

## **ARTICLE 13. SPECIAL LAND USES**

### **Section 13.01 Intent**

This Article is intended to provide regulations for special land uses which may be necessary or desirable in certain districts, but have an actual or potential impact on neighboring uses that needs to be carefully regulated for the protection of Township residents. This Article provides standards for the Planning Commission to determine the appropriateness of a given special land use based upon factors such as: compatibility with adjacent zoning and uses, location, design, size, intensity of use, impact on traffic operations, potential impact on the environment, demand on public facilities and services, equipment used and processes employed. A special land use permit is required for each use listed in the zoning districts as a special land use and this Article specifies the procedures and standards to be followed in granting such permits. A special land use shall not commence until a special land use permit is issued in accordance with this ordinance.

### **Section 13.02 Authority to Grant Permits**

The Township Planning Commission, after review and consideration of the special land use application and site plan according to the standards contained in this ordinance, shall either approve, reject, or approve with conditions the proposed special land use. Only the Planning Commission may direct the Zoning Administrator to issue a special land use permit.

### **Section 13.03 Permit Procedures**

An application for a special land use permit for any use or structure permitted under this Article shall be submitted and processed under the following procedures:

#### **A. Application.**

1. Application for any special land use permit permissible under the provisions of this ordinance shall be made to the Zoning Administrator by filling in the official special land use permit application form, submitting required data and depositing the required fee at the time of filing the permit application. The applicant shall pay a fee set by the Township Board, except that no fee shall be required of any governmental body or agency. The fee shall cover the costs of processing the application and no part of such fee shall be returnable to the applicant. The property owner or petitioner shall submit the permit application to the Zoning Administrator at least fourteen (14) days prior to the meeting at which the application is to be reviewed. The Zoning Administrator

shall forward the official special land use permit application form and all related materials to the Township Planning Commission within five (5) days of receipt and acceptance of a completed application.

2. Every application shall be accompanied by the following information and data:

a. A special land use permit application form supplied by the Zoning Administrator and filled out by the applicant.

b. A full statement that declares the requested use and the district under which the special land use permit is sought. It shall be the obligation of the applicant to furnish evidence in support of the proposed use and its present and future compliance with the provisions of this ordinance. An application made without full compliance with this ordinance shall be returned to the applicant.

c. A statement of cause that justifies the special land use based on surrounding land uses.

d. The applicant(s) signature(s) and the owner(s) signature(s) if different from the applicants.

e. Where an agent represents an applicant, a letter signed by the applicant designating agent authority shall accompany the special land use permit application.

f. A detailed site plan that satisfies all requirements set forth in Article 14, herein.

g. Any additional information that the Planning Commission deems necessary to make a determination of the request.

**B. Review.** The Township Planning Commission shall review the proposed development as presented on the submitted plans and specifications in accordance with the established standards set forth in this ordinance.

**C. Public Hearing and Notices.**

1. The Planning Commission shall hold a public hearing on an application for a special land use permit within sixty (60) days of receipt of the application. The public hearing may be scheduled for the same date as the Planning Commission's regular meeting, provided that the meeting date does not conflict with the notice requirements in the following paragraph.
2. Notice and contents of notice must be given, as required by the MZEA, MCL 125.3103, as amended.

**D. Issuance of a Special Land Use Permit.** Until a special land use permit has been issued there shall be neither construction nor excavation on any land, nor shall there be made any use of land related to the request for the special land use permit.

#### **Section 13.04 Basis of Determination**

**A. Decision.**

1. The Planning Commission may approve, deny, or approve with conditions a request for a special land use based on the planning standards and findings and the site design conditions presented herein.
2. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision, and any conditions imposed.

