

## **SECTION 5.100 RURAL USES**

### **Section 5.101 Agricultural Services and Farm Supply Stores.**

Agricultural service establishments, bulk feed and fertilizer supply outlets, farm supply stores, and similar uses shall be subject to the following:

1. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Farm products offered for sale shall include those grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
3. Any outdoor sales or display areas shall be conform to the standards of Section 5.410 (Outdoor Sales or Display Areas).
4. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per Section 14.10D (Methods of Screening).
5. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
  - a. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
  - b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
  - c. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.
6. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review).

### **Section 5.102 Farm-Based Tourism/Entertainment Activities.**

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of

necessary sanitary facilities and service areas, and transition plantings or screening devices.

2. Screening shall be provided per Section 14.10D (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than 300 feet may be permitted to satisfy this requirement.
3. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
4. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
5. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully-shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5 footcandles in intensity as measured at any lot boundary or road right-of-way.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.
7. Farm-based tourism or entertainment activities shall conform to the applicable requirements of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

### **Section 5.103 Farm Products Direct Marketing Business.**

Where farm products direct marketing businesses are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation. Such businesses shall include "U-Pick" commercial agriculture operations, direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

### **Section 5.104 Greenhouse, Nursery, or Tree Farm.**

The following shall apply to greenhouses, nurseries, and tree farms:

1. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
2. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 3.208 (Corner Clearance Zones).
3. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

4. Where greenhouses, nurseries, and tree farms are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation.
5. Retail sales of greenhouse and nursery products shall be permitted as an accessory use, subject to site plan approval per Article 10.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

### **Section 5.105 Keeping of Animals, Non-Farm.**

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm raising and keeping of domesticated animals and livestock shall be subject to the following:

1. Non-farm raising and keeping of such animals shall be clearly incidental to a single-family dwelling and not for income generation or remuneration.
2. The raising and keeping of fowl, rabbits, and similar small domesticated animals shall require a minimum lot area of one (1) acre. Structures or fenced areas for keeping of small domesticated animals shall be located not less than five (5) feet from adjacent lots and road rights-of-way.
3. The raising and keeping of horses, cows, sheep, goats, llamas and similar domesticated livestock shall require a minimum lot area of four (4) acres, and shall be subject to the following:
  - a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Raising and keeping of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
  - b. Structures for keeping such animals shall be located not less than 75 feet from adjacent properties.
4. All animals shall be properly housed and fenced so as not to be a public nuisance.
5. All animal wastes shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create a detrimental effect on the environment or on neighboring properties.
6. Stables, barns, pens, and pastures shall be kept clean, and wastes shall be treated and handled in such a manner as to control flies and odor.

### **Section 5.106 Kennel.**

The standards of this Section shall apply to the keeping, housing or raising of six (6) or more dogs over six (6) months old for breeding, showing, boarding, training, competition, or as pets. Kennels shall be licensed as required by Washtenaw County or other outside agency with jurisdiction, and shall be subject to the following additional standards:

1. Kennels shall have a minimum lot area of ten (10) acres.
2. The Planning Commission shall establish a limit on the maximum number of dogs that may be kept, housed or raised at one time as part of any Conditional Use Permit approval for a kennel.
3. Structures or pens where dogs are kept, outdoor runs, exercise areas, and similar facilities shall not be located in any required yard setback areas. Such facilities shall be:
  - a. Set back a minimum of 300 feet from road rights-of-way, 100 feet from side and rear lot boundaries, and 50 feet from any watercourse.
  - b. Screened in accordance with Section 14.10D (Methods of Screening).
4. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of the Conditional Use Permit application.
6. Dogs shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance.
7. All dogs shall be enclosed within a building at night.
8. All outdoor dog pens shall be enclosed with a six (6) foot high safety fence. Dog pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.
9. Preliminary and final site plans shall be required in accordance with Article 10.0 (Site Plan Review). The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor [amended 5/21/2012, Ord. 174-07].

### **Section 5.107 Private Riding Arenas and Boarding Stables.**

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. Stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall require a minimum lot area of four (4) acres, and shall be subject to the following:
  - a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Private rearing, schooling and housing of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
  - b. All stable and arena buildings, corrals, and similar structures shall be located not less than 75 feet from all side and rear lot boundaries.
  - c. Stable and arena buildings, corrals, and similar structures shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot. For lots without a principal dwelling, such structures shall be set back a minimum of 300 feet from all road rights-of-way.
2. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.
5. Establishment or enlargement of such a facility shall be subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). Approval of a building permit may be required if the facility is open to the public [amended 6/18/2012, Ord. 174-10].

### **Section 5.108 Public or Commercial Riding Stables.**

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly, or weekly basis shall be subject to the following:

1. An accessory dwelling in a principal building for the property owner or operator of the facility shall be permitted per Section 5.201 (Accessory Dwelling).
2. The lot area shall not be less than 20 contiguous acres under single ownership.
3. Such public or commercial riding stables and academies shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

4. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall be located not less than 75 feet from adjacent properties.
5. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot.
6. Fenced areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
7. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
8. Parking for patrons and employees shall be provided in compliance with Article 8.0 (Off-Street Parking and Loading Regulations). Such areas shall be screened per Section 14.10D (Methods of Screening).
9. Such uses shall be subject to site plan approval per Article 10.0 (Site Plan Review).

### **Section 5.109 Roadside Stands.**

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any RURAL USES, subject to the following:

1. Suitable trash containers shall be placed on the premises for public use.
2. The roadside stand structure(s) shall be set back outside of all road right-of-way. Such stands shall be removed from the roadside location during seasons when not in use.
3. Any roadside stand shall have at least five (5) off-street parking spaces, which need not be paved with asphalt or concrete. Parking spaces shall be located outside of road rights-of-way.
4. All signs used in connection with the use shall be temporary, and shall comply with the requirements of Article 9.0 (Signs). Such signs shall be removed when the stand is not in use.
5. Any roadside stand exceeding the limitations of this Section shall be subject to Conditional Use Permit approval as a farm-based tourism or entertainment facility per Section 5.102 (Farm-Based Tourism/Entertainment Activities).

### **Section 5.110 Veterinary Clinics and Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

1. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:
  - a. Such areas shall be enclosed by a six (6) foot high safety fence.
  - b. Such exercise areas shall not be located in any required yard setback areas, and shall be set back a minimum of 50 feet from road rights-of-way, side and rear lot boundaries, and any watercourse.
  - c. Such areas shall be screened in accordance with Section 14.10D (Methods of Screening).
2. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
3. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.
4. Operation shall include proper control of animal waste, odor, and noise.
5. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review).





## **SECTION 5.200 RESIDENTIAL USES**

### **Section 5.201 Accessory Dwelling.**

It is the intent of this Section to permit dwellings accessory to certain non-residential uses under limited circumstances and subject to specific standards. The standards of this Section are intended to preserve the character and appearance of principal buildings that include one (1) or more accessory dwelling units. Accessory dwellings shall be subject to the following standards:

#### **A. Accessory to Office and Service Uses and Commercial Uses.**

The following standards shall apply to accessory dwelling units permitted in the O-1 (Office) District, and the NSC (Neighborhood Shopping Center) and VC (Village Center) Special Districts:

1. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) more principal OFFICE AND SERVICES USES or COMMERCIAL USES, as permitted in the zoning district.
2. Accessory dwelling units shall be prohibited on the ground floor or street level of the building, and shall be constructed with adequate sound and firewall separation from the principal use(s).
3. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.
4. Parking shall be provided for each accessory dwelling unit per Article 8.0 (Off-Street Parking and Loading Regulations).
5. Construction of new accessory dwelling units shall be subject to site plan approval per Article 10.0 (Site Plan Review). The application shall include submittal of floor plans for the accessory dwelling and principal building.
6. Alteration of existing, approved accessory dwelling units shall be subject to administrative approval per Section 1.07 (Certificates of Zoning Compliance).

