

## CONDITIONAL USES

### 4.01 PURPOSE

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to review and recommend to the Township Board the approval, modification, or denial of the establishment of certain uses designated as conditional uses within the various zoning classifications set forth in the Ordinance.

Such conditional uses have been selected because of the unique characteristic of the use which, in the particular zones involved, under certain circumstances and without proper controls or limitations, might be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such conditional uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Township Board is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor and imposed by said Board, would be compatible with the other uses expressly permitted within said district, with the environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious thereto; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Township Board for the allowance of such conditional uses can and will, in its judgment, be met at all times by the applicant.

The following sections, together with references in Article 3, designate what uses require a conditional use permit.

### 4.02 APPLICATION PROCEDURE

Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application.

The application shall include the following:

1. Special form supplied by the Zoning Administrator filled out in full by the applicant.

2. Site plan drawn to a readable scale of the total property involved showing the location of abutting streets, the location of all existing and proposed structures, and the types of structures, buildings and their uses.

3. A statement with supporting evidence regarding standards specified in Section 4.04.

#### 4.03 NOTICE OF PUBLIC HEARING, REVIEW, FINDINGS, AND ISSUANCE OF WRITTEN CONDITIONAL USE PERMITS

1. The Planning Commission shall set a date for a public hearing within forty five (45) days after receipt of an application. Upon receipt of an application for a conditional use the Planning Commission shall publish and provide required notices of public hearing as follows:

A. Publish notice of the request in a newspaper of general circulation in Montague Township.

B. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in Montague Township.

C. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

(1) Describe the nature of the request;

(2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;

(3) State when and where the request will be considered; and

(4) Indicate when and where written comments will be received concerning the request.

2. The Planning Commission shall review the application and accompanying site plan, pursuant to the standards and requirements set forth in Section 4.04, and any other applicable criteria.

3. Following such hearing, said Planning Commission shall recommend either the grant (with or without conditions) or denial of a permit for such conditional use and shall state its reasons for its recommendation in the matter. Such decision shall be communicated to the Township Board, which shall entertain such conditional use request and review the recommendation at its next regular meeting. The Township Board shall either grant or deny such request and state the reasons for its decision. All conditions, limitations, and requirements upon which any such permit is granted shall be specified by the Township Board in its decision and shall be filed with the Zoning administrator for the Township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of the Zoning Ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and be designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, and otherwise comply with applicable sections of this Ordinance.

#### 4.04 GENERAL STANDARDS FOR MAKING DETERMINATIONS

The Planning Commission and Township Board shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed conditional use:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

2. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

3. Will not create excessive additional requirements at public cost for public facilities and services; and will not be detrimental to the economic welfare of the community.

4. Will not involve uses, activities, processes, materials, equipment, and/or conditions of operation that may be hazardous, detrimental, or a nuisance to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, vibrations, glare, or odors.

5. Will be consistent with the intent and purposes of this Ordinance, including the zoning district in which the proposed conditional use is situated.

#### 4.05 CONDITIONS AND SAFEGUARDS

1. Prior to granting any conditional use permit the Township Board may impose additional conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the conditional use permit as may be reasonably necessary for the protection of the public interest.

2. Conditions and requirements stated as part of conditional use permit shall be the continuing obligation of conditional use permit holders. The Zoning Administrator is authorized to make periodic investigations of developments authorized by a conditional use permit to determine compliance with all requirements.

3. Conditional use permits may be issued for an unlimited period of time or for a specific duration of time, as determined by the Township Board. In the event that a conditional use permit is granted only for a specific duration of time, then at the expiration of such time the conditional use permit shall be deemed terminated unless renewed according to the procedures otherwise applicable for the issuance of an original conditional use permit.

4. In authorizing a conditional use permit, the Township Board may require that a cash deposit, certified check, bond, letter of credit, or other financial guarantee acceptable to the Township Board, in such reasonable amount as the Township Board shall determine to be appropriate, be furnished by the applicant to insure compliance with the terms of the conditional use permit and with such other requirements as the construction of drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

5. All plans, specifications, and statements submitted with the application for a conditional use permit shall become, along with any changes ordered by the Township Board, a part of the conditions of any permit issued thereto.

6. The general procedures and standards in Sections 4.01 through 4.07 are basic to all conditional uses. Specific requirements accompanying specific designated uses, as set forth commencing in Section 4.08, are additional requirements and shall be required in applicable situations.