**B. Imposition of Conditions.**

1. Any conditions imposed with respect to the approval of a special land use or activity shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of conditions which are changed.
2. Any conditions imposed shall meet all of the following requirements:
  - a. Be designed to protect natural resources, the health, safety and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- b. Be related to the valid exercise of the statutory power and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 13.05 Required Planning Standards and Findings**

The Planning Commission shall review the circumstances and facts concerning each special land use in terms of the required planning standards and findings listed below. The Planning Commission shall find and make a matter of public record adequate data, information and evidence showing that the proposed use on the lot in question meets all required standards. The Planning Commission will review each proposal in order to determine that the use(s) envisioned:

- A. Will be harmonious with, and in accordance with, the general objectives of the Conway Township Comprehensive Plan, also known as the Master Plan, and will be consistent with the intent and purpose of this ordinance;
- B. 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 and that such use will not change the essential character of the area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses or detrimental to the economic welfare of the community;
- D. Will be compatible with the natural environment and existing and future land uses in the vicinity;
- E. Will be served adequately by essential public facilities and services, such as streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use(s) shall be able to provide them and that such proposed use(s) will not create excessive additional requirements at public cost for public facilities and services; and
- F. Will not involve uses, activities, processes, materials, equipment, or conditions of operation which will be detrimental to any persons, property or the general welfare by reason of excessive smoke, noise, fumes, glare, vibration, odor, or handling or storage of hazardous materials and supplies.

## Section 13.06 Permits

- A. Voiding of Permit.** Any special land use permit granted under the provisions of this Article shall become null and void if the permitted use has not been constructively undertaken within six (6) months of the granting of the permit, and a written application for extension of the approval has not been filed as provided below. The Zoning Administrator shall notify the applicant in writing of the expiration of said permit. Any use for which a special land use permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned, and the special land use permit shall become null and void.
- B. Permit Extension.** Upon written application filed prior to the termination of the six (6) month period as provided above, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than six (6) months. Such extension shall only be granted based on evidence from the applicant that the special land use has a reasonable likelihood of commencing construction within the six (6) month extension.
- C. Validity of Permit.** Once the special land use is established and the conditions of the permit fulfilled, the special use permit shall be valid until such time that there is a change of conditions or use related to the permit. Any use, for which a special land use has been granted, shall be deemed a use specially permitted in the district in which it is located and is not to be considered a non-conforming use.
- D. Permit Compliance.** In authorizing any special use permit, the Planning Commission may require a performance guarantee pursuant to Section 3.06 to insure compliance with the requirements, specifications and conditions imposed.
- E. Permit Revocation.** The Planning Commission shall have the authority to revoke any special use permit following a hearing, after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this ordinance.

## Section 13.07 Amendments to Special Land Use Permits

Any person or agency who has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to the

approved site plan of the special land use permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with Article 14. A major amendment to a special land use permit shall comply with the application and review procedures contained in this Article.

### **Section 13.08 Reapplication**

No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will have to begin again.

### **Section 13.09 Appeals**

An appeal on a special use permit decision may be taken to the Circuit Court.

### **Section 13.10 Site Design Conditions**

The special land use general review standards of Section 13.05 are the basis for all uses authorized by special land use approval. The following sections identify specific requirements which individual special land uses shall comply with, in addition to the general standards of the zoning district in which the special use is proposed, Section 13.05 and the site plan design requirements of Article 14.

#### **A. Agriculture Service Establishments.**

1. Location Requirements. Agriculture service establishments may be permitted by special use permits in the AR Agricultural Residential District.
2. Site Requirements.
  - a. The proposed site shall have at least one (1) property line abutting a county primary roadway. All ingress and egress shall be from that roadway.
  - b. Minimum lot size shall be five (5) acres and have a minimum lot frontage of three hundred (300) feet.
3. Performance Standards.
  - a. All principal and accessory structures or uses shall be located a minimum of five hundred (500) feet from existing principal and accessory structures on

adjoining lots and a minimum of one hundred ten (110) feet from the road right of way.

- b. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Sections 6.15 and 6.16 herein.
- c. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line in order to minimize disturbance to adjacent uses.
- d. Off street parking as required in Article 15 and signs as required in Article 17 shall be maintained.

**B. Bed and Breakfast Homestay.**

- 1. Location requirements.

Bed and breakfast homestay establishments are permitted by special use permits in the AR Agricultural Residential and R Residential Districts.

- 2. Site Requirements.

- a. One (1) parking space per guest room shall be provided on site. Parking shall be located off-street and shall be arranged to the side or rear of the establishment other than in a required side or rear yard setback.
- b. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district in which it is located.
- c. No bed and breakfast homestay shall be located closer than three hundred (300) feet to another bed and breakfast homestay.

- 3. Performance Standards.