#### **B. Accessory Dwelling in the PM Special District.**

A dwelling may be permitted accessory to principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted in the PM (Planned Manufacturing) Special District, subject to the following:

1. The accessory dwelling shall be located in a separate residential building on the same parcel or an abutting parcel under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.

- 2. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.
- 3. Approval of a new accessory dwelling in the PM Special District shall be subject to the procedures and requirements of Article 7.0 (Special District Regulations). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.
- 4. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section 1.07 (Certificates of Zoning Compliance).

**C. Caretaker’s Residence.**

Where a provision of this Article permits an accessory dwelling for use as a caretaker’s residence, the following standards shall apply:

- 1. The caretaker’s residence may be located within the principal building, or may be a separate residential building on the same parcel as the principal use(s).
- 2. The caretaker’s residence shall have separate kitchen, bath, and toilet facilities and a private entrance. If located within the principal building, the caretaker’s residence shall be constructed with adequate sound and firewall separation from the principal use(s).
- 3. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel.
- 4. Construction of a caretaker’s residence shall be subject to site plan approval per Article 10.0 (Site Plan Review). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.
- 5. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section 1.07 (Certificates of Zoning Compliance).

**Section 5.202 Bed and Breakfast Inn.**

Bed and breakfast inns shall comply with the following:

**A. General Regulations.**

A bed and breakfast inn shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property.

- 1. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time that the bed and breakfast operation is active.

2. A dwelling unit containing a bed and breakfast operation shall be maintained in compliance with fire safety codes, the State Construction Code, and other applicable regulations. The bed and breakfast operation shall comply with all applicable state laws and regulations.
3. Not more than one (1) person, other than members of the resident family, shall be employed in a bed and breakfast operation.

**B. Specifications.**

A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas.

1. Each bedroom shall have a minimum floor area of 120 square feet and shall be occupied by not more than two (2) persons.
2. Not more than four (4) bedrooms shall be provided for bed and breakfast operations in any one single-family detached dwelling.
3. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. At least one (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each four (4) guests. Each such bathroom shall be separate from the living quarters of the resident family.
4. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.

**C. Scope of Operation.**

No retail sales or other COMMERCIAL USES shall be permitted, except incidental sales associated with the bed and breakfast operation.

1. Full breakfasts or continental breakfasts may be served to registered guests only. No other meals shall be provided to such guests.
2. Service of alcoholic beverages in a bed and breakfast operation shall be prohibited.
3. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties, other than private events for members of the resident's immediate family.
4. The maximum length of stay for any occupant of a bed and breakfast operation shall be 14 days in any period of 90 consecutive days.

**D. Signs, Parking, and Exterior Appearance.**

A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except as permitted by this Section.

1. One (1) ground sign, not more than four (4) square feet in area and four (4) feet in height, shall be permitted for the bed and breakfast operation; in addition to signs permitted for the principal dwelling per Article 9.0 (Signs). The ground sign shall be set back a minimum of ten (10) feet from road rights-of-way.
2. A minimum of one (1) off-street parking space shall be provided per sleeping room in a bed and breakfast inn; in addition to spaces required for the dwelling unit per Article 8.0 (Off-Street Parking and Loading Regulations). Parking for the bed and breakfast inn shall not be located in any required front yard, and stacking of more than two (2) vehicles in a driveway shall be prohibited.

**E. Site Plan Approval.**

Bed and breakfast inns shall be subject to site plan approval per Article 10.0 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

**F. Inspection and Certificate of Occupancy.**

An approved Conditional Use Permit for a bed and breakfast inn shall not become effective and a bed and breakfast inn shall not be operated for business until the premises has been inspected by the Building Inspector and a certificate of occupancy has been issued with a finding of no safety violations. The Certificate shall be valid unless suspended by the Building Inspector upon a subsequent re-inspection disclosing violations, or until expiration of the time stated on the Certificate.

**Section 5.203 Farm Labor Housing.**

Single-family dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

1. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 10.0 (Site Plan Review).
2. All structures for farm labor housing shall comply with the standards of Article 3 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:

- a. Such housing shall be set back a minimum of 100 feet from all side and rear property lines and 75 feet from road rights-of-way.
  - b. Such housing shall be set back a minimum of 150 feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
  - c. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
3. The maximum number of permitted farm labor housing units shall be based upon the total gross land area of the associated farm operation, as follows:
    - a. One (1) single-family dwelling unit per 100-249 acres;
    - b. Two (2) single-family dwelling units per 250-399 acres;
    - c. Three (3) single-family dwelling units per 400-599 acres; and
    - d. Four (4) single-family dwelling units per 600 acres or more.
  4. Farm labor housing may be permitted as a principal use on a parcel that contains a minimum of two (2) acres and complies with all other requirements of this Section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.
  5. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.
  6. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township, prior to the start of construction on the site.

### **Section 5.204 Home Occupations.**

Home occupations shall be permitted as a use accessory to a single-family dwelling in any zoning district where such dwellings are permitted, subject to the following:

#### **A. Use Standards.**

Home occupations shall conform to the following requirements:

1. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.

2. No persons shall be employed in the home occupation other than members of the immediate family residing on the premises.
3. Home occupations shall be limited to single-family detached dwellings, and to other owner-occupied dwellings. The home occupation shall be conducted only within the dwelling or within an accessory structure on the parcel.
4. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
  - a. The total floor area used by the home occupation, whether the home occupation is conducted within the dwelling unit or within an accessory building, shall not exceed twenty percent (20%) of the floor area of the dwelling unit.
  - b. There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation. External and internal alterations not customary for a single-family dwelling shall be prohibited.
5. Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.
6. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall not be located in any required yard, and shall be subject to the standards of Article 8.0 (Off-Street Parking and Loading Regulations).
7. No signs shall be permitted for the home occupation, other than a nameplate as permitted for a dwelling per Article 9.0 (Signs).
8. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
9. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
10. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

**B. Permitted Home Occupations.**

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).

3. Home office for a massage therapist, subject to the standards of Section 5.309 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year.
8. Any home occupation not specifically listed may be approved by the Planning Commission with a Conditional Use Permit, subject to the provisions of this Section and Article 11.0 (Conditional Uses).

**C. Prohibited Uses.**

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle and recreational vehicle repair, body and paint shops, welding shops, and storage or dismantling yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Mortuary and funeral homes.
6. Controlled uses and sexually oriented businesses.
7. Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; or any use involving electrical equipment processes that create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises.
8. Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
9. Any use that would potentially create or exacerbate any hazard of fire, explosion, or radioactivity.

10. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

**D. Inspection and Enforcement.**

All home occupations may be subject to inspection by the Zoning Inspector to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

**Section 5.205 Manufactured Housing Parks.**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

**A. Lot Area and Height Regulations.**

1. **Lot area.** The minimum area of the lot that comprises the manufactured housing park shall be 20 acres.
2. **Height requirements.**
  - a. Except as otherwise provided in Paragraph b below, no building or structure shall exceed a height of two (2) stories or 25 feet.
  - b. The maximum height of accessory structures in a manufactured housing park shall be 15 feet. The height of a storage building on a manufactured housing park site shall not exceed the lesser of 15 feet or the height of the manufactured housing.
3. **Landscaping.**
  - a. A landscape strip at least 20 feet wide shall be located and continually maintained along all park borders not adjacent to public streets. This strip shall consist of such plant materials as trees and shrubs to provide privacy for the manufactured housing park residents and to provide a transition area between the manufactured housing park and surrounding properties. A fence may be required by the Planning Commission as part of the site plan approval to protect the manufactured housing park or adjacent properties from trespassing.
  - b. Such landscape strip shall not contain carports, recreation shelters, storage shelters, or any other structures, parking spaces, or active recreation areas.