#### 4.06 TERMINATION OR ABANDONMENT OF A CONDITIONAL USE

Conditional use permits may be terminated in the event that there is abandonment or a material violation of the terms or conditions of such conditional use permit by the owners or occupants of the property granted the conditional use permit. In such event, the conditional use permit shall be terminated pursuant to the following procedure:

1. The Zoning Administrator or the Township Board shall provide the owner of the property with a written statement detailing the alleged violation or nonconformity with the terms or conditions of the conditional use permit. Such statement shall be deemed an order to correct the alleged violation or deficiency.

2. In the event that such violation or such deficiency has not been cured within the time specified in such statement, then the Township Board shall review the matter at a regular meeting or special meeting called for such purpose. The owner shall be provided written notice of such meeting, and may be present at such meeting to present his/her position and facts supporting their position.

3. If the Township Board shall determine that there does exist a material violation or nonconformity, with respect to the terms or conditions of the conditional use permit granted, which was not cured as set forth in the notice of violation, then the Township Board may in its discretion take the following action:

A. Defer the matter for up to an additional thirty (30) days in order to give the applicant additional time to complete cure of any deficiency or nonconformity, if such attempts at cure have previously been undertaken but have not yet been completed; or,

B. If the property owner has filed a request to amend the conditional use permit such that the alleged violations or nonconformities with the existing conditional use permit would no longer be deemed violations or nonconformities, the Township Board may defer further action until the hearing on the permit amendment is reviewed and a recommendation made by the Planning Commission as in the case of an application for an original permit; or,

C. Terminate the conditional use permit.

4. Any conditional use which has been abandoned for a period of one hundred eighty (180) consecutive days, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification, and the permit for such conditional use shall thereupon terminate. Upon such termination, the Township Board may order the owner of such property to restore, at the owner's expense, the property to pre-conditional use status and condition, and upon failure to do so may order Township agents to make such corrections and assess the cost thereof as a lien against such property, as provided hereinafter.

#### 4.07 DECISION OF THE TOWNSHIP BOARD; APPEAL TO THE CIRCUIT COURT

The decision of the Township Board shall be final and contain the findings and determination of the Township Board in each particular case. Persons aggrieved by the determination of the Township Board shall have the right to appeal to the Circuit Court for Muskegon County, which appeal shall be brought within thirty (30) days of issuance of the decision by the Township Board.

#### 4.08 ADDITIONAL SPECIFIC REQUIREMENTS FOR SPECIFICALLY IDENTIFIED CONDITIONAL USES

The following provisions of this Article 4 provide and are designed to provide additional requirements and conditions applicable to specifically identified conditional uses, it being the Township's determination that the foregoing specific conditional uses may require additional regulations above and beyond and in addition to the general standards applicable to all conditional uses, as set forth in Section 4.04 above.

#### 4.09 ADDITIONAL REQUIREMENTS FOR GASOLINE SERVICE STATIONS

##### 1. General Regulations:

A. The minimum setback for the street right-of-way for buildings or pumps shall be seventy five (75) feet.

B. The minimum greenbelt buffer area of at least twenty five (25) feet shall be provided around the perimeter of the lot, unless reduced by the Township Board where such a buffer is deemed unnecessary because of the circumstances of neighboring lots.

##### 2. Construction Standards:

A. Separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.

B. The entire area used for vehicle service shall be paved, and all other areas shall be landscaped and protected from vehicular use by a low barrier.

C. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building.

D. The maximum widths of all driveways at the sidewalk shall be no wider than thirty (30) feet, unless a wider distance is required by the Road Commission or Department of Transportation.

E. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.

F. The minimum distance between curb cuts shall be no less than forty (40) feet.

3. Lighting: All lighting shall be accomplished in a manner such that no illumination source directly shines upon adjacent properties.

#### 4.10 ADDITIONAL REQUIREMENTS FOR DEVELOPMENT OF NATURAL RESOURCES

1. A conditional use permit shall be required for the excavation of topsoil, excavation of soils and minerals other than topsoil, and the commercial extraction of water, as set forth below.

2. Excavation of Topsoil: Topsoils shall not be stripped, excavated, or otherwise removed for sale or for use other than on the premises from which it was taken except:

A. When in connection with construction operations and the grading operations necessary thereto when topsoil is in surplus amounts.

