

## **ARTICLE 5 USE STANDARDS**

### **Section 5.001 Intent.**

Each use listed in this Article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

### **Section 5.002 Scope of Regulations.**

Conformance with these standards shall be subject to site plan review. Unless otherwise specified in this Article, all uses shall be subject to all applicable dimensional and use standards for the district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 6.301 (Performance Standards).

### **Section 5.003 Organization.**

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

**SECTION 5.100 ANIMAL AND AGRICULTURAL USES**

**SECTION 5.200 RESIDENTIAL USES**

**SECTION 5.300 COMMUNITY USES**

**SECTION 5.400 OFFICE AND SERVICE USES**

**SECTION 5.500 COMMERCIAL USES**

**SECTION 5.600 INDUSTRIAL, RESEARCH AND LABORATORY USES**

**SECTION 5.700 TEMPORARY, SPECIAL EVENT AND OTHER USES**



## **SECTION 5.100**

### **ANIMAL AND AGRICULTURAL USES**

#### **Section 5.101 Farm-Based Tourism or 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. Any sales and entertainment facilities shall have direct access to a state highway or county primary or secondary road by means of drives or roads which directly service the facility from the major or secondary thoroughfare.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval. Such plan shall show the intended use and location of all buildings and structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities and transition plantings and/or screening devices.
3. Crop growing areas of a depth of not less than 200 feet shall be provided on those sides of the property not abutting the state highway or county primary or secondary road servicing the farm.
4. Greenbelt tree plantings or other effective visual screening shall be provided 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.
5. All parking shall be provided off the road right-of-way.
6. Noise levels shall not exceed 65 decibels at the property line of the farm where adjacent property has a dwelling unit within 200 feet of the property line nor shall it exceed a maximum of 75 decibels at any other property line.
7. Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours.

#### **Section 5.102 Farm Markets, Produce Stands, and Feed Stores.**

Farm markets, produce stands, feed stores and similar on-site farm product sales shall be subject to the following:

##### **A. Roadside Stands.**

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any ANIMAL AND AGRICULTURAL USE in the A-1 (Agriculture-Conservation) District, subject to the following:

1. A minimum of one (1) parking space shall be provided outside of the road right-of-way for each 100 square feet of space in the stand.

2. All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Article 9 (Signs).
3. The stand shall not exceed 400 square feet in floor area, shall be portable and shall be removed from its roadside location during seasons when it will not be in use.
4. All produce or products for sale shall be grown or produced on the premises or made from produce grown or material produced on the premises.

**B. Farm Markets and Feed Stores.**

Farm markets, feed stores and similar on-site farm product sales exceeding 400 square feet in gross floor area shall be subject to the following:

1. **Site plan review.** Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review), and shall conform with all standards of this Ordinance that otherwise apply to retail stores.
2. **Sale of produce.** A minimum of fifty percent (50%) of the produce or products offered for sale shall be grown or produced on land in the Township, or made from produce grown or material produced on land in the Township.
3. **Size.** Such uses shall not exceed a maximum gross floor area of 10,000 square feet.
4. **Signs.** All signs shall comply with the requirements of Article 13 (Signs) for a non-residential use.

**Section 5.103 Greenhouses, Nurseries, and Garden Centers.**

The following shall apply to greenhouses, nurseries, and garden centers:

1. **Setbacks.** Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.
2. **Storage.** The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

**Section 5.104 Kennels and Animal Shelters.**

Kennels and animal shelters shall conform with all applicable permit and operational requirements established by appropriate regulatory agencies, and shall further be subject to the following:

1. **Minimum lot area.** The lot on which any such kennel or animal shelter is located shall have a minimum lot area of one (1) acre. If more than four (4) animals are housed in the kennel or animal shelter, an additional one (1) acre shall be required for every additional ten (10) animals.

2. **Setbacks.** Structures where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas. Such facilities shall be set back at least 50 feet from the boundary of a residential district or existing residential use.
3. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 8.04 (Methods of Screening and Buffering).
4. **Hard-surfaced floors.** Structures where animals are kept, outdoor runs and exercise areas shall have impervious surfaces and an approved system for runoff, waste collection and disposal.
5. **Additional conditions.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

**Section 5.105 Livestock Production Facilities.**

All new and expanding livestock production facilities involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture and the table below, shall be subject to the following:

<b>ANIMAL TYPE</b>	<b>NUMBER OF ANIMALS NEEDED TO EQUAL 50 ANIMAL UNITS</b>
Slaughter and Feeder Cattle	50
Mature Dairy Cattle	35
Swine, over 55 pounds	125
Sheep and Lambs	500
Horses	25
Turkeys	2,750
Laying Hens or Broilers	5,000
Animal classes or types not otherwise listed	50,000 pounds total live weight of all animals in the group

1. Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review).
2. New and expanding livestock production facilities shall comply with applicable Michigan Department of Agriculture (MDA) Generally Accepted Agricultural and Management Practices (GAAMP) for site selection and odor control.
3. All potential sites for new and expanding livestock facilities shall follow the MDA site selection review and verification process, and shall provide documentation

from the MDA indicating that the facility conforms with the site selection and odor control GAAMP.

4. On-site disposal or slaughtering of animals shall be prohibited, except where the animals have been raised on the premises for consumption by residents of the premises.
5. Manure shall be stored in a manner that minimizes odor and run-off, in accordance with MDA accepted agricultural practices. Manure from confinement manure storage pits or holding areas shall be incorporated or disposed of in accordance with MDA accepted agricultural practices, taking into account the season and prevailing wind direction. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.

### **Section 5.106 Milling and Processing of Farm and Forestry Products.**

All milling and processing of farm and forestry products shall comply with the following:

1. 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 due to operation. Such uses shall also be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining premises.
1. Any outdoor storage resulting from milling or processing must be adequately screened and covered in compliance with Section 5.603 (Outdoor Storage of Equipment...).
2. The Planning Commission or Zoning Administrator may limit the hours of operation for any milling or processing use located within 500 feet of a residential district or existing residential use.