**B. Planning and Development Regulations for Manufactured Housing Parks.**

1. **Sale of homes.** The business of selling new and/or used manufactured housings as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured homes located on lots within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing park provided the park's regulations permit the sale.
2. **Minimum distances.** A manufactured home shall be in compliance with the following minimum distances:
  - a. 20 feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent manufactured housing park site.
  - b. Ten (10) feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent manufactured home.
  - c. Ten (10) feet from an on-site parking space of an adjacent site.
  - d. 50 feet from any permanent building.
  - e. Ten (10) feet from the edge of an internal street.
  - f. 20 feet from the right-of-way line of a dedicated public street within the manufactured housing park.
  - g. Seven and one-half (7.5) feet from a parking bay.
  - h. Seven (7) feet from a common pedestrian walkway.
3. **Parking requirements.**
  - a. A minimum of two (2) parking spaces shall be provided for each manufactured housing park site.
  - b. Additional parking facilities shall be provided:
    - (1) for storage of maintenance vehicles;
    - (2) at the park office location for office visitors; and
    - (3) for general visitor parking, at the ratio of one (1) parking space for every three (3) manufactured housing park sites in the park, in a convenient location for the manufactured housing park sites served thereby.

4. **Streets.**
  - a. Vehicular access to a manufactured housing park shall be provided by at least one hard-surface public road as designated in the adopted Growth Management Plan.
  - b. Only streets within the manufactured housing park shall provide vehicular access to individual manufactured housing park sites in the manufactured housing park.
  - c. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
  - d. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.
  - e. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area. Adequate turning radii for emergency vehicles, including fire trucks, shall be provided.
5. **Outdoor storage.** Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited for use only by residents of the manufactured housing park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties, public streets, and roads.
6. **Site-constructed buildings.** All buildings constructed on site within a manufactured housing park must be constructed in compliance with applicable building, electrical, plumbing, and mechanical and cross-connection codes. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with applicable building, electrical, plumbing, and mechanical codes. Certificates and permits shall be required as provided in Article 1.0 (Administration and Enforcement). A final site plan shall be approved prior to construction of any principal structure, not including manufactured housing park units, in accordance with Article 10.0 (Site Plan Review).
7. **Placement of a manufactured housing park unit.**
  - a. It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.

- b. A building permit shall be issued by the Township Building Department before a manufactured home may be placed on a site in a manufactured housing park.

**8. Site plan review required.**

- a. Construction of a manufactured housing park shall require prior approval of a site plan by the Township Planning Commission.
- b. The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one (1) inch equals 20 feet or less than one (1) inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
- c. For purposes of this Section only, a site plan shall provide the following information:
  - (1) Scale, north arrow, name and date, and date of any revisions.
  - (2) Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
  - (3) Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
  - (4) A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
  - (5) Existing topography, at a minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100-year flood hazard area.
  - (6) Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
  - (7) Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
  - (8) Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins;

location of existing wells, septic tanks, and drain fields, if applicable.

- (9) Names and rights-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
- (10) Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
- (11) Grading plan, at a minimum contour interval of two (2) feet.
- (12) Location and exterior dimensions of proposed buildings and structures other than manufactured housing unit dwellings; height and finished floor elevations of such buildings and structures; location of the manufactured home and parking spaces on each manufactured housing park site.
- (13) Location and alignment of all proposed streets and drives; rights-of-way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
- (14) Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
- (15) Location, width, and surface of proposed sidewalks and pedestrian paths, including notations on the site plan depicting handicapped access.
- (16) Location, use, size, and proposed improvements of open space and recreation areas.
- (17) Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
- (18) Location, type, size, area, and height of proposed signs.
- (19) General proposed utility layout for sanitary sewer, water and storm water systems.
- (20) Landscape plan showing location, type, and size of plant materials.
- (21) Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.

- (22) An overall map shall be developed on a 24-inch by 36-inch sheet showing how this property ties in with all other surrounding properties, including:
  - (a) existing and proposed water mains and sanitary and storm sewers in the area, including sanitary sewer service areas;
  - (b) the road network in the area; and
  - (c) the relationship of existing and proposed drainage courses and retention bases in the general area that impact or are impacted by this development as well as an area-wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds).
9. **Building permits required.** No manufactured home may be placed on a manufactured housing park site until a Building Permit has been issued by the Superior Township Building Department. A Building Permit shall not be issued until all required state approvals have been obtained.
10. **Occupancy.** A manufactured home in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued by the Superior Township Zoning Inspector.

## **Section 5.206 Multiple-Family Housing.**

All multiple-family dwellings and developments, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities shall comply with the following:

### **A. General Standards.**

1. **Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more residential buildings on a lot:
  - a. Where buildings are front-to-front or front to rear, three (3) times the height of the taller building, but not less than 70 feet.
  - b. Where buildings are side-to-side, one and one-half (1 1/2) times the height of the taller building, but not less than 20 feet.
  - c. Where buildings are front-to-side, rear to side, or rear-to-rear, two (2) times the height of the taller building but not less than 45 feet.

In applying the above regulations, the front of the building shall mean that face of the building having the greatest length; the rear shall be that face opposite the front; and the sides shall be the faces between the front and rear faces.

2. **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps. Permanent barrier free access shall be provided to primary building entrances where a difference in elevation exists between an entrance and grade level.
3. **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or required building separation areas.
4. **Compatibility.** Multiple-family buildings shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of area per the Growth Management Plan. Compatibility shall be determined by the Planning Commission according to the following standards:
  - a. Multiple-family buildings shall comply with the standards of Section 14.09 (Building Form and Composition).
  - b. Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.
  - c. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
5. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article 10.0 (Site Plan Review).

**B. Senior Housing and Elderly Housing and Dormitory Housing.**

The following additional standards shall apply to senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities:

1. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.
2. **Compliance with regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.

3. **Density.** Nursing homes, assisted living facilities, dependent elderly housing, and permitted dormitory housing shall be exempt from the maximum dwelling unit density standards for the zoning district. Such standards shall apply to senior and independent elderly housing, and other state-licensed and other managed residential facilities.

**C. Multiple-family residences in the O-1 (Office) District.**

The following additional standards shall apply to multiple-family residences, where permitted in the O-1 (Office) District:

1. Multiple-family residences proposed to be located within the same building occupied or intended to be occupied by one (1) more principal OFFICE AND SERVICES USES or COMMERCIAL USES permitted in the zoning district shall be subject to approval as accessory dwelling units per Section 5.201 (Accessory Dwelling).
2. Multiple-family residences proposed to be developed as the principal use of a parcel in the O-1 District shall be subject to the standards of this Section, and the standards of the R-7 (Multiple-Family Residential) District as specified in Article 3.0 (Dimensional Standards).

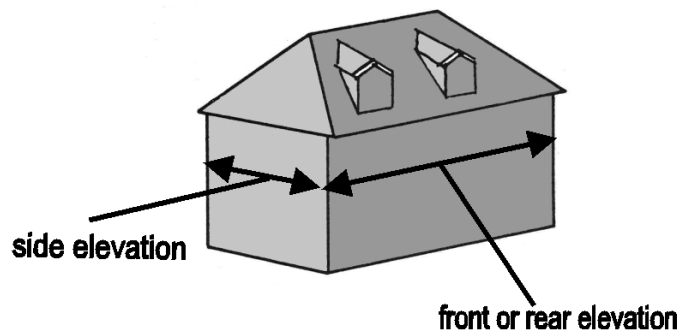
## **Section 5.207 Single-Family Dwellings, Detached**

The intent of this Section is to ensure compliance of single-family detached dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park in the R-6 (Manufactured Housing Park) District. New single-family detached dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
2. The dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
  - a. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
  - b. Wheels, tongue, hitch, or similar appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.
3. The dwelling shall be connected to potable water and sanitary sewerage facilities per Section 14.06 (Water Supply and Sanitary Sewerage Facilities).

