horizontal and shall be planted with grass and trees.
 - (ii) Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property, which shall be at least two year old transplants at the time of planting and which grow to not less than ten (10) feet in height and sufficiently spaced to provide effective site barriers when ten (10) feet in height. Trees which die must be replaced.
 - (iii) Earth berms planted with grass and evergreen trees or shrubbery as specified in (ii) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
- (b) The ten (10) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate site barrier
4. Nuisance Abatement: Air pollution, noise, and vibrations shall be minimized and their effect upon adjacent properties by the utilization of adequate sound-proofed equipment and the buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. Interior and adjoining roads used in the operation shall have their surface treated to minimize any such conditions.
5. Time Limits: Excavations and mining operations shall be conducted between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, but shall be prohibited on legal holidays. No operations may be conducted on Sundays or at other times. The

Planning Commission may establish a termination date for the mining or excavating of any area due to its proximity or visibility from land in an AR-2@AR-3@AR-4@or AR-5@zoning district or property used for residential purposes.

6. Fencing: Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible.
7. Liability Insurance: All applicants shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person injured or damage to more than one person or more than one person=s property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.
8. Reclamation of Mined Areas:
 - (a) Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of such reclamation/rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
 - (b) The following standards shall control reclamation/rehabilitation:
 - (i) All excavations shall be either to a water producing depth of not less than three (3) feet below the average summer level of water in the excavation , or shall be graded or backfilled with non-toxic, non-flammable, and non-combustible solids.

- (ii) Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - (iii) Surface that is not permanently submerged shall be graded and backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - (iv) The banks of all excavations shall be sloped to the waterline in a water producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three feet horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - (v) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired, which said improvements shall be completed within two years of termination of mining or excavation operations. When used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - (vi) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 - (vii) Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.
- (c) Financial guarantee shall be furnished the Township insuring the proper rehabilitation and reclamation of mined

and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre, proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this Ordinance in the applicant=s filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Planning Commission. Such financial guarantee may be in the form of cash, certified check, an irrevocable bank letter of credit, or corporate bond of a licensed insurance company.

9. Submission of Operational and Reclamation Plans:

- (a) The applicant shall submit to the Planning Commission operational and reclamation plans disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - (i) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets , and whether or not the same are on all-weather roads, additional roads, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
 - (ii) The number of acres and the location of the same proposed to be operated upon within the following 12 month period after commencement of operations.
 - (iii) Type of mining or processing proposed to be conducted and the nature of the equipment to be used.

- (iv) Location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (v) A map or plan disclosing the existing and the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bonafide nature of the reclamation/rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- (vi) Such other information as may be reasonably required by the Planning Commission to determine whether the application satisfies the Ordinance standards for approval.

10. Decision:

- (a) Following public hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - (i) The character of the area in question and its peculiar suitability, if any, for particular uses.
 - (ii) Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area.
 - (iii) The scarcity and value of the minerals sought to be mined and the public interest therein as compared with the effect upon the adjacent community of the proposed operations.
- (b) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property

owners. It may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be authorized to renew or extend the permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. The revocation or failure to renew or extend the permit shall not release the applicant from the duty of rehabilitation or reclamation of said mines or disturbed areas.

11. Waiver: The Planning Commission shall have authority to waive one or more of the requirements in this section if the Planning Commission determines, in its sole reasonable discretion, that, based on the small scale of the proposed operation and/or the secluded nature of the surrounding area, strict compliance with the is not necessary to assure satisfaction of the standards for special use approval set forth in Sections 13.03 and 13.06.R.10 of this Ordinance.

requirement
land

S. Roadside stands:

Roadside stands when authorized as a special land use by the planning commission. In considering such authorization, the planning commission will consider the following standards:

1. The proposed location of the roadside stand.
2. The size, nature, and character of the building and/or structure to be utilized for the roadside stand.
3. The type and kind of produce and goods to be sold at the roadside stand.
4. The proximity of the roadside stand to adjoining properties.
5. The time or season during which the roadside stand will operate.
6. The parking facilities provided for the roadside stand.
7. Any traffic congestion or hazards which would result from the roadside stand.