### **Section 5.107 Ponds for Farming, Landscaping, and Recreation.**

The creation or expansion of ponds and similar bodies of water accessory to farming or recreational uses, or for residential landscaping purposes, shall be subject to the following standards:

1. **Zoning permit required.** The creation or expansion of such ponds shall be subject to review and approval of a zoning permit by the Zoning Administrator.
  - a. The Zoning Administrator may require submittal of a topographic survey and engineered drawings showing the extent of excavation, proposed fill locations, and proposed soil erosion control measures.
  - b. Applicant shall obtain necessary permits from the Michigan Department of Environmental Quality, or provide documentation that a permit is not required.

2. **Design.** Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standards, and all ponds shall be constructed to NRCS Standard 378, or another applicable standard accepted by the Township.
  - a. Ponds shall be established and maintained in accordance with all applicable statutes of the State of Michigan. If any of the requirements of this Section are less restrictive than applicable state statutes, the state requirements shall prevail.
  - b. Pond banks shall have a maximum slope of one (1) foot vertical rise in four (4) feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight (8) feet.
  - c. Designed water depth of pond shall be at least 10 feet to ensure proper aeration and circulation of the water.
  - d. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals, or septic systems.
3. **Permitted uses.** No commercial activities shall be allowed. Sale or transportation of excavated materials off-site shall be considered a mining and extraction use subject to the use provisions of Article 3 (Land Use Table) and standards of Section 5.704 (Mining and Extraction Uses).
4. **Setbacks.** The top of the bank of the pond shall be set back a minimum distance of 50 feet from all lot boundaries, and 100 feet from any well, septic tank or drain field.
5. **Drainage.** Ponds shall be designed and maintained to prevent runoff, overflow, spillage or seepage from encroaching upon adjacent properties. Contaminated surface water shall be diverted around all ponds. Pond excavation shall not alter surface or groundwater flow in a manner that would adversely impact neighboring uses.

### **Section 5.108 Riding Arenas and Boarding Stables.**

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

1. **Minimum lot size and setbacks.** Stable sites shall have a minimum of five (5) acres. All structures wherein animals are kept shall not be less than 100 feet from any occupied dwelling or to any adjacent building used by the public. When animals are fed hay and oats or other feed outside of a building, the feeding area shall be located not less than 100 feet from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.

2. **Use standards.** Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

### **Section 5.109 Veterinary Clinics and Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.
2. **Setbacks.** All buildings and outdoor pens or enclosures shall be set back at least 50 feet from all road rights-of-way, residential districts, and existing residential uses.
3. **Treatment Facilities.** Keeping of animals overnight shall be limited to the interior of the principal building. Treatment of non-domesticated animals is permitted. Any overnight care facilities shall meet the requirements for commercial kennels in Section 5.104 (Kennels and Animal Shelters).
4. **Use standards.** Operation shall include proper control of animal waste, odor, and noise. Outdoor exercise areas shall be enclosed by a six (6) foot high solid wall or fence, per Section 6.102 (Fences).



## **SECTION 5.200 RESIDENTIAL USES**

### **Section 5.201 Accessory Dwellings.**

It is the intent of this Section to permit accessory dwellings within principal single-family dwellings in the A-1 (Agriculture-Conservation) and R-1 (Single Family Residential) Districts for the purpose of accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives, and to provide for additional housing accessory to ANIMAL AND AGRICULTURAL USES.

It is further the intent of this Section to permit dwellings accessory to OFFICE AND SERVICE USES or COMMERCIAL USES in the C-1 (Local Commercial) and C-2 (Highway Commercial) Districts, subject to specific standards designed to preserve the predominantly commercial character of these districts.

The standards of this Section are designed to prevent the undesirable proliferation of multiple-family buildings in predominantly single-family neighborhoods, and to preserve the character and appearance of principal buildings that include one or more accessory dwelling units.

Accessory dwellings shall be subject to the following:

#### **A. Zoning Permit Required.**

The creation or expansion of accessory dwellings shall be subject to review and approval of a zoning permit by the Zoning Administrator. The Zoning Administrator may require submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify conformance with the standards of this Ordinance.

#### **B. Accessory to Detached Single-Family Dwellings.**

The following shall apply to dwelling units accessory to detached single-family dwellings in the A-1 (Agriculture-Conservation) and R-1 (Single Family Residential) Districts:

1. All accessory dwelling units shall be located entirely within the principal building. Accessory dwelling units shall be prohibited in any detached accessory structures.
2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer, or a separate entrance door on a side wall. The use of exterior stairways to provide access to upper floor accessory dwellings shall be prohibited.
3. Accessory dwelling units shall have a minimum gross floor area of 450 square-feet, and shall not occupy more than twenty five percent (25%) of the principal building's gross floor area.
4. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. The owner(s) of the property shall occupy a minimum

of 1,500 square feet of gross floor area within the principal building. Permitted accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence.

**C. Accessory to Office and Services Uses or Commercial Uses.**

The following shall apply to dwelling units accessory to OFFICE AND SERVICES USES or COMMERCIAL USES in the C-1 (Local Commercial) and C-2 (Highway Commercial) Districts:

1. Accessory dwelling units shall be located within or attached to the principal building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building.
2. 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.

**Section 5.202 Bed and Breakfast Inns.**

Bed and breakfast inns shall comply with the following:

1. **Primary residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
2. **Guests.** There shall be a maximum of five (5) rooms for lodging, with a maximum of 15 guests at any given time. Guests may stay no longer than 14 days in succession or a total of 60 days in any 12 month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
3. **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with Section 8.04 (Methods of Screening and Buffering).

**Section 5.203 Farm Labor Housing.**

Dwelling units for non-related employees of farms and other seasonal employees shall comply with the standards for accessory dwellings [per Section 5.201 (Accessory Dwellings)] or multiple family housing [per Section 5.206 (Multiple Family Housing)], as appropriate to the type of construction proposed. All structures for farm labor housing shall comply with the standards of Article 4 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing.