4. The single-family detached dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family dwellings in Superior Charter Township. Compatibility shall be determined according to the following standards:
  - a. Single-family dwellings shall comply with the standards of Section 14.09 (Building Form and Composition).
  - b. Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.
  - c. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
  - d. The dwelling, prior to any additions or expansions, shall have a minimum width across all front, side, and rear elevations of 26 feet see "Dwelling Elevations" illustration.
5. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section 1.07 (Certificates of Zoning Compliance).
6. Not more than one (1) single-family detached dwelling shall used as a dwelling on a lot, nor shall a new dwelling be placed on any lot where an existing dwelling or other principal use is located. A single-family detached dwelling shall not be used as an accessory building in any residential district.
7. Single-family dwellings shall have a minimum floor area, not including basement or attached garage floor area, of 1,200 square feet. [amended 4/20/2009, Ord. 174-02]

### **ILLUSTRATION**



### **Dwelling Elevations**



## SECTION 5.300

### OFFICE, SERVICE, AND COMMUNITY USES

#### Section 5.301 Accessory Office, Service, and Community Uses.

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.
2. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Special Districts, such uses shall be located either in a building containing the principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.
4. In all other zoning districts where accessory OFFICE, SERVICE, AND COMMUNITY USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.
5. Where an accessory pharmacy, drugstore or medical supply store is located within a hospital or other principal building, the building shall have sixty-five percent (65%) or more of its usable floor area devoted to principal medical or dental uses. Not more than eight percent (8%) of the building's usable floor area shall be occupied by the pharmacy, drugstore or medical supply store.

#### Section 5.302 Campgrounds and Recreational Vehicle Parks.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. **Lot area.** Minimum site area shall be ten (10) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting RESIDENTIAL USES in accordance with Section 14.10D (Methods of Screening).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries.

4. **Temporary storage of recreational vehicles and trailers.** Temporary off-season storage of recreational vehicles and camping trailers not set up for occupancy shall be permitted as an accessory use, subject to the following:
  - a. Such storage shall be incidental to the principal use of the parcel as a campground or recreational vehicle park.
  - b. Storage of such vehicles and trailers shall be limited to the off-season when the campground or recreational vehicle park is closed.
  - c. Such vehicles and trailers shall be stored on the individual campsites, and shall be limited to one (1) recreational vehicle or trailer per campsite.
  - d. Such vehicles and trailers shall be secured, and shall not be occupied while in storage.
  
5. **Use standards.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, exterior lighting, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - a. All recreational vehicles and trailers must be operable and licensed to operate on the highways of the State of Michigan.
  - b. Each campsite shall either be provided with approved potable water and sanitary sewer or septic hookups, or shall have convenient access to approved bathrooms, toilets, and shower facilities.
  - c. Campgrounds and recreational vehicle parks shall be for seasonal recreation use. Permanent residency on a campsite shall be prohibited.
  - d. A caretaker's residence shall be permitted accessory to a campground or recreational vehicle park, subject to the requirements of Section 5.201 (Accessory Dwelling).
  - e. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

### **Section 5.303 Cemetery.**

Cemeteries and similar uses shall comply with all applicable federal, state and local laws and regulations, and shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be ten (10) acres.
2. All access shall be provided from a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

3. The cemetery shall be secured by a fence, and screened from abutting Rural Residential and Urban Residential Districts or existing RESIDENTIAL USES per Section 14.10D (Methods of Screening).
4. Crypts, mausoleums, and other buildings containing human remains, other than a subterranean grave, shall be set back a minimum of 100 feet from lot boundaries.
5. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. A caretaker's residence shall be permitted accessory to a cemetery, subject to the requirements of Section 5.201 (Accessory Dwelling).
7. Establishment, expansion, and alteration of a cemetery shall be subject to site plan approval per Article 10.0 (Site Plan Review). A maintenance plan shall be submitted with the application for site plan approval, which shall include the following minimum information:
  - a. The entity responsible for long-term maintenance of the cemetery, and methods and anticipated funding sources for such maintenance.
  - b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.

### **Section 5.304 Day Care and Large Group Home Facilities.**

The following regulations shall apply to group day care homes, day care centers, and adult foster care large group homes, except licensed group day-care homes that lawfully operated before March 30, 1989:

1. In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.
2. Group day care homes shall be located a minimum of 1,500 feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest boundaries of the group day care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Conditional Use Permit for a group day-care home[amended 8/16/2010, Ord. 174-04]:
  - a. Another licensed group day-care home.
  - b. A adult foster care small group home or large group home.
  - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
  - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

3. All outdoor play areas for group day care homes and day care centers shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height and capable of containing the children within the play area.
4. The group day care home or adult foster care large group home premises shall be maintained consistent with the visible character of single-family dwellings.
  - a. No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.
  - b. A group day-care home shall not require the modification of the dwelling exterior nor the location of playground equipment in the front yard.
5. The operation of a group day care home shall not exceed 16 hours during any 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
6. One (1) off-street parking space shall be provided per non-resident employee of the group day care home, in addition to required parking for the dwelling.
7. Construction, expansion, and alteration of such uses shall be subject to site plan approval per Article 10.0 (Site Plan Review).
8. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Conditional Use Permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions on an approved group day care home beyond those listed in this Section.

### **Section 5.305 Funeral Parlor or Mortuary.**

Funeral parlors and mortuaries shall be subject to the following standards [crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE as permitted in Article 4.0 (Land Use Table)]:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.
2. **Screening.** The service and loading area shall be screened from adjacent Rural Residential and Urban Residential Districts or existing RESIDENTIAL USES per Section 14.10D (Methods of Screening).
3. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of Section 5.201 (Accessory Dwelling).

## Section 5.306 Institutional Uses.

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities defined as institutional uses per Section 17.03 (Definitions):

1. **Height.** The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
  - a. The building height shall be permitted to exceed the maximum height requirements of the district up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.
  - b. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
2. **Frontage and access.** Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

## Section 5.307 Landscape Operations and Snowplow Businesses.

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses shall be subject to the following:

1. **Minimum lot area.** A minimum lot area of five (5) acres shall be required for landscape maintenance and installation operations, and snowplowing and removal businesses.
2. **Site plan approval.** Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article 10.0 (Site Plan Review).
3. **Use standards.** The use shall be accessory to and remain secondary to a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following requirements:
  - a. Employees of the business not residing on the lot shall work primarily off-site.

- b. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.
  - c. The character or appearance of the dwelling shall not change. The total floor area of the dwelling used for the business shall not exceed twenty percent (20%) of the dwelling's total floor area.
  - d. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.
  - e. Such businesses may occupy all or part of any accessory buildings on the lot that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.
4. **Outside storage.** Outdoor display or storage of equipment, vehicles, and materials shall be subject to the following:
- a. A maximum of two (2) commercial trucks or similar vehicles may be parked outside, provided such vehicles are located outside of all road rights-of-way, required yard setback areas, and corner clearance areas. All other vehicles and equipment associated with the business shall be stored within a completely enclosed building.
  - b. Outside storage shall conform to the standards of Section 5.503 (Outside Storage, General).
5. **Screening.** To ensure compatibility between land uses, the Planning Commission may require screening of storage building(s), outside storage areas, and business vehicle parking area(s) occupied or intended to be used by the business from road rights-of-way and abutting parcels per Section 14.10D (Methods of Screening).
6. **Parking.** Parking of vehicles or other activity associated with the business shall be prohibited within road rights-of-way and the minimum required yard setbacks for the zoning district. Parking for the business shall be subject to Article 8.0 (Off-Street Parking and Loading Regulations).
7. **Nuisances.** No nuisance shall be generated by any heat, glare, noise, exterior lighting, smoke, vibration, noxious fumes, odors, vapors, gases, or chemicals at any time. No hazard of fire, explosion or radioactivity shall exist at any time.
8. **Fuel storage.** On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

## Section 5.308 Private Recreational Facilities.

Private parks and recreational facilities (including but not limited to private parks, country clubs, golf courses, golf driving ranges, sportsman's clubs and other privately-owned recreational facilities shall be subject to the following:

### A. General Requirements.

The following general standards shall apply to all private recreational facilities:

1. Such uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses. The hours of operation of any private recreational facilities shall be subject to Planning Commission approval.
3. Accessory food service operations and/or sales of recreation equipment shall be permitted, subject to the following:
  - a. Such accessory uses shall be clearly incidental to and subordinate to the principal private recreational use(s).
  - b. Such accessory uses shall be limited to hours of operation that coincide with those of the principal private recreational use(s).
4. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 10.0 (Site Plan Review).