B. When as a product of authorized excavation of other soils and minerals as otherwise provided in this Ordinance.

3. Excavation of Soils and Minerals Other Than Topsoil: The excavation or extraction of water, peat, muck, sand, gravel, clay, or other mineral deposits for commercial purposes may be permitted as a conditional use in any district, except for Residential zoning districts. The permit may include authorization for the erection, installation, and use of necessary buildings, structures, and appurtenances incidental to such operation.

4. Commercial Extraction of Water: The nongovernmental commercial extraction of water may be allowed as a conditional use, upon the following terms and conditions:

A. All state and county regulations pertaining to the activity shall apply at time of application for use and continue to apply as such regulations may thereafter change from time to time; no interest in the use shall vest to prevent the application of such regulations as they from time to time apply. At the time of application or re-issuance of a Township permit, any applicant shall present in writing from the proper authorities any state or county requirements pertaining to the use of the premises for which the permit is requested.

B. The extraction of water for sale shall be limited to the filling of containers of not less than one hundred (100) gallon capacity for removal for consumption and retail sales off of the premises containing the permitted use.

C. Not more than two thousand (2,000) gallons per one and one-quarter (1 1/4) acre per parcel in any one (1) week shall be extracted under a permit, and the applicant shall keep a log or other records as from time to time may be required by the Township. Private or public easements or streets shall be deducted when computing available acreage.

D. The issuance of a permit shall not imply any permission, sanction or approval for the unreasonable lowering or depleting of the head pressure or supply of water on any other well or spring dependent upon the same head, vein or stratum.

E. As with all conditional uses, this use is subject to revocation, and any permit for the extraction of water may be renewable, but no original or renewal permit shall be valid respectively for more than five (5) years.

5. Sand/Gravel/Clay Pits and Quarries: The following additional terms and conditions shall apply to conditional use permits granted to sand pits, gravel pits, clay pits, and/or quarries:

A. There shall be erected a fence of not less than six (6) feet in height around the entire periphery of the excavation. Fences shall be adequate to reasonably prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top edge of any slope.

B. All areas within any single excavation project shall be rehabilitated progressively, as the areas are worked out or abandoned, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Gravel and sand pits, and quarries shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

C. Traffic routes for truck movement in and out of the development shall be established in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community and interior roadways shall be chemically treated to reduce dust.

D. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to persons, property, or to the community in general.

E. The operator or operators of such use shall file with the Township a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land; the proposed final topography indicated by contour lines of no greater interval than five (5) feet; steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, and/or other improvements contemplated.

F. The operator or operators shall file with the Township Clerk a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be used, of the required bond shall be fixed by the Township Board. The bond shall be released upon written certification of the Building Inspector that the restoration is complete and in compliance with the restoration plan.



6. Additional Development Requirements for Development of Natural Resources.

A. Setback: Excavation, washing, and stockpiling of extracted material shall not be conducted closer than fifty (50) feet to the outer boundary of any lot line. The setback area shall not be used for any use in conjunction with a natural resources operation, except access roads or public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Township. Said setback may be increased where one (1) boundary of the lot abuts a body of water, in order to prevent surface water run-off with sedimentation and other possible sources of pollution to the water body.

B. Building Line for Operation Structures: To reduce the effect of airborne dust, dirt and noise, all equipment for sorting, crushing, loading, weighing, and other operations and structures shall not take place or be built closer than three hundred (300) feet from any public street right-of-way or from any adjoining residentially zoned district.

C. Frontage and Access: Each lot for extraction uses shall have a minimum frontage on a public highway of at least two hundred fifty (250) feet, except that the Township Board may approve an extraction operation, where the lot has no frontage, if written permission for access to a public highway is first secured.

D. Fencing: Any excavation operation which results in, or produces for a period of one (1) month, collections of water, or slopes as described below shall be subject to the following safety requirements:

(1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.

(2) Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be fenced.

E. Access Roads: All private access roads shall be treated so as to create a dust-free surface for a distance of three hundred (300) feet from any public access road.

F. Slopes: Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet horizontal to one (1) foot vertical. Where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one (1) section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning, provided that the

Township Board may extend the above one (1) year period to such longer period as is satisfactory under the circumstances. Sufficient topsoil shall be stockpiled on the site so that the entire area shall be re-covered with a minimum of six (6) inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other plant material acceptable to the Township.

G. Reclamation: Each conditional use application shall contain a suitable plan for the reclamation and restoration of the lot upon which the permit is granted, upon the expiration and/or termination of the permit, if granted.