**Section 5.204 Home Occupations.**

Home occupations shall be subject to the following:

**A. Use Standards.**

1. **Intensity of use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty five percent (25%) of the habitable floor area of the dwelling and fifty percent (50%) of the floor area of any accessory structure may be used for the home occupation.
2. **Employment.** No persons shall be employed in the home occupation, other than the dwelling occupants.
3. **Customer or client visits.** A home occupation shall not generate more than ten (10) customer or client visits per day, nor more than 20 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
4. **Commercial vehicle parking and deliveries.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter (3/4) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.
5. **Hours of operation.** 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 barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
3. Home office for a massage therapists, subject to the standards of Section 5.403 (Therapeutic Massage).
4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
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 resident(s) of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year. The address of the

principal resident(s) shall be noted on any temporary signs for the yard or garage sale.

8. Any home occupation not specifically listed may be permitted as a special land use by the Planning Commission, subject to the provisions of this Section and Section 12.02 (Special Uses).

**C. Prohibited Uses and Activities.**

1. **Prohibited uses.** The following uses are expressly prohibited as a home occupation:
  - a. Automobile truck, recreation vehicle, boat, motorcycle or small engine repair, bump and paint shops, salvage or storage yards.
  - b. Kennels or veterinary clinics.
  - c. Medical or dental clinics.
  - d. Retail sales of merchandise, or eating and/or drinking establishments.
  - e. Undertaking and funeral homes.
  - f. Adult uses and sexually-oriented businesses.
  - g. Uses similar to the above listed uses, or any use which would, in the determination of the Zoning Administrator, result in nuisance factors as defined by this Ordinance.
2. **Prohibited activities.** Home occupations shall not include:
  - a. Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation.
  - b. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
  - c. Changes or alterations to the character or appearance of the residence.
  - d. Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Article 9 (Signs).
  - e. Parking that cannot be accommodated on the site.

**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. Plan Review.**

The preliminary plan for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60 day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site.

**B. Minimum Area for a Manufactured Housing Park.**

The minimum parcel size for manufactured housing parks shall be 15 acres, excluding adjacent parcels proposed for expansion.

**C. Minimum Manufactured Housing Site Size.**

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 5.105K (Open Space), or the Manufactured Housing Commission rules.

**D. Setbacks.**

Manufactured houses shall comply with the following minimum setbacks:

1. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
2. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
3. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
4. 50 feet from any permanent building.
5. 100 feet from any baseball, softball or similar recreational field.
6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.
8. Seven (7) feet from a common sidewalk.

9. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
10. 50 feet from the edge of any railroad right-of-way.

**E. Maximum Height.**

The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

**F. Roads.**

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public road by a permanent easement which shall be recorded by the developers. All roads shall be hard-surfaced.

**G. Parking.**

Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

**H. Common Storage Areas.**

If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.

**I. Sidewalks.**

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park roads. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.

**J. Accessory Buildings and Facilities.**

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Township.

3. **Storage accessory to a manufactured home.** Storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by Gladwin County. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.

**K. Open Space.**

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent (2%) minimum open space requirement established in the Manufactured Housing Commission General Rules.

**L. Perimeter Screening.**

Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

**M. Screening Along Public Rights-of-Way.**

A landscaped screen shall be provided along all public roads abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.

**N. Alternative Screening.**

Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

**O. Parking Lot Landscaping.**

Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior

circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.

3. Planting islands shall have a minimum width of five (5) feet and a minimum area of 100 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

**P. Trash Disposal.**

The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

**Q. Awnings.**

Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

**R. Sewer Service.**

Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

**S. Water Service and Storm Drainage Systems.**

Water supply and drainage systems shall conform to the requirements of Part 2 – 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

**T. Telephone and Electric Service.**

All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

**U. Fuel Oil and Gas.**

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

**V. Operational Requirements.**

1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Zoning Administrator shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.



2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section, the Zoning Administrator shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

3. **Inspections.** The Zoning Administrator or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
4. **License.** A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.

**W. Sale of Mobile Homes.**

The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

**X. Mailbox Clusters.**

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

**Y. Waterfront Access.**

Dedicated or common access to and use of parcels of land contiguous to a lake or pond (either natural or an impoundment) by residents of dwelling units in a manufactured housing park shall be subject to the standards of Section 11.05 (Riparian Lot Regulations).

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

Multiple-family dwellings and developments shall comply with the following:

### **A. Frontage, Access and Vehicle Circulation.**

Multiple family developments shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.

1. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.
2. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.
3. Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 8.04 (Methods of Screening and Buffering).

### **B. Pedestrian Circulation.**

Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas and recreation areas.

### **C. Recreation Areas.**

Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). 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 building separations.

### **D. Waterfront Access.**

Dedicated or common access to and use of parcels of land contiguous to a lake or pond (either natural or an impoundment) by residents of multiple-family dwelling units shall be subject to the standards of Section 11.05 (Riparian Lot Regulations).

### **E. Other Requirements.**

Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

## Section 5.207 Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing.

The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and halfway houses:

1. **Minimum lot area.** The minimum lot area for such facilities shall be three (3) acres.
2. **Frontage and access.** Nursing and convalescent homes, foster care large group homes, and assisted living facilities shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
3. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from all lot boundaries.
4. **Recreation area.** Any such facility shall provide a minimum of 500 square feet of outdoor recreation area for every bed used or intended to be used, which shall include places for walking and sitting. Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.
5. **State and federal regulations.** Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.
6. **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 their guests. No exterior signs of any type are permitted for these accessory uses.

## Section 5.208 Recreational Vehicle Parks and Campgrounds.

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

1. **Lot area.** Minimum site area shall be five (5) 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 8.04 (Methods of Screening and Buffering).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 8.04 (Methods of Screening and Buffering).