### B. Sportsman's Clubs and Ranges.

The following additional standards shall apply to all sportsman's clubs, shooting ranges, and similar uses, except private hunting activities:

1. **Minimum land area.** Such facilities shall be located on a parcel of land not less than 40 acres in gross lot area.
2. **Security fencing and signage.** Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet, and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 100 feet apart.
3. **Compliance with standards.** Design and operation of such facility shall be in accordance with applicable state and federal laws and regulations, and current National Rifle Association specifications and practices.
4. **Indoor ranges.** Indoor firearms ranges shall be insulated with sound dampening materials, and shall be set back a minimum of 500 feet from all lot boundaries.

5. **Outdoor ranges.** Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries.
6. **Noise impacts.** All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.

**C. Golf Course and Driving Ranges.**

The following requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

1. Golf driving ranges shall be prohibited in the Rural Residential and Urban Residential Districts.
2. A maintenance plan shall be submitted with the application for site plan approval for a new or expanded golf course, which shall include the following minimum information:
  - a. The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.
  - b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.
3. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Rural Residential or Urban Residential Districts or existing RESIDENTIAL USES.
4. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
  - a. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
  - b. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

**Section 5.309 Therapeutic Massage.**

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available, and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business shall be prohibited.



## **SECTION 5.400**

### **COMMERCIAL USES**

#### **Section 5.401 Accessory COMMERCIAL USES.**

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.
2. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Special Districts, such uses shall be located either in a building containing the permitted principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.
4. In all other zoning districts where accessory COMMERCIAL USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.

#### **Section 5.402 Amusement Center.**

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers also shall be subject to the standards of Section 5.410 (Outdoor Sales and Display Areas).
3. Pool and billiard parlors, pinball/video game parlors, and arcades shall be permitted as an amusement center.
4. Such uses shall comply with the applicable standards and licensing requirements of the Township's Public Amusements Ordinance (Ord. No. 67).

**Section 5.403 Bakeries.**

Bakeries shall be subject to the following standards by zoning district:

- 1. **Planned Manufacturing (PM) Special District.** The principal use of the premises shall be for the preparation and manufacturing of bakery products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the principal use.
- 2. **Business Districts.** The principal use of the premises shall be for the preparation and sale of bakery products on the premises. Distribution of products made on the premises to off-site locations shall be prohibited.

**Section 5.404 Big Box COMMERCIAL USES.**

“Big-Box” stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than 50,000 square-feet of total gross floor area in a single building footprint) shall be subject to the following:

- 1. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
  - a. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
  - b. A traffic impact study and proposed mitigation measures shall be required.
- 2. **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
- 3. **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
- 4. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

## **Section 5.405 Car Washes.**

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

### **A. Use Standards.**

1. All washing facilities shall be completely within an enclosed-building, and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USES. The hours of operation of any vehicle wash facility shall be subject to Planning Commission approval.
4. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. The hours of operation car wash shall be subject to Planning Commission approval.

### **B. Ingress/Egress.**

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.
3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

### **C. Screening.**

Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

## Section 5.406 Drive-in or Drive-through Facilities.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
  - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
  - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
4. A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
5. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
6. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
7. Menu boards may be installed and maintained for the drive-through facility, subject to the following:
  - a. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.
  - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

## Section 5.407 Motion Picture Cinema.

Indoor or outdoor motion picture cinemas shall be subject to the following:

### A. General Requirements.

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening).
2. **Access.** Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

### B. Additional Outdoor Cinema Requirements.

All outdoor cinemas and drive-in theaters shall conform to the following:

1. A drive-in theater shall not be located adjacent to any Rural Residential or Urban Residential Districts.
2. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public road(s).
3. All points of entrance or exit for vehicles shall be located no closer than 500 feet from the intersection of any two (2) road rights-of-way.
4. Adequate stacking lanes shall be provided so that vehicles waiting to enter the theater will not occupy driving lanes, parking lanes, or road rights-of-way.
5. The facility shall be fully enclosed by a solid screen fence or wall at least six (6) feet high. Strips of metal, plastic, or other materials inserted into wire fences shall not constitute a solid, screen-type fence and shall not be permitted as a substitute for this requirement. Fences or walls shall be set back at least 100 feet from any road rights-of-way or front lot boundary.
6. Signs or other advertising material shall not be placed on any fences or walls in a manner visible from adjacent lots and road rights-of-way.
7. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

## **Section 5.408 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.**

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

### **A. Use Standards.**

1. Motor vehicle service centers, repair stations, and fueling stations shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be 175 feet.
3. Sales, display or rental of motor vehicles shall be prohibited, except where the service center or repair station is accessory to a permitted dealership showroom or outdoor dealership sales lot.
4. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s).
5. Open service bays and overhead doors shall not face towards any adjacent Rural Residential or Urban Residential Districts or RESIDENTIAL USES.
6. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.
7. Outdoor sales or display areas shall limited to areas identified on an approved final site plan, and shall conform to the requirements of Section 5.410 (Outdoor Sales and Display Areas).
8. Required parking shall be calculated separately for each use, including any accessory convenience store or other permitted COMMERCIAL USES. Such calculations shall be based upon the floor area occupied by each use.

### **B. Pollution Prevention.**

In addition to the requirements contained in Article 10.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.

3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

**C. Fueling Station Pump Islands.**

In addition to the requirements contained in Article 10.0 (Site Plan Review), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures (see "Pump Island Canopy Lighting" illustration).

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Section 14.09 (Exterior Lighting).
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.
4. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.

**D. Vehicle Access.**

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum widths of any driveway at the right-of-way line shall be 35 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 45 degrees.
3. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

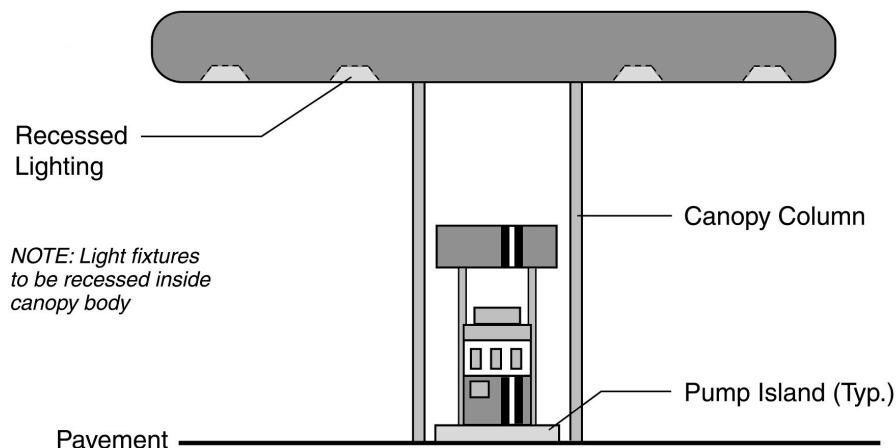
**E. Incidental Outdoor Storage.**

Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more

than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 14.08 (Trash Storage and Disposal Standards).
2. All outdoor storage shall be reviewed and approved by the Township Fire Department for compliance with the National Fire Prevention Code.
3. Such storage shall not occur in front of the front building line.
4. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
5. Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

### **ILLUSTRATION**



### **Pump Island Canopy Lighting**

#### **Section 5.409 Outdoor Cafés and Eating Areas.**

Outdoor seating and/or service when associated with a restaurant shall be subject to the following requirements:

1. The site plan shall indicate the location and amount of proposed outdoor seating. Screening shall be required per Section 14.10D (Methods of Screening) where seating is located in a required yard. The maximum allowable seating for an outdoor seating area shall be established as part of the Conditional Use Permit.