8. The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
 - a. No merchandise shall be located in the road right-of-way or within 5 feet of any adjacent lot line.
 - b. All structures shall be set back a minimum of 30 feet from any lot.
 - c. The planning commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

T. Salvage yards:

1. Minimum lot size shall be 40 acres.
2. All salvage materials must be screened from outside view by a solid fence or wall.
3. All uses shall be established and maintained following all applicable state and county laws.
4. All storage areas shall be set back at least 75 feet from any street right-of-way or property line and 500 feet from any residential district. Such setbacks shall be landscaped to minimize the appearance and impact of the operation, The spacing and type of plant materials shall be approved by the planning commission.
5. No open burning will be allowed.
6. All processes involving the use of equipment for cutting, compressing, or packaging will be conducted within a completely enclosed building.
7. All performance standards will be met.
8. Salvage activities shall be conducted within an area enclosed on all sides by a solid, noncombustible fence or wall at least 6 feet in height; provided, further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and, provided further, that all business will be conducted so that no noise, smoke, dust, vibration, or any other similar nuisance shall exist to affect adjoining residential properties adversely.
9. Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

10. Off-street parking and loading areas where required, with particular attention to the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood.
11. In considering such authorization, the planning commission shall make written findings certifying that satisfactory provision and arrangement has been made concerning the following (where applicable):
 - a. Refuse and service areas.
 - b. Utilities, with reference to locations, availability, and compatibility.
 - c. Screening and buffering, with reference to type, dimensions, and character.
 - d. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties.
 - e. Required setbacks and other open spaces.
 - f. General compatibility with adjacent properties and the surrounding neighborhood.

U. **Shopping centers:**

1. Minimum lot size of 5 acres.
2. Must be screened from abutting residentially zoned or developed properties.

V. **Commercial stables:**

1. For commercial breeding, rearing, and boarding of horses, mules, and similar domestic animals, the minimum lot size shall be 5 acres.
2. An accessory building used as a stable shall not be located nearer than 50 feet to any property line and not nearer than 100 feet to any dwelling.
3. Animals will be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than 30 feet to any dwelling on adjacent premises.
4. The facility will be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

5. Appropriate off-street parking, as identified in the parking and loading article of this ordinance shall be provided.

W. Taxidermist:

adjacent

1. 1,000 feet from similar use.
2. Waste disposal to meet health standards and not within 200 feet of Dwelling

X. Two-family dwellings:

1. Two-family dwellings shall not alter the character of the neighborhood in which they are located.
2. Two-family dwellings shall only be located along county primary roads (per Act 51 of 1951) and entrance ways to residential developments or shall act as buffers between residential and higher-intensity uses.
3. Two-family dwellings shall be located on lots having at least one and a half times the lot size and width required by the zoning district.

Y. Vehicle repair:

1. Minimum lot size shall be 20,000 square feet to provide adequate space for vehicle storage.
2. All activities and storage related to this use shall be set back a minimum of 50 feet from all side and rear lot lines.
3. All tires, parts, and bodies must be kept within a fully enclosed building or fenced on all sides with a screening fence that is 6 feet in height.
4. No outdoor storage or use shall be allowed within the required front yard.
5. Landscaping, buffering, walls, and/or fences satisfying the standards of Article 15 of this Ordinance may be required by the Planning Commission to minimize any adverse impact upon adjoining property.

Z. Agricultural Labor Camps and Migrant Housing (added February 6, 2009)

1. The parcel on which an Agricultural Labor Camp or Migrant Housing is located shall be not less than 50 acres in size.
2. Agricultural Labor Camps and Migrant Housing shall not be permitted within a plat, subdivision or site condominium.
3. Agricultural Labor Camps and Migrant Housing shall be located at least two hundred (200) feet from the right of way of any public street and at least two hundred feet (200) from any property line.
4. Migrant housing may be occupied for no more than six (6) months during the calendar year.
5. At least one (1) occupant of each individual dwelling unit/sleeping quarters shall be paid as a migratory laborer on the property on which the camp is located. In no event shall migrant housing be utilized as a temporary dwelling; camp or vacation home for permanent residents or guests of the property owner.
6. Agricultural Labor Camps shall be annually licensed by the Department of Public Health in accordance Section 124 of Act No. 368 of 1978, as amended, being 333.12421 et seq. of the Michigan Compiled Laws. The parcel owner shall submit a copy of the current license to the Township Zoning Administrator by no later than May 1 of each year.
7. Housing for all migratory laborers shall be constructed and maintained in accordance with the Michigan Agricultural Labor Camp provisions of the Public Health Code as contained in Section 124 of PA 368 of 1978, as amended, being MCL 333.12401-333.12434 et seq. as amended.
8. Agricultural Labor Camps shall be constructed and maintained in compliance with the provisions of the Michigan Department of Agriculture's Environmental Stewardship Division Agricultural Labor Camp Rules as amended being Sections 325.3601-325.3699 of the Michigan Administrative Code.
9. Structures contained within Agricultural Labor Camps and Migrant Housing shall be not more than 20 feet in height and shall be constructed in a single story only.
10. Agricultural Labor Camps and Migrant Housing that are not occupied by migrant laborers during three (3) consecutive growing seasons shall be removed by the parcel owner or camp operator and the special use permit for the same surrendered within six (6) months of the close of the second season following the three (3) consecutive seasons of non-use."