4. **Additional standards.** Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with individual water and sewer hookups approved by the Central Michigan District Health Department, or shall have convenient access to approved bathrooms, toilets, and shower facilities.
5. **Access.** Recreational vehicle parks shall have direct frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
6. **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district.
7. **Use standards.**
  - a. **Temporary residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
  - b. **Impact on surrounding uses.** 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, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - c. **Accessory retail facilities.** 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 5.209 Senior Housing and Independent Elderly Housing.**

The following site development standards shall apply to housing for the elderly:

1. **Minimum floor area.** Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).
2. **Frontage and access.** Senior housing developments shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
3. **Pedestrian circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.
4. **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 their guests. No exterior signs of any type are permitted for these accessory uses.

## **Section 5.210 Single-Family and Two-Family Dwellings, Detached**

Detached single-family dwellings, except manufactured housing units located in an approved and licensed manufactured housing parks, shall comply with the following standards:

### **A. General Standards for All Single Family Detached Dwellings.**

1. All dwellings shall comply with the dimensional requirements, including minimum floor area, of the zoning district in which they are located. All parts of the dwelling, including any addition needed to comply with the minimum requirements of this Section and Ordinance, shall be an integral part of the core living area of the dwelling, as defined in Section 18.02 (Definitions).
2. Prior to any additions or expansions, all dwellings shall have a minimum width across all front, side, or rear elevations of 20 feet (see "Dwelling Elevations" illustration). The average width to depth or depth to width ratio of the dwelling shall not exceed three to one (3:1).
3. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the State Construction Code enforced by Gladwin County.
  - a. In the event a dwelling is a manufactured home, it shall be installed and anchored pursuant to the manufacturer's setup instructions and the applicable Michigan Manufactured Housing Commission General Rules.
  - b. In the event a dwelling is a manufactured home, it shall be installed and anchored with its wheels and towing mechanism removed, and none of the undercarriage shall be visible from outside the manufactured home.
4. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade level.
5. Additions to existing dwellings shall conform with all requirements of this Ordinance.
6. All dwellings shall contain a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the dwelling. The storage area shall be equal to ten percent (10%) of the total residential floor area or 100 square feet, whichever is less.
7. All dwellings shall be connected to a public sewer system and water supply system, or a well and septic system approved by the Central Michigan District Health Department.
8. Exterior finish materials, including siding and roofing materials, shall be integrated around the entire dwelling; including any addition needed to comply with the minimum requirements of this Section and Ordinance. Exterior finish materials on any addition shall match or be coordinated with existing finish materials on the dwelling.

9. A dwelling shall not be considered lawful under this Ordinance for use or occupancy as a residence until:
  - a. Access to the dwelling has been provided by a minimum of two (2) exterior doors, either on the front and rear or the front and side elevations;
  - b. Any addition needed to comply with the minimum requirements of this Section and Ordinance has been completed;
  - c. Establishment of an integrated core living area;
  - d. Installation of all exterior finish materials, including siding and roofing; and
  - e. Proof of issuance of a Certificate of Occupancy under the State Construction Code enforced by Gladwin County has been provided to the Township.

**B. Waterfront Access.**

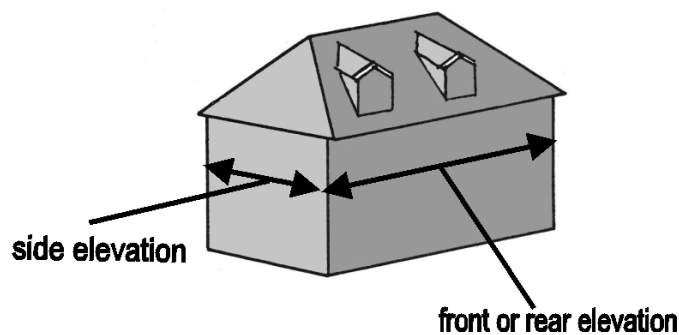
Dedicated or common access to and use of parcels of land contiguous to a lake or pond (either natural or an impoundment) by residents of single-family dwelling units shall be subject to the standards of Section 11.05 (Riparian Lot Regulations).

**C. Additional Standards for the A-1 (Agriculture-Conservation) District.**

Single-family dwellings shall be permitted in the A-1 (Agriculture-Conservation) District on lots less than 40 acres in lot area, provided that the following additional conditions are satisfied:

1. The dwelling shall be located on a lot that is one (1) acre or larger in lot area.
2. The Zoning Administrator shall verify that the proposed dwelling shall not cause the average residential density of the quarter-section in which it is located to exceed one (1) dwelling unit per 40 acres of land.

**ILLUSTRATION**



**Dwelling Elevations**

## SECTION 5.300 COMMUNITY USES

### Section 5.301 Cemeteries.

Cemeteries and similar uses shall be subject to the following:

1. **Ingress and egress.** All access shall be provided from a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. **Screening.** All sides of the cemetery shall be screened from abutting residential districts or existing residential uses, and secured by a continuous fence or wall, per Section 8.04 (Methods of Screening and Buffering).
3. **Setback.** all crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot line.
4. **Continuity.** The location of such facility shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
5. **Compliance.** An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

### Section 5.302 Child Day Care Centers, Group Child Day Care Homes, and Adult Foster Care Large Group Homes.

The following regulations shall apply to group day care homes, child day care centers, and adult foster care large group homes:

#### A. Licensing.

In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.

#### B. Outdoor recreation Area.

A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per person at the licensed capacity of the facility, provided that the overall area shall not be less than 5,000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with Section 8.04 (Methods of Screening and Buffering).

**C. Pick-up and Drop-off.**

Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.

Such uses shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.

**D. Separation Requirements.**

New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Township overall.

**E. Hours of Operation.**

Day care facilities in residential districts or accessory to a residential use shall operate a maximum of 16 hours per day.

**Section 5.303 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:

**A. Height of Structure.**

The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.

**B. Frontage and Access.**

Institutional uses shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.

**Section 5.304 Public Utility and Essential Service Structures and Uses.**

The following shall apply to all public utility and essential service structures and uses:



**A. Location.**

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.

**B. Use Standards.**

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. In no case shall access to a solid waste transfer station be provided within or directly abutting the boundary line of a residential district.