2. Parking shall be provided as required per Article 8.0 (Off-Street Parking and Loading Regulations).
3. The outdoor café shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
4. Exterior lighting for the outdoor café shall not constitute a nuisance or hazard to adjoining lots and uses.
5. Broadcasting of music or any other amplified sound shall be prohibited.
6. Additional signs shall not be permitted beyond those allowed for the principal use.
7. Approval of the Washtenaw County Environmental Health Division shall be obtained as required.

### **Section 5.410 Outdoor Sales or Display Areas.**

Open air businesses and outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

1. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan. No sales activity or display of merchandise shall be permitted in any road right-of-way or required yard setback.
2. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within 50 feet of any Rural Residential or Urban Residential Districts or RESIDENTIAL USES.
3. **Broadcasting devices prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
4. **Hours of operation.** Where the use abuts any Rural Residential or Urban Residential Districts, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturday and Sunday.
5. **Exterior lighting and signs.** Exterior lighting shall conform to the standards of Section 14.09 (Exterior Lighting). Additional signs shall not be permitted beyond those permitted for the principal use.
6. **Pedestrian access.** The proposed activity shall be located and designed so as to ensure safe pedestrian access.

7. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain stormwater runoff.
8. **Screening.** Such sales or display area shall be screened from adjacent Rural, Rural Residential, and Urban Residential Districts in accordance with Section 14.10D (Methods of Screening).

### **Section 5.411 Showroom for Display or Sale of Products.**

Showrooms or sales and display areas for sales of products or services created by the principal business or operation shall be limited to a maximum of ten percent (10%) of the usable floor area occupied by the principal use.

### **Section 5.412 Temporary Outdoor Sales.**

Such sales shall be accessory to the principal use and permanent business on the premises.

1. No part of such sales operation shall be located within any road right-of-way or corner clearance area.
2. Temporary outdoor sales shall not be located within a required yard setback, landscape strip or transition buffer, except as permitted within an existing parking lot or developed area of a nonconforming site with the approval of the Zoning Inspector.
3. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.
4. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within three (3) days of termination of the sale.
5. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of 30 days per calendar year. Where multiple businesses occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of 60 days per calendar year.
6. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall apply for administrative approval per Section 1.07 (Certificates of Zoning Compliance).
7. The Zoning Inspector may require a cash bond of two hundred fifty dollars (\$250) to be provided to the Township prior to the start of an approved sale to guarantee site clean up.
8. Temporary outdoor sales shall comply with all applicable requirements of this Ordinance and other Township ordinances, such as noise restrictions, exterior lighting standards, etc [amended 4/1/2011, Ord. 174-05].

## **SECTION 5.500**

### **INDUSTRIAL, RESEARCH, AND LABORATORY USES**

#### **Section 5.501 Intensive Industrial Operations.**

Intensive industrial operations shall be subject to the following:

**A. General Standards.**

Such uses shall comply with all standards of this Ordinance, the Township's utility and sewer ordinances, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

**B. Impact Assessment.**

The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
5. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use to the extent that the Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 11.0 (Conditional Uses).

**C. Development Standards.**

Intensive industrial operations shall not be located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES.

1. This separation distance shall be measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the intensive industrial operation.
2. In accordance with Section 7.003 (Regulatory Flexibility) the Planning Commission may recommend and the Township may authorize measurement of this separation distance to the near edge of the operation's development area within a larger parcel. The planned uses and/or method of open space preservation for land within the required separation distance shall be shown on the Planned Manufacturing (PM) district Area Plan for the project.
3. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening) [amended 8/16/2010, Ord. 174-04].

**Section 5.502 Material Recovery Facilities and Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Machinery, Manufactured Houses or Similar Items.**

Material recovery facilities, junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall conform to all applicable federal, state, county, and local laws and regulations and to the following requirements:

1. A site plan shall be provided at the time of the Conditional Use Permit application with the following information:
  - a. All information required by Article 10.0 (Site Plan Review);
  - b. A description of any materials processing, dismantling, and wrecking operations to be conducted within the facility; and of the location and nature of equipment for such operations, including any power driven processing equipment; and
  - c. Travel routes within the Township for trucks entering and leaving the facility.
2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited. Truck travel routes shall not pass through residential areas, unless such routes follow paved primary roads.

3. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural, Rural Residential, or Urban Residential Districts.
4. The facility, when established and located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, Planned Community (PC) special district incorporating Residential Uses, or boundary of a lot occupied by existing Residential Uses, as measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the facility, shall not be open for business and shall not be operated at any time other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday [amended 8/16/2010, Ord. 174-04].
5. The facility shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks.
  - a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
  - b. Gates shall also be made of solid, opaque material.
  - c. A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.
6. Automobiles, trucks, and other vehicles or junk materials shall not be stacked higher than the top of the fence or wall surrounding the facility.
7. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. No storage, excluding truck trailers, shall be visible above the height of the fence or wall.
8. Stored vehicles and materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety. The facility shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
9. All flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in containers approved by the Township Fire Chief and promptly disposed of in accordance with applicable federal, state, county, and local regulations.
10. The site shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on

a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.

11. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties.
  - a. Such operations shall operate within a wholly enclosed building or within an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.
  - b. Such operations shall be set back a minimum of 150 feet from any Rural Residential or Urban Residential Districts or existing RESIDENTIAL USES.
  - c. Material recovery facility processing operations shall be limited to baling, briquette, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
12. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
13. There shall not be more than one (1) entranceway from each public road that adjoins the facility.
14. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities. Exterior lighting shall conform to the standards of Section 14.09 (Exterior Lighting).
15. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.
16. Any containers provided for after-hours donations of recyclable materials at a material processing facility shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
  - a. Donation areas shall be kept free of litter and any other undesirable materials.
  - b. The containers shall be clearly marked to identify the type of material that may be deposited.

- c. The facility shall display a notice stating that no material shall be left outside the containers.
17. Signs or other advertising materials shall not be placed on any fences or walls.

### **Section 5.503 Outdoor Storage, General.**

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar Items shall be subject to the following:

1. The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks.
  - a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
  - b. Gates shall also be made of solid, opaque material.
  - c. A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening).
3. **Use standards.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.
  - a. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.
  - b. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
  - c. No materials shall be stored above the height of the required wall or fence.
  - d. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials to be dismantled or recycled shall be prohibited.

### **Section 5.504 Self-Storage Warehouses.**

The following regulations shall apply to self-storage warehouses:

1. The minimum lot area for mini-warehouses shall be two (2) acres, and the minimum lot width shall be 200 feet.
2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. A front yard setback of no less than 50 feet shall be maintained in landscaped open space. Side yard setbacks shall be no less than 25 feet and rear yard setbacks shall be no less than 40 feet.
4. The minimum distance between self-storage buildings shall be 25 feet.
5. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
6. Exterior façade walls of all storage units shall be of decorative masonry construction.
7. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment may be permitted as an accessory use, subject to the following:
  - a. Such storage shall be incidental to the main use of enclosed storage.
  - b. Outdoor storage of such vehicles and equipment shall be located to the rear of the lot and completely screened from road rights-of-way and abutting properties per Section 14.10D (Methods of Screening).
  - c. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.
8. Self-storage warehouses shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening).
9. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with Section 5.201 (Accessory Dwelling).



## SECTION 5.600

### OTHER USES

#### Section 5.601 Composting Centers.

Composting centers and support facilities shall be subject to the following:

##### A. Site Plan Requirements for Composting Facilities.

Establishment, expansion, and alteration of a composting facility shall be subject to site plan approval. In addition to the requirements of Article 10.0 (Site Plan Review), the following information shall be included on a site plan for a composting facility:

1. Access route traffic patterns as well as on-site traffic patterns.
2. A detailed maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored; and impacts on public road rights-of-way. The maintenance plan shall include the following minimum provisions:
  - a. Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.
  - b. Location(s) of truck cleaning areas, and methods of cleaning trucks to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.
  - c. An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
  - d. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.
3. Written documentation of an operation plan addressing the following:
  - a. Hours of operation.
  - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
  - c. Method of receiving compost materials.
  - d. Method of sorting and handling composting materials on-site.
  - e. Measures to be taken should anaerobic conditions arise.
  - f. Expected frequency of removal of composted materials.