H. Explosives: Explosives shall be used in accordance with the "Regulations for Storage and Handling of Explosives", as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.

#### 4.11 ADDITIONAL REQUIREMENTS FOR CAMPGROUNDS

1. A Conditional Use Permit is required for the operation of a campground.

2. Conditions:

A. The minimum size of a campground shall be twenty (20) acres.

B. Outdoor fire facilities shall be constructed for each site and open fires shall be prohibited except in these areas.

3. Site Use Arrangement:

A. A site in a campground, unless designated on an approved plan as a walk-in site, shall abut on a drive, and shall be of such a size and so arranged as to provide for a recreational unit and shall have at least fifteen (15) feet of drive frontage width and twelve hundred (1200) square feet of area for each camping site.

B. A drive shall be provided having a minimum width of twenty (20) feet. This drive shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust free condition when the campground is in operation.

4. Campground uses are allowable as conditional uses; miscellaneous requirements:

A. Public and private parks and recreational areas of at least twenty (20) acres in area, including picnic areas and/or picnic pavilions; softball and baseball diamonds; swimming, boating, and ice sports facilities; amusement and other outdoor recreational

sports activities; camping sites for tents, campers, and travel trailers not exceeding thirty five (35) feet in length.

B. All camping sites for tents, campers, and travel trailers shall have a central water supply system with potable water under pressure piped to within three hundred (300) feet of each site.

C. An enclosed toilet and sewage facility, approved by the Michigan State or County Health Departments, with hot and cold running water available therein, shall be provided for every trailer, tent, or campsite, not further than five hundred (500) feet from every site. If public sewer shall be available within five hundred (500) feet of any portion of the land, the park system shall be connected thereto. No vehicle, tent, camper, or travel trailer shall be allowed within the campground except on an approved camp site.

D. No trailer, tent, camper, or building, other than a single family residence, shall be placed, parked, or erected within one hundred (100) feet of any lot line.

E. All campfire areas, firepits, grills, or fireplaces designed for cookouts or campfires shall be inspected by the local Fire Official and must meet all applicable safety standards.

#### 4.12 ADDITIONAL REQUIREMENTS FOR ESSENTIAL SERVICES AND RELATED BUILDINGS

1. In every zoning district where allowed, essential service buildings shall be required to obtain a conditional use permit prior to their construction; (including) high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.

2. No such building shall be used for residential purposes.

3. An appropriate opaque fence or greenbelt may be required.

#### 4.13 ADDITIONAL REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS

All such structures shall conform to the following regulations.

1. Height limitations of no more than two (2) stories.

2. Not be located within one thousand (1000) feet of any already established industrial use that may be offensive to residents of the multi-family development with light, noise, fumes, or odors.

3. Parking spaces provided as required by this Ordinance.

4. Lot area: Minimum for R-1, plus 10,000 square feet for each dwelling unit in excess of four (4) on the lot.

Every lot on which a multiple dwelling structure is erected shall be provided with a twenty (20) foot side yard on each side of such lot. Each side yard shall be increased by one (1) foot of each ten (10) feet or part thereof by which the length of the multiple dwelling structure exceeds forty (40) feet in over-all dimension, along the adjoining lot line. In order to preserve the general open character of the districts, structures shall be limited in length to one hundred twenty five (125) feet. Rear yards and spacing between buildings shall be provided on the following basis: 1 and 2 floor structures - 45 feet between buildings and 35 foot rear yards.

5. On-site sewage disposal system including dry wells and/or drain fields shall be located a minimum of seventy five (75) feet from any lot line.

6. Minimum Interior Living Space; The minimum square feet of interior living space, exclusive of any area contained within attached garages, porches, balconies or common hallways, required for each family are specified in the following schedule:

A. Duplex dwellings: eight hundred (800) square feet of floor area at ground level per family for single story dwellings, and four hundred fifty (450) square feet of floor area at ground level per family dwellings over one (1) story in height provided that the total are shall not be less than six hundred (600) square feet per family.