**C. Site Development Standards.**

1. **Design.** All such uses shall be contained in structures that are architecturally compatible with structures in the vicinity. The Planning Commission may require screening in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Security fencing.** Security fencing is permitted, subject to the requirements of Section 6.102 (Fences).
3. **Outdoor storage.** No outdoor storage is permitted unless expressly permitted in the district where the facility is located.
4. **Setbacks.** A minimum setback of 50 feet shall be provided for the facility from all lot boundaries.

**Section 5.305 Recreation, Indoor and Outdoor**

Public and private noncommercial recreational areas, recreation centers, and swimming pool clubs, bowling establishments, indoor archery ranges, firing ranges, indoor tennis courts, indoor skating rinks or hockey rinks, indoor skate parks, indoor firing ranges, indoor soccer arenas, and similar recreation uses shall comply with the following:

1. **Lot area.** Minimum site area shall be three (3) 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 8.04 (Methods of Screening and Buffering).
3. **Access.** The proposed use shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
4. **Setbacks.** Minimum setbacks of 50 feet shall be provided for the facility from all lot boundaries, and 100 feet from any residence or residential zoning district.
5. **Swimming pools.** Whenever a swimming pool is constructed under this Section, the pool area shall be enclosed with a protective fence six (6) feet in height, and entry shall be provided by means of a controlled gate.

6. **Use standards.** The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises. The Planning Commission may limit hours of operation, and may impose other conditions as necessary to control noise and other off-site impacts.

## SECTION 5.400 OFFICE AND SERVICE USES

### Section 5.401 Funeral Homes and Mortuaries.

The following regulations shall apply to funeral homes and mortuaries:

1. **Assembly area.** An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Roads and alleys shall not be used for maneuvering or parking of vehicles.
2. **Screening.** The service and loading area shall be obscured from adjacent residential areas in accordance with Article 14 (Landscaping and Screening).
3. **Caretaker's Residence.** A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to the following:
  - a. The requirements of Section 5.210 (Single Family and Two-Family Dwellings, Detached).
  - b. The dimensional standards of the R-1 (Single Family Residential) District, as specified in Article 4 (Dimensional Standards).
4. **Crematoriums.** Crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE subject to the use standards of Article 3 (Land Use Table) and Section 5.402 (Intensive Industrial Operations).

### Section 5.402 Hospitals.

The following regulations shall apply to hospitals:

1. **Frontage and access.** Hospitals shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 100 feet from any property line for all two (2) story buildings. For every story over two (2), the minimum yard distance shall be increased by 20 feet. The Planning Commission may reduce the setback requirements in exchange for enhanced screening.
3. **Screening.** Ambulance, emergency entrance areas, and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping, or a masonry wall.
4. **Accessory uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building(s) for the

exclusive use of patients, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

### **Section 5.403 Therapeutic Massage.**

Massage therapy clinics and uses shall be subject to the following conditions:

1. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
2. All massage therapists 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.
3. All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

## SECTION 5.500 COMMERCIAL USES

### Section 5.501 Big Box Commercial Uses.

Retail Stores and COMMERCIAL USES with 50,000 square-feet or more of gross floor area, including supermarkets, home improvement stores, wholesales stores, and shopping centers shall be subject to the following:

1. **Access and circulation.** A traffic impact study shall be required, per Section 7.12 (Traffic Impact Studies). Sites shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent roads. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
2. **Shopping center outlots.** The site design, circulation, parking layout and building architecture of any outlots in a multi-tenant shopping center 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 necessary by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **Loading areas.** Loading/unloading of merchandise or equipment, and trash disposal or compaction shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m., provided that all activity occurs inside the truck or trailer or within the building.
5. **Pedestrian access.** A six (6) foot wide concrete sidewalk shall be provided through the parking lots to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

### Section 5.502 Car Washes.

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

#### A. Use Standards.

1. All washing facilities shall be completely within an enclosed-building.

2. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a road, screening shall be provided in accordance with Section 8.04 (Methods of Screening and Buffering).
3. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
4. The use of steam in the cleaning process shall be permitted when confined within an enclosed building.

**B. Ingress/Egress.**

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. Public roads shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent public road.
2. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash lot.

**C. Screening.**

Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**Section 5.503 Drive-in or Drive-through Facilities.**

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

1. **Driveway spacing.** Ingress and egress points shall be located no closer than 60 feet from the intersection of any two (2) public roads.
2. **Setback.** The drive-through facility shall be set back a minimum of 100 feet from abutting residential districts or existing residential uses.
3. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**Section 5.504 Motor Vehicle Service Centers and Repair Garages, and Gasoline Service Stations.**

The following regulations shall apply to automobile, truck and other motor vehicle fueling (gas) stations, repair garages, and service centers:

**A. Use Standards.**

1. **Repair and service use limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
2. **Noise and odors.** 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. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
3. **Traffic impacts and pollution prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.
4. **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:
  - a. Outdoor storage shall be prohibited accessory to a fueling (gas) station, unless separate approval has been granted for a vehicle repair use.
  - b. Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.
  - c. Inoperable vehicles shall not be stored or parked outside for a period exceeding ten (10) days for repair stations and 24 hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

**B. Pump Island Canopy.**

1. The proposed clearance of any pump island canopy shall be noted on the site plan, along with any signs, logo or identifying paint schemes on the canopy.
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 Article 10 (Exterior Lighting).

**C. Lot and Setback Standards**

1. **Minimum lot area.** The minimum lot area for such uses shall be 15,000 square feet.

2. **Minimum lot width.** The minimum lot width for such uses shall be 150 feet.
3. **Minimum setbacks.** Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.
4. **Minimum setback from road rights-of-way.** Pump islands and canopies shall comply with the following requirements:
  - a. Nearest Edge of Pump Island: 25 feet
  - b. Nearest Edge of Unenclosed Canopy: 20 feet

**D. Ingress and Egress.**

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

**E. Screening.**

1. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
2. Open service bays and overhead doors shall not face on to adjacent residential districts, or public or private roads unless screened in accordance with Section 8.04 (Methods of Screening and Buffering).
3. Outdoor storage of parts or materials shall be screened in accordance with Section 8.04 (Methods of Screening and Buffering).