- g. Expected frequency for turning of composting windrows.
  - h. Fire protection.
  - i. Description of daily cleanup procedures.
  - j. Measures to be taken should surface or groundwater contamination take place.
  - k. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
4. A closure plan shall be submitted with the application, which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days. The plan shall describe:
- a. How the existing site will be cleaned up.
  - b. How and where the existing surface debris will be disposed.
  - c. What the final disposition of the land will be.
  - d. A cost estimate for clean up and restoration of the site.

**B. Size and Location.**

Composting facilities shall have a minimum lot area of 20 acres, and shall not be allowed in any 100-year floodplain, groundwater recharge area, or regulated wetland.

**C. Ground and Surface Water Quality.**

To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

- 1. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
- 2. Monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator or lessee.
  - a. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.

- b. Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
3. If any stream or swale is present on the site, it shall be buffered by a 100 foot open space setback measured from the outer edge of the floodplain or all alluvial soils to ensure that the stream is adequately protected from pollution.
4. Surface water monitoring shall also be required to assess the adequacy of leachate containment and runoff control, and for compliance with applicable state and federal laws. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
5. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after completion.
6. Discharge of water from an on-site stormwater retention basin shall only be reintroduced into the compost pile, directed into a publicly-owned and operated sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler. Discharges into the Township's sanitary sewerage system shall comply with the Township's utility and sewer ordinances.

**D. Anaerobic Conditions Prohibited.**

Compost materials shall not be accepted on site in an anaerobic condition. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Zoning Inspector, Washtenaw County, or authorized consultant.

If anaerobic conditions arise more than two (2) times during any 30 calendar day period, the Planning Commission may rescind approval of any Conditional Use Permit or require closure of the facility for up to 60 calendar days. After two (2) such closures within one (1) calendar year, the Planning Commission may take action to rescind approval of any Conditional Use Permit and require closure of the facility permanently.

**E. Screening and Separation Standards.**

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. No composting facility shall be constructed or expanded within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES, as measured by a straight line along the shortest distance between the zoning district boundary and the boundary of the subject lot for the facility.

2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening) [amended 8/16/2010, Ord. 174-04].

**F. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

1. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
2. Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties

**G. Compost Storage.**

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

**H. Right of Entry and Inspection.**

All composting areas are subject to inspection by the Zoning Inspector, Township Planner, Township Engineer or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions in the composting facility. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

**Section 5.602 Controlled Uses.**

It is hereby recognized by the Township Board that controlled uses, as defined in this Ordinance, have serious and inherent objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances. The Board acknowledges the specific consequences that adult uses and sexually oriented businesses have caused for the adjoining City of Ypsilanti, including lost business opportunities, increased costs for police services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Controlled uses are hereby recognized as an impediment to stable growth and development and full implementation of the Growth Management Plan in the Township. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties; especially when constructed in proximity to other controlled uses, residential zoning districts, and public and other institutional uses. Special regulation of these uses is necessary to minimize adverse

impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of Superior Charter Township to adopt reasonable regulations for controlled uses. Operation or expansion of any controlled use, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

**A. Controlled Uses Defined.**

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. Adult drive-in motion picture theater; adult motion picture theater; adult supply store; adult physical culture establishment; adult cabaret; or similar adult or sexually-oriented business, as defined in Section 17.03 (Definitions);
2. Pawnshop or collateral loan and/or exchange establishment; and
3. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.

**B. Application.**

Any person with a legal interest in a lot zoned for such uses may apply for a Controlled Use Permit, subject to the following:

1. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for a Controlled Use Permit.
2. Application shall be made by filing all completed forms and the required review fee and escrow deposit with the Township Clerk.
3. Submittal of preliminary and final site plans shall be required for establishment, expansion or alteration of a controlled use in accordance with the requirements of Article 10.0 (Site Plan Review).

The Township Clerk, upon receipt of all application materials, shall forward the materials to the Planning Commission.

**C. Planning Commission Action**

The Planning Commission shall study the application and, within 180 calendar days after receipt of a complete and accurate application, shall approve, approve with conditions, or reject the application.

1. If the applicant has submitted a written request with the application for a Controlled Use Permit to waive one (1) or more requirements of Section 5.602C (Restrictions on Location), then the Planning Commission shall hold a public hearing on the request in accordance with Section 1.14 (Public Hearing Procedures). Public notice signage shall be required in accordance with the requirements for a Conditional Use Permit application.

2. Planning Commission action on any request to waive one (1) or more requirements of Section 5.602C (Restrictions on Location) shall be in accordance with the standards of Section 5.602F (Waiver of Restrictions on Location).
3. Prior to the granting of approval for the establishment of any controlled use, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest.
4. The Planning Commission may require the applicant to submit a performance guarantee to the Township per Section 1.08C (Performance Guarantees) to ensure that such conditions will be fulfilled.

**D. Restrictions on Use.**

The following use restrictions shall apply to controlled uses:

1. All controlled uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-tenant buildings shall not constitute a freestanding building.
2. No adult use or sexually-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any road right-of-way or from any property not regulated as an controlled use. This provision shall apply to any display, decoration, sign, window or other opening.

**E. Restrictions on Location.**

The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the controlled use:

1. No controlled use shall be located within 1,000 feet of any other controlled uses.
2. No controlled use shall be located within 1,000 feet of any institutional uses as defined in Section 17.03 (Definitions), child day care center, public park or playground.
3. No controlled use shall be located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts or PC (Planned Community) Special District incorporating RESIDENTIAL USES.

**F. Waiver of Restrictions on Location.**

Upon written request from the applicant submitted with the application for a Controlled Use Permit, the Planning Commission may waive or reduce one (1) or more of the restrictions in Section 5.602C (Restrictions on Location), subject to the following:

1. No waivers shall be given to permit a controlled use to locate within 1,000 feet of any institutional uses as defined in Section 17.03 (Definitions), child day care center, public park or playground.
2. A public hearing shall be held per Section 1.14 (Public Hearing Procedures).
3. To waive or reduce one (1) or more of the restrictions in Section 5.602C (Restrictions on Location), the Planning Commission shall find that the following conditions exist:
  - a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing requirement will still be observed;
  - b. The proposed use will not cause or exacerbate a deleterious impact upon adjacent areas through causing or encouraging blight, or disrupting normal development or use of land;
  - c. The establishment of an additional controlled use at the proposed location will not be contrary to or interfere with implementation of the Growth Management Plan or any related improvement program or plan; and
  - d. All other applicable Township regulations and state or federal laws will be observed.

### **Section 5.603 Extractive and Earth Removal Operations.**

The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the residents of the Township. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other agencies with jurisdiction.

Such regulations shall consider the conduct of the extractive and earth removal operation and the reuse of the site upon termination of the activity. It is the intent of this Section that parcels subject to the extractive and earth removal operations shall, upon termination of such operations, be reclaimed and rendered fully useful for one or more of the uses permitted as principal uses within the various districts included in this Ordinance. Extractive and earth removal operations shall be subject to the following:

#### **A. Scope.**

The following types of extractive and earth removal activities shall be subject to the regulations of this Section:

1. The removing or extracting of any soil, sand, peat, marl, clay, gravel, stone, or similar materials.

2. The processing, storage, loading, and transportation of the above-mentioned materials.

The regulations of this Section shall apply in conjunction with the Township's Soil Removal and Deposit Ordinance (Ord. No. 147). Where the standards of this Section may conflict or overlap with Ordinance No. 147, the more restrictive standards shall govern. These regulations shall not affect excavation work for the construction of foundations for dwellings and other structures, roads, utilities, and related site improvements pursuant to the State Construction Code.