B. Multiple family dwellings:

| No. of bedrooms  | Total Living Area /Unit |
|------------------|-------------------------|
| Studio Apartment | 450 square feet         |
| 1                | 550 square feet         |
| 2                | 700 square feet         |
| 3                | 850 square feet         |
| 4                | 1000 square feet        |

#### 4.14 ADDITIONAL REQUIREMENTS FOR COUNTRY CLUBS, GOLF COURSES, RIDING STABLES, AND ATHLETIC GROUNDS AND PARKS, INCLUDING RELATED USES, SUCH AS SNACK BARS, SMALL RETAIL SHOPS SELLING FOODS DIRECTLY RELATED TO THE PRIMARY USE, AND OTHER SIMILAR USES INTEGRAL TO THE MAIN USE

1. The use shall be located on property with direct access to a public street.

2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential Zoning District or use.

3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

4. Access driveways shall be located not less than fifty (50) feet from the nearest part of the intersection of any street or driveway.

5. Buildings housing animals, storage equipment or other similar buildings shall be located at least fifty (50) feet from any lot line.

6. Minimum lot size shall be not less than ten (10) acres, provided, however, the Township Board may permit a lot size reduction, not to exceed five (5) acres, upon demonstration by the applicant that the proposed use will not result in a negative impact to adjacent properties.

#### 4.15 ADDITIONAL REQUIREMENTS FOR COMMERCIAL GREENHOUSES AND NURSERIES, WHEN OPERATED PRIMARILY AS WHOLESALING OPERATIONS AND LIMITED RETAIL SALES

1. The lot area used for parking, display, or storage shall be provided with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.

3. Lighting for parking and outdoor storage area shall be shielded to prevent light from shining directly onto any Residential District or use property line.

4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

5. Minimum lot size shall be no less than five (5) acres.

#### 4.16 ADDITIONAL REQUIREMENTS FOR GROUP AND COMMERCIAL CHILD DAY CARE HOMES AND FACILITIES

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.

2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.

3. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived

by the Township Board if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

#### 4.17 ADDITIONAL REQUIREMENTS FOR FUNERAL HOMES AND MORTUARY ESTABLISHMENTS

1. Lighting for parking areas and outdoor activity areas shall be shielded to prevent light from shining directly onto any Residential District or use.

2. Minimum lot area shall be no less than one (1) acre and minimum lot width shall be no less than one hundred fifty (150) feet.

3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

4. No waiting lines of vehicles shall extend off-site or onto any public street.

5. Access driveways shall be located not less than twenty five (25) feet from the nearest part of the intersection of any street or any other driveway.

#### 4.18 ADDITIONAL REQUIREMENTS FOR HOTELS AND MOTELS

1. Minimum lot area shall be no less than four (4) acres and minimum lot width shall be no less than two hundred (200) feet.

2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

3. Access driveways shall be located not less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

#### 4.19 ADDITIONAL REQUIREMENTS FOR THEATERS, OR SIMILAR PLACES OF PUBLIC ASSEMBLY

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from shining directly onto any Residential District or use.

2. Main buildings shall be set back a minimum of one hundred (100) feet from any residential lot line.

3. For uses exceeding a seating capacity of two hundred fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

4. Access driveways shall be located not less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

5. Minimum lot area shall be no less than five (5) acres.

#### 4.20 ADDITIONAL REQUIREMENTS FOR RESTAURANTS WITH DRIVE-THROUGH FACILITIES

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and ingress and egress from the property by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity of the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

4. Access driveways shall be located no less than twenty five (25) feet from the nearest part of the intersection of any street or any other driveway.

#### 4.21 ADDITIONAL REQUIREMENTS FOR VEHICLE WASH ESTABLISHMENTS, EITHER SELF-SERVE OR AUTOMATIC

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street. A reasonable number of stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.

2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any Residential Zoning District or use lot line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential Zoning District or use lot line.

3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located on less than twenty five (25) feet from the nearest part of the intersection of any street or driveway.

5. Where adjoining residentially zoned or used lots, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.

6. Lighting for parking and outdoor storage areas shall be shielded to prevent light from shining directly onto any Residential Zoning District or use property line.

#### 4.22 ADDITIONAL REQUIREMENTS FOR OPEN AIR BUSINESSES

The following provisions apply to all open air businesses, but shall not apply to farm markets, as otherwise allowed by this Ordinance.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

3. Access driveways shall be located not less than fifty (50) feet from the nearest part of the intersection of any street or driveway.

4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from shining directly onto any Residential District or use property line.

5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

#### 4.23 ADDITIONAL REQUIREMENTS FOR BOWLING ALLEYS

1. The principal and accessory buildings and structures shall be located no closer than one hundred (100) feet from any residential District or use lot line.

2. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.

3. Access driveways shall be located not less than fifty (50) feet from the nearest part of the intersection of any street or driveway.

#### 4.24 ADDITIONAL REQUIREMENTS FOR COMMERCIAL GARAGES



1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any Residential Zoning District or use lot line.

2. Minimum lot area shall be not less than one (1) acre and minimum lot width shall be one hundred fifty (150) feet.

3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. Inoperative vehicles left on the site shall, within fourteen (14) days, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height and not greater than ten (10) feet in height. Such fence shall be continuously maintained in good condition.

5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

6. Access driveways shall be located not less than twenty (25) feet from the nearest part of the intersection of any street or driveway.

7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

#### 4.25 ADDITIONAL REQUIREMENTS FOR LUMBER AND PLANING MILLS AND SAWMILLS

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential Zoning District or use lot line.

2. Minimum lot area shall be not less than ten (10) acres with a minimum width of no less than three hundred thirty (330) feet.

3. Storage of timber, saw logs, saw dust, wood chips, partial and finished wood products, and other such materials shall not be stored within one hundred (100) feet of the front lot line.

4. Adequate emergency vehicle access shall be maintained to all portions of the operation.

5. Landscaping and/or fencing shall be provided as required by the Township Board.

#### 4.26 ADDITIONAL REQUIREMENTS FOR METAL PLATING, BUFFING AND POLISHING

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential District or use lot line.

2. In addition to the site plan, the applicant shall provide design detail on the method for the collection and disposal of liquid and solid waste by-products. The Township Board may required that engineering plans, sealed by a Professional Engineer registered in the State of Michigan, be provided pursuant to disposal methods which may pose a potential threat to the ground water.

3. The applicant shall secure all necessary permits from Township, County, and State authorities.

4. Minimum lot area shall be not less than five (5) acres.

#### 4.27 ADDITIONAL REQUIREMENTS RE: COMMERCIAL STORAGE WAREHOUSES

1. Minimum lot area shall be not less than two (2) acres.

2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single family detached dwelling.

3. Parking and circulation:

A. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.

B. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.

C. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.

D. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

| Lane/Aisle   | Aisle/Lane Width (ft) |                              | #Lanes/Aisle Required |         |
|--------------|-----------------------|------------------------------|-----------------------|---------|
|              | One-Way               | Two-Way (each lane or aisle) | One-Way               | Two-Way |
| Parking Lane | 10                    | 10                           | 1                     | 1       |
| Access Aisle | 15                    | 10                           | 1                     | 1       |

E. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

#### 4.28 ADDITIONAL REQUIREMENTS FOR THE MANUFACTURE, COMPOUNDING, PROCESSING, PACKAGING, OR TREATMENT OF PRODUCTS REQUIRING STAMPING OR PUNCH PRESS OPERATIONS

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential Zoning District or use property line.
2. Minimum lot area shall be not less than five (5) acres.

#### 4.29 ADDITIONAL REQUIREMENTS FOR JUNK YARDS/SALVAGE YARDS

1. Requests for a conditional use permit for a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of all salvaged, recycled, and waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

2. The lot shall be provided with suitable access to ensure safe, direct transport of salvage to and from the lot.

3. No portion of the storage area shall be located within three hundred (300) feet of any Residential Zoning District or use lot line.

4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height and no greater than ten (10) feet in height, constructed of a sturdy, durable material and sufficiently opaque to ensure that the material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) nontransparent gates not exceeding forty eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.

6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.

7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.

8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.

9. All portions of the storage area shall be accessible to emergency vehicles.

10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.

11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company and be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method, or otherwise allowed to be discharged upon the ground.

12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.

13. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.

14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

15. The Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety, and general welfare of the Township.

#### 4.30 ADDITIONAL REQUIREMENTS FOR HOME OCCUPATIONS

Home Occupations shall comply with the following regulations:

1. Are only conducted by the person or persons occupying the premises as their principal residence; provided, however, the Township Board shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three (3) in number.

2. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.

3. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.

4. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.

5. No occupation shall be conducted upon or from the premises which would utilize heavy equipment or constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, vibration, night lighting, or the creation of unreasonable traffic to the premises.

6. The Township Board shall have authority and duty to determine whether or not a proposed home occupation complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning district in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

7. A home occupation is subject to the termination provisions of Section 4.06 of this Ordinance.