**Section 5.505 Outdoor Sales or Display Areas.**

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:

**A. Use Standards.**

1. **Servicing of Vehicles.** Vehicle service and repair activities shall be subject to the standards of Section 5.504 (Motor Vehicle Service Centers and Repair Garages...).
2. **Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
3. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.



4. **Hours of operation.** Where the use abuts a residential district, 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 5:00 p.m. on Saturdays.

**B. Site Standards.**

1. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and 20 feet from any road right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
2. **Exterior lighting of outdoor sales or display area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting).
3. **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.
4. **Sidewalk standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
5. **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 surface waters.
6. **Screening.** Such sales or display area shall be screened from adjacent residential districts in accordance with Section 8.04 (Methods of Screening and Buffering),



## **SECTION 5.600**

### **INDUSTRIAL, RESEARCH & LABORATORY USES**

#### **Section 5.601 Hazardous Materials Storage.**

Such uses shall comply with all standards of this Ordinance, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Central Michigan District Health Department, and other agencies with jurisdiction. The applicant must supply the following documentation with any plan submitted for review:

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.

#### **Section 5.602 Intensive Industrial Operations.**

Intensive industrial operations shall be subject to the following:

1. **Setbacks and screening.** Sites shall not be located within 500 feet of any residential district or use, and shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
3. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed.

### **Section 5.603 Outdoor Storage of Equipment, Products, Machinery, Lumber, Landscaping and Building Supplies, or Similar Items.**

All outdoor storage areas must comply with the following:

1. **Screening.** 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, per Section 6.201 (Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).
2. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.
3. **Use standards.**
  - a. No junk or junk vehicles shall be stored.
  - b. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
  - c. Any outside storage area shall be paved or surfaced with hard surface material, and shall include an approved storm water drainage system.
  - d. No trailer, manufactured home or truck trailer shall be stored or used for storage.
  - e. No materials shall be stored above the height of the required wall or fence.

### **Section 5.604 Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats Manufactured Houses, and Similar Items.**

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall be subject to the following:

1. **Minimum lot size and setbacks.** Sites shall have a minimum lot area of ten (10) acres. The enclosed outdoor storage, dismantling or recycling area shall be set back a minimum of 100 feet from the front lot line, and 20 feet from the rear and side lot lines.
2. **Location.** Junkyards, salvage yards and similar facilities shall be located not less than 500 feet from any residential district.
3. **Screening.** 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, per Section 6.201

(Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).

4. **Use standards.** The applicant shall demonstrate that the use will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
  - a. Stored materials shall not be stacked higher than the height of the screening wall. Materials shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner visible from abutting lots or road rights-of-way.
  - b. Materials shall be stored in rows with a minimum 20 foot wide continuous loop drive separating each row.
  - c. All batteries shall be removed and all radiator and fuel tanks drained prior to placing any vehicles in the storage yard. Salvaged batteries, oil and other such substances shall be immediately removed by a licensed disposal company.
  - d. The crushing of vehicles or any part thereof shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.

## **Section 5.605 Recycling Collection Facilities and Composting Centers.**

Recycling facilities and composting centers shall be subject to the following:

1. **Use standards.** Such facilities shall be limited to the collection of recyclable materials for processing at another site. No such facility shall be used as a garbage transfer site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. No materials shall be stored above the height of the required wall or fence.
2. **Setbacks.** Composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body.
3. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
4. **Screening.** 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, per Section 6.201 (Fences). The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).

## **Section 5.606 Self-Storage Warehouses.**

The following regulations shall apply to self-storage warehouses:

### **A. Lot Area.**

The minimum lot area for mini-warehouses shall be two (2) acres.

### **B. Permitted Use.**

Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:

1. Such storage shall be incidental to the main use of enclosed storage.
2. Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.
3. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

### **C. Screening.**

Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering).

### **D. Caretaker's Residence.**

A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling subject to the following:

1. The requirements of Section 5.210 (Single Family and Two-Family Dwellings, Detached).
2. The dimensional standards of the R-1 (Single Family Residential) District, as specified in Article 4 (Dimensional Standards).

### **E. On-Site Circulation.**

All internal circulation routes shall be at least 24 feet wide.

## **Section 5.607 Slaughter Houses, Rendering Plants, Tanneries, Stock Yards, Glue Factories, Soap Factories, Oil Refineries or Other Similar Factories.**

Such uses shall be subject to the following:

1. **Separation requirements.** The above uses shall be located at least 1,000 feet from any residential district or use, and 150 feet from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning (only such animals that are to be slaughtered on premises) shall be located at least 1,000 feet from any other zoning district boundary.

2. **Sanitation requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry rendering processes shall be used. All sanitary facilities shall be approved by the Central Michigan District Health Department or other agency with jurisdiction, and all waste and manure shall be removed daily.
3. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
4. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.





## **SECTION 5.700 TEMPORARY, SPECIAL EVENT, AND OTHER USES**

### **Section 5.701 Adult Entertainment Uses.**

Adult entertainment uses, as defined in the Billings Township Adult Entertainment Business Ordinance (Ord. No. 03-08-99-2), shall be subject to the provisions of this Zoning Ordinance, the Adult Entertainment Business Ordinance (Ord. No. 03-08-99-2), and any amending or superceding ordinance.

### **Section 5.702 Correctional Facilities.**

Correctional facilities, including juvenile detention facilities, shall be subject to the following:

1. Sites shall have a minimum lot area of 40 acres.
2. All structures shall be set back at least 100 feet from all lot boundaries and road rights-of-way.
3. Structures over 30 feet in height shall be set back one (1) additional foot for each foot of height over 30 feet.
4. Site shall have at least one property line abutting a county primary road.
5. All access to the off street parking area shall be directly from the county primary road.

### **Section 5.703 Home Sales.**

Sales of personal property from a residential dwelling may occur not more than three (3) times per year for a period not to exceed four (4) days for each occurrence.