**B. General Requirements.**

In addition to other requirements set forth in this Ordinance, the removal of soil, including top soil, sand, gravel, stone, and other earth materials shall conform to all applicable federal, state, county, and local laws and regulations, and to the following requirements:

1. There shall be not more than one (1) entranceway from a public road to a parcel of land used for such operations for each 660 feet of frontage on a public road right-of-way. Entranceways shall be located not less than 500 feet from an intersection of two (2) or more public roads.
2. Such operations shall be permitted only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday.
3. No digging, stockpiling, excavating, or equipment storage and/or repairs shall take place closer than 100 feet from any lot line, and 300 feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating Residential Uses. Stockpiles of stripped topsoil shall be seeded with grass or similar plant materials approved by the Planning Commission to prevent erosion onto other properties.
4. The operator shall be responsible for keeping all public roads upon which trucks haul materials to or from the premises in a condition at least equal to that which would have existed in the absence of the earth removal operations; to keep the roads free of dust or other windblown debris from the operations; and to clean any and all spillage of materials and dirt, rock, mud, and any other debris carried onto these roads by these trucks or other equipment.
5. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially-zoned or occupied property, or otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties.
6. Such operations shall not be conducted so as to cause the pollution by any material of any surface or subsurface watercourse or body of water outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.



7. Such operations shall not be conducted so as to cause or threaten to cause the erosion by water or wind of any land outside of the lot on which such use is located, or of any land on said lot in such manner that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and operator(s) to ensure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating Residential Uses. If the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification or to a PC Special District incorporating residential uses subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue but may not expand in intensity of use and in no case shall be less than 100 feet from any lot line adjacent to such zoning district.
9. A fence not less than six (6) feet high shall be erected around the area being excavated, which shall be adequate to prevent trespass.
10. Areas within an operation shall be rehabilitated progressively as they are worked out or abandoned. Such areas shall be improved to be completely hazard-free, and to appear natural and blend with the surrounding area.
11. Travel routes for trucks entering and leaving the operation shall not pass through residential areas, unless such travel routes are on paved primary roads.
12. Only equipment owned or leased by the operator of the operation and used in the operations of the facility shall be stored overnight or longer on the premises of the facility. Storage of other equipment on the premises shall be prohibited [amended 8/16/2010, Ord. 174-04].

**C. Site Plan Requirements.**

At the time of the application for a Conditional Use Permit, the applicant shall submit a site plan for the use of the property during the excavation or earth removal operations. Such plan shall conform to the requirements of Article 10.0 (Site Plan Review) and shall include the following additional information:

1. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operations.
2. Type of materials or resources to be removed or to be brought to the site.

3. An aerial photograph showing the subject property and adjacent areas, location and outline of trees, wooded areas, streams, marshes, ponds and other wetlands, and other natural features.
4. Clear indication of all natural features to remain and to be removed.
5. Existing topography at contour levels of two (2) feet.
6. Existing and proposed site improvements such as buildings, drives, wells, utility poles and towers, pipelines, and drain fields, showing location, outline, general dimensions, and distances between such improvements, with a clear indication of all improvements to remain and to be removed.
7. Extent of future earth removal areas and depth thereof.
8. Location and nature of structures and stationary equipment to be located on the site during earth removal operations.
9. Location and description of soil types.
10. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of earth removal operations.
11. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations and crushing, and the type, size, and nature of equipment to be used with each operation, and whether blasting or use of explosives is required or contemplated.
12. Location and width of drives, sight distances, and lane widening on public roads at intersections of same with drives.
13. Description of pollution and erosion control measures, including a dust control program that includes, at a minimum, the following:
  - a. Paving, watering regularly, or treating with dust suppressant chemicals all roads, drives, parking areas, storage piles, and loading and unloading areas on the parcel so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
  - b. Directing engine exhaust gases that are generated by the machine used on the piles for loading or unloading upwards;
  - c. Covering open body trucks before they leave the site;
  - d. Cleaning the wheels and body of trucks as needed to remove spilled materials after the truck has been loaded;
  - e. Restricting the speed of vehicles used on site as necessary to minimize dust generation;
  - f. Minimizing the drop distance from which the material is discharged into a pile or a truck; and

- g. Maintaining records adequate to demonstrate compliance with the approved dust control plan.
14. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site.
15. Map showing truck routes to and from the site.
16. Owner, use, and zoning classification of land uses and location(s) of adjacent buildings, drives, and road rights-of-way within 500 feet of the subject parcel(s).
17. General description of existing and proposed water, sewer or septic, and storm drainage systems.
18. Location and type of proposed screens and fences; height, typical elevation, and vertical section of screens and fences, showing materials and dimensions.
19. Location, type, direction, and intensity of outside lighting.

**D. Restoration Plan Requirements.**

At the time of the application for Conditional Use Permit, the applicant shall submit a plan for restoring the site to a safe, attractive, and usable condition. The plan shall satisfy the requirements for a preliminary site plan per Article 10.0 (Site Plan Review), and shall include the following additional information:

1. Location and extent of all natural features to be retained during operations.
2. Contour lines at intervals of two (2) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines.
3. Schedule and areas of progressive rehabilitation.
4. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area.
5. Conceptual layout of proposed site improvements and a description of the proposed use(s) of the site when restored.
6. Description of methods and materials to be used in restoring the site.

**E. Performance Guarantees.**

The applicant shall provide a performance guarantee in accordance with Section 1.08C (Performance Guarantees) to ensure restoration of the site. Such guarantee shall not be released until the Township Engineer certifies that restoration is complete, and until the Planning Commission accepts such certification as accurate. The performance guarantee may be used by the Township to restore the site if the applicant does not fulfill the restoration requirements of the approved permit.

The applicant shall provide a bond, letter of credit, cash deposit, or other performance guarantee when required by the Planning Commission to maintain, repair, and replace public roads traversed by trucks associated with such operations. The performance guarantee shall be deposited with the Washtenaw County Road Commission in the form and amount required by the Road Commission and release shall be subject to joint approval by the Planning Commission and the Road Commission.

**F. Expiration of Extractive and Earth Removal Operation Approval.**

The applicant shall provide a date for completing earth removal operations, based upon the estimated volume of material to be extracted and average annual extraction rates.

1. Authorization allowing such operations shall expire on that date or such other reasonable date specified by the Planning Commission. Any extension of operations beyond that date shall require a new Conditional Use Permit.
2. The approved restoration plan, conditions of approval, and Conditional Use Permit for the restoration and re-use of the site shall remain in force and effect.
3. Preliminary site restoration shall begin immediately upon expiration of authorization for excavation or earth removal operations. Approval of a final site plan per Article 10.0 (Site Plan Review) shall be required for final redevelopment and re-use of the site.

**G. Right of Entry and Inspection.**

All extractive and earth removal operations are subject to inspection by the Zoning Inspector, Township Planner, Township Engineer, or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions within the operation. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

**Section 5.604 Utility Transmission and Distribution Lines.**

Electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

## **Section 5.605 Volatile Farm-Based Bio-Fuel Production.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

### **A. General Standards.**

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 3.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Inspector documentation of all necessary permits and approvals from applicable federal, state, and local authorities with jurisdiction over any of the following:
  - a. Air pollution emissions.
  - b. Transportation of biofuel or another product or by-product of production.
  - c. Use or reuse of additional products resulting from biofuel production.
  - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production.
  - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
  - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.

6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without Conditional Use Permit approval) shall also provide an annual written report to the Zoning Inspector which demonstrates that:
  - a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
  - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.

Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.

**B. Additional Standards for Certain Facilities.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:

1. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
  - a. A detailed description of the process to be used to produce the biofuel.
  - b. The number of gallons of biofuel anticipated to be produced annually.
  - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
  - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

**C. Limitations on Special Use Permit Review.**

Per Section 3513 of the Michigan Zoning Enabling Act, Township review of a Conditional Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission

shall hold a public hearing on the application in accordance with Section 1.14 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 11.08 (Re-Application).

2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section [amended 12/16/2013, Ord. 174-14].