AA. Wind Energy Systems (WES) (added April 30, 2010)

1. On-Site Use Wind Energy Systems with tower height(s) of 80 feet or more and all Interconnected Wind Energy Systems shall be considered a Special Use allowed in all zoning districts where such structures are allowed subject to the requirements of this Article.
2. Wind Energy System Farm. Two or more Interconnect WES structures of any height on a single parcel (or adjacent parcels in common ownership) intended for commercial production of electricity. Wind Energy System Farms shall be allowed in the R-1 zoning district only (industrial?), and subject to the requirements of this Article.
3. Site Plan. The site plan shall show:
 - a. The location of overhead electrical transmission or distribution lines, whether utilized or not;
 - b. The location of the Wind Energy Conversion System (WECS) with its specific dimensions including the entire area through which the rotors may pass;
 - c. The location of any guy wires or other support devices;
 - d. The location of all occupied dwellings and structures within three hundred (300) feet of the WES.
4. Manufacturer Information. Each site plan submission shall be accompanied by a complete set of the manufacturer's instructions which shall at a minimum include:
 - a. A standard foundation and anchor design;
 - b. A detailed parts list;
 - c. Clearly written instructions for assembly, installation, checkout, operation, and maintenance of the WES on site;
 - d. A list of warning documents to be provided as required herein;
 - e. Grounding and lighting procedures which follow the National Electrical Code, Article 250 – Grounding, and Article 280 – Lightning Arresters;
 - f. Underwriters label where appropriate
5. Site Requirements:
 - a. Property Setbacks. The distance between a WES and the owner's property lines (and road right-of-way lines) shall be at least 1 ½ times the height of the WES structure including the blade in its vertical position.
 - b. Utility Setbacks. No WES shall be erected so that any portion of the tower or turbine is closer to utility lines than the total height of the tower and rotor combined.
 - c. Construction Codes, Towers, and Interconnection Standards. WES including towers shall comply with all applicable state construction

and electrical codes and building permit requirements. WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An Interconnected WES shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.

- d. Safety. A Wind Energy System shall have: Automatic Braking - automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightening protection. Guy Wire Anchors: If a tower is supported by guy wire anchors, the wires shall be clearly visible at a height of at least six feet above the guy wire anchors. Ground Clearance – For both horizontal and vertical axis turbines, the WES rotor shall be located on the tower or support such that the minimum vertical blade clearance above ground within 50 feet of the base of the structure shall be twenty (20) feet.
- e. Electromagnetic Interference. The entire WES including turbines, alternators, generators, and interconnected systems shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which could cause interference with radio and television broadcasting and/or reception. The entire WES shall also comply with Federal Communication Commission Rules and in particular with 47 CFR, Part 15, Subparts A and F and Part 18, Subparts A, D, and H.
- f. Height, WES. The maximum allowable height, of a wind turbine shall be measured from grade to the height of the blade in the vertical position or the highest point the height shall be limited to 500 feet, unless otherwise prohibited or exempted by state or federal statutes or regulations. The maximum allowable height for any specific site shall be further regulated by the requirements of the Federal Aviation Administration, the Michigan Aeronautics Division, Michigan Department of Transportation and the Michigan Aeronautics Commission.
- g. Noise. Each WES turbine shall not produce vibrations humanly perceptible beyond the property line. In addition copy of a noise modeling analysis report and the site plan shall show locations of equipment identified as a potential source of noise. Such potential sources of noise shall be placed, based on the analysis, so that the entire WES shall not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the WES, sound pressure level measurements shall be done by a third party

qualified professional according to procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government prior to commencement of commercial operation. Audible noise or the sound pressure level from the operation of the WES Farm shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, measured at the property line. The applicant shall provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the WES Farm to demonstrate compliance with this standard.

- h. Avian Impact Analysis. The applicant shall submit an avian study to assess the potential impact of a proposed WES Farm upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant shall identify any plans for post-construction monitoring or studies. The analysis shall also include an explanation of potential impacts and a proposed mitigation plan to address those impacts. The Planning Commission may request a third party analysis at the applicant's expense.
- i. Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder at a minimum height of twelve (12) feet.
- j. Shadow Flicker. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures within 500 feet and show measures that shall be taken to eliminate or mitigate the problems.
- k. Color. WES shall be painted a non-obtrusive (i.e. white, beige or gray) color that is non-reflective. No striping of color or advertisements shall be visible on the blades or tower.
 - l. Maintenance. WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

6. Interconnected WES:

In the case of a WES proposed to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The applicant shall comply with all requirements of the servicing

utility if the WES is to be interfaced with the utility grid. The utility shall install appropriate electric metering and the applicant shall be required to install a disconnecting device adjacent to the electric meter(s).

7. Decommissioning:

The applicant shall submit a plan describing the intended disposition of the WES at the end of its useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance security or equivalent financial instrument shall be posted in an amount determined by the Township Board (to be utilized in the event the decommissioning plan must be enforced with respect to tower removal, site restoration, etc.).