### **Section 5.704 Mining and Extraction Uses.**

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this Ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Natural resources extraction, and sand, gravel, clay, and topsoil mining or removal shall be subject to the following:

1. **Area.** The minimum site size shall be 40 acres, with a minimum road frontage of 250 feet.
2. **Application information.** The following information shall be provided with an application for approval of a mining or extraction use:
  - a. Name and address of the person, firm or corporation who or which will be conducting the actual operation.

- b. Location of the processing plant or buildings, whether on-site or off-site.
  - c. Type of materials or resources to be removed or to be brought to the site.
  - d. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
  - e. General description of equipment to be used.
  - f. The total area (expressed in acres) and volume proposed to be excavated or mined.
  - g. An operations plan, which shall include a chronological plan for a extractive use and all other land disturbing activities, and the restoration of the site to a usable condition for agriculture or development.
  - h. A reuse plan shall be provided, which shall include proposed grading and landscape plans; a description of land use activities proposed for the site following completion of mining or extraction operations; and a description and location of the roads, drainage, utilities, and other facilities required to serve the uses.
  - i. Identification of the planned date for completing the operation, based upon the volume of material to be extracted and the average annual extraction rates. All Township approvals shall expire upon that date. Any extension of operations beyond that date shall require review and approval of a new mining and extraction application.
3. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, dust, and noise impacts, environmental impacts, and truck traffic impacts associated with the use, and any mitigation measures to be employed. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
4. **Setbacks.** The following minimum setback standards shall apply:
- a. All structures, fixed equipment, and machinery shall be set back a minimum of 200 feet from all property lines and 500 feet from any residential districts or uses existing at the time of application for a permit.
  - b. No mining, excavation, stockpiling of material, or processing or removal activities shall take place less than 200 feet from all property lines and road rights-of-way, and 500 feet from any residential districts or uses. The Planning Commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property, or to reduce or raise the final elevation to the existing elevation of the road.

5. **Screening and security.** To minimize public hazards and ensure compatibility with surrounding uses, the Planning Commission may require fencing, walls, berms, and other measures to secure and screen the use from abutting road rights-of-way and uses.
6. **Reuse.** Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a 365 calendar day consecutive period shall constitute termination of mining activity.
7. **State and federal requirements.** Proof of all required outside agency approvals or permits shall be provided to the Township prior to the start of work on the site. The owner or agent shall obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347).
8. **Access and circulation.** Truck routing shall be restricted to those roads designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
9. **Use standards.** Such uses shall comply with the following:
  - a. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. To protect water wells and the water supply of the Township, the pumping or drainage of water from such quarrying operations shall be prohibited.
  - b. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
  - c. The slopes of the banks during excavation shall not exceed seven (7) feet horizontal to one (1) foot vertical, which shall be maintained and extended into any ponded water to a depth of ten (10) feet.
  - d. Excavated areas shall be restored so that no finished grade is greater than one (1) foot of vertical rise in three (3) feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act.
10. **Performance guarantee.** A performance guarantee shall be required, subject to the requirements of Section 1.09 (Fees and Performance Guarantees), to

ensure that all work, including site reclamation, is completed in accordance with the standards of this Section.

### **Section 5.705 Racetracks.**

Racetracks and similar entertainment facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar entertainment facilities shall have frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within the racetrack facility for the exclusive use of patrons, employees, and guests.
3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening and Buffering). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 6.201 (Fences).
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 500 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of a residential zoning district or lot occupied by a residential use.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed. At a minimum, the assessment shall address the following:
  - a. Anticipated levels and costs of necessary public services (police, fire, water, sewer, etc.) associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
  - b. Anticipated noise levels shall be provided by the developer at the lot boundaries, road rights-of-way, and at set intervals up to 1,000 feet away; along with details of any proposed noise mitigation measures.
  - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
  - d. Any other anticipated impacts of the proposed use.

7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Billings Township as the certificate holder and naming the Billings Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

## **Section 5.706 Sanitary Landfills.**

Sanitary landfills, dumping and sewage disposal facilities shall be subject to the following:

### **A. General Requirements.**

1. **Design and operation standards.** Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality and other regulatory agencies.
2. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, dust, and noise impacts, environmental impacts, and truck traffic impacts associated with the use, and any mitigation measures to be employed. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
3. **Landfills and dumping.**
  - a. **Intent.** These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.
  - b. **Scope of application.** No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
  - c. **Exceptions.** These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.

4. **Permit requirements for landfills and dumping.**

- a. **Issuance.** A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.
- b. **Review procedures.** Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for special use approval, per Section 12.02 (Special Uses). Such approval shall be for a one (1) year period, and may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.
- c. **Performance guarantee.** To ensure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 1.09 (Fees and Performance Guarantees). The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.
  - (1) The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.
  - (2) The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.
- d. **Application requirements.** The following information shall be provided on an application for a landfill or dumping permit:
  - (1) **Aerial photography.** Vertical aerial photographs of the site, enlarged to a scale of one (1) inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
  - (2) **Survey.** A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one (1) inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two (2) feet contour intervals.
  - (3) **Engineering report.** Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed

operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.

- (4) **Master plan.** A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
  - (5) **Restoration plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two (2) foot contour intervals.
  - (6) **Operating specifications.** A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 4, following.
5. **Standards.** All landfill and dumping activity shall be subject to the following standards:
- a. **Limits of approval.** All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
  - b. **Setbacks.** Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 500 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and screening. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public road right-of-way line or adjacent property line.
  - c. **Noise, dust, debris.** All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
  - d. **Road treatment.** All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
  - e. **Frontage and access.** The subject site shall have a minimum of 250 feet of frontage on and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan, or county or state road authorities.
  - f. **Fencing.** Landfill and dumping operations shall comply with the following fencing requirements:

- (1) Where slopes steeper than 30 degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high chain link fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.
  - (2) Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.
- g. **Slopes.** Finished slopes shall not exceed a grade of four (4) feet horizontal to one (1) foot vertical. These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within twelve (12) months after work has begun on any section.
  - h. **Topsoil and seeding.** Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover.
  - i. **Berms.** A ten (10) foot high berm with side slopes of no greater than four (4) feet horizontal to one (1) foot vertical shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.
6. **Violations.** To insure compliance with these regulations, the Zoning Administrator shall conduct periodic inspections. In the event that a violation is found, the Zoning Administrator shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

## **Section 5.707 Temporary Uses.**

Temporary uses of land or structures in any zoning district shall be subject to the following:

### **A. Zoning Permit Required.**

Temporary events not exceeding a maximum of 72 hours per calendar year shall be allowed without zoning permit approval. Prior to establishing any other temporary use or structure in any zoning district, the property owner(s) and any operator(s) of a temporary use shall jointly secure a zoning permit in accordance with the standards of this Section and Section 1.08 (Zoning Permits).

### **B. General Standards.**

All permitted temporary uses and structures shall conform with the following:

1. No temporary use, event or structure shall constitute a nuisance under this Ordinance or have a detrimental impact on the use or enjoyment of surrounding or nearby property.



2. Temporary structures shall comply with the setback standards for the district in which they are located.
3. Adequate off-street parking shall be provided on the subject parcel(s). No parking shall be permitted within any road right-of-way or on any land other than the parcel(s) occupied by the temporary use.
4. All equipment and appurtenances associated with a permitted temporary use shall be removed from the site or stored within a completely enclosed structure when the temporary use or event is not in operation.

**C. Conditions of Permit Approval.**

In granting a zoning permit for the temporary use or structure, the Zoning Administrator shall stipulate in writing all conditions for the duration of approval period for the temporary use, nature of the uses permitted, and requirements for removal of the use at the termination of the approval period. The following conditions shall apply to all temporary uses:

1. A temporary use shall be permitted only if required public services, including police, fire, utility, sanitary and refuse services will be adequately provided without threat to public health, safety, and welfare. Costs for providing such services, to the extent they exceed the normal operating costs of the Township, shall be the full responsibility of the owner or operator of the temporary use.
2. An approved temporary structure and all equipment and appurtenances associated with a permitted temporary use shall be removed from the site and the site shall be cleaned-up and restored within 72 hours following expiration of the zoning permit approval period.
3. The property owner(s) shall furnish the Township with a cash bond of \$100.00 to ensure clean-up and restoration of the site, and removal of an approved temporary structure and all equipment and appurtenances associated with a permitted temporary use.
4. Proof of all necessary permits and approvals from Gladwin County, the Central Michigan District Health Department, and other agencies with jurisdiction shall be provided to the Zoning Administrator.
5. The granting of a zoning permit for the temporary use or structure shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.

**Section 5.708 Boathouses and Waterfront Structures.**

Boathouses, waterfront boardwalks and decks, seawalls, and other waterfront structures located partially or entirely on a waterfront lot or any land abutting a lake, river, or canal shall be subject to the following:

1. Such structures shall be located, designed, constructed, and maintained in accordance with current standards established by the State of Michigan, Department of Natural Resources, and other regulatory agencies with jurisdiction.
2. Proof of all outside agency permits and approvals shall be submitted to the Zoning Administrator, prior to the start of construction.
3. A minimum lot area of five (5) acres and a minimum lot width at the waterfront of 300 feet shall be required for construction of a new boathouse.
4. Boat hoists, lifts, and shore stations commonly used for care and removal of boats accessory to waterfront residences shall be exempt from this Section, and shall not be subject to special use approval.
5. Docks and similar improvements located on or under the surface of a lake, river, stream, canal, or similar body of water and with only incidental connection to the shoreline are not regulated by this Ordinance, but are regulated by the State of Michigan, Department of Natural Resources, and other regulatory agencies with jurisdiction.

### **Section 5.709 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 4.0 (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 Special Use Permit approval) shall also provide an annual written report to the Zoning Administrator 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 Special 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 Special 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 Special Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any Special 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 12.03 (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.

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.

**Section 5.710 Medical Marijuana Caregiver.**

The Michigan Medical Marijuana Act allows under state law the medical use of marijuana, and provides for a system of registry identification cards and administrative rules for identifying qualified patients and primary caregivers. The intent of this subsection is to regulate medical marijuana caregivers in a manner that protects the public health, safety, and welfare; minimizes potential impacts on abutting land uses, neighborhoods, and the Township as a whole; and conforms to the requirements of the Michigan Medical Marijuana Act. The following standards shall apply to medical marijuana caregiver facilities and operations as authorized under the Michigan Medical Marijuana Act:

1. Establishment, enlargement or alteration of a medical marijuana caregiver facility or operation shall be subject to approval per Section 12.01 (Site Plan Review).
2. The medical marijuana caregiver facility and operation shall conform to the requirements of the Michigan Medical Marijuana Act and the general rules of the Michigan Department of Community Health as adopted under the Act. Documentation of compliance shall be provided to the Township with any application for approval under this Ordinance, and upon request by the Township in accordance with Section 1.11 (Enforcement).

3. A maximum of one (1) medical marijuana caregiver shall be permitted per zoning lot to assist up to a maximum of five (5) qualifying patients in any given calendar week with activities permitted under the Michigan Medical Marihuana Act.
  - a. The caregiver shall be limited to cultivation of a maximum of twelve (12) marijuana plants per qualifying patient, as authorized by the Michigan Medical Marihuana Act.
  - b. The medical marijuana caregiver shall be prohibited from operating in any manner that would meet the definition of a medical marijuana dispensary, per Section 18.02 (Definitions).
  
4. Nothing in this Ordinance is intended to apply to private cultivation and personal use of medical marijuana by a qualifying patient in accordance with the Michigan Medical Marihuana Act; grant immunity from criminal prosecution for growing, sale, consumption, use, distribution or possession of marijuana not in strict compliance with the Michigan Medical Marihuana Act and adopted general rules; grant immunity from prosecution under Federal laws; or shield patients or caregivers or owners of property on which medical marijuana is grown or used from having their property seized by Federal authorities under the U.S. Controlled Substances Act.