- a. The bed and breakfast homestay must be a single-family dwelling which is operated and occupied by the owner of the dwelling.
- b. No more than three (3) guest rooms shall be permitted per home stay establishment.

- c. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.
- d. The exterior appearance of the structure shall not be altered from its single-family character.
- e. The impact of the bed and breakfast homestay on the neighborhood shall be no greater than that of a private home with weekend guests.
- f. Signage is permitted according to the home occupation sign standards set forth in Article 17.
- g. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
- h. No separate or additional kitchen facilities shall be provided for the guest.
- i. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the homestay.
- j. Retail sales are not permitted beyond those activities serving overnight patrons.
- k. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

**C. Cemeteries.**

1. Location Requirements.

Public and private cemeteries are permitted as a special use in the AR Agricultural Residential and R Residential Districts.

2. Site Requirements.

- a. Minimum lot size shall be three (3) acres, with at least three hundred (300) feet of public road frontage. Ingress and egress to the cemetery shall be provided along the public road frontage.
- b. Cemeteries containing any structures, such as a church and associated structures, chapel, mausoleums,



crypts or business office for the sale of burial lots and/or tombstones, shall have direct access on a primary county road. Structures shall not be located nearer than one hundred (100) feet from any property line.

- c. Cemeteries where the only structure is a shed or garage for storage of maintenance vehicles or machinery need not have direct access on a primary county road.
- d. No more than ten (10) percent of the site area may be occupied by buildings.
- e. Burial plots shall be set back no less than fifty (50) feet from any lot line of adjoining properties.
- f. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any county roadway.

3. Performance Standards.

- a. All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Livingston County Health Department and the State of Michigan.
- b. A buffer zone containing screening plant materials approved by the Planning Commission is to be provided adjacent to all interior lot lines pursuant to the requirements of Section 6.16, Required Landscaping and Screening.

**D. Child Care Centers.**

1. Location Requirements.

Child care centers are permitted as a special use in the AR Agricultural Residential and R Residential Districts.

2. Site Requirements.

- a. No portion of a child care center shall be located within three hundred (300) feet of any gasoline pumps, underground storage tanks or any other explosive materials.

- b. Parking demand and drop off/pick up demand generated by a child care center shall be met off the street and other than in a required front, side or rear yard setback. Parking and drop off/pick up areas shall not impede circulation within the parking area or access to the site during peak hour traffic. The drop off/pick up area shall provide adequate stacking or parking spaces to serve a number of vehicles equal to one quarter (1/4) of the number of children served by the child care center at its peak hour of operation, Parking and drop off/pick up areas shall be constructed of concrete or asphalt materials. One (1) parking space per employee shall be provided.
- c. On-site traffic circulation shall be restricted to a one-way traffic pattern, where possible.

3. Performance Standards.

- a. The operator shall obtain and maintain a valid license from the Michigan Department of Social Services.
- b. Any child care center lot lines that abuts property which is residentially used or zoned shall be screened according to the applicable provisions of Section 6.16.
- c. Child care centers with children in attendance for five (5) or more continuous hours a day shall provide a minimum of one thousand two hundred (1200) square feet of fenced, exterior play area.
- d. Child care centers shall provide a minimum of thirty five (35) square feet per child (2 ½ to 5 years of age) and fifty (50) square feet per child (2 weeks to 2 ½ years of age) of indoor activity space. Indoor activity space shall be exclusive of:
  - Hallways
  - Bathrooms
  - Receptions and office areas
  - Kitchens
  - Storage areas and cloakrooms
  - Areas used exclusively for resting, sleeping or eating (can be included for children ages 2 weeks to 2 ½ years of age)

- e. All other applicable standards as set forth in Section 2 of 1973 PA 116, MCL 722.111 et seq, as amended.

**E. Commercial Composting Operations and Centers.**

1. Location Requirements.

Commercial composting operation and centers are permitted as a special use in the AR Agricultural Residential District.

2. Site Requirements.

- a. The minimum lot size shall be two (2) acres.
- b. Commercial composting operations and centers shall be at least five hundred (500) feet from any adjacent residential dwelling.
- c. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, street, drain, wetland or other surface water body.
- d. Composting operations shall not be sited on parcels with a high water table as documented on U.S.D.A. soil survey maps.
- e. Access to a composting operation shall be provided solely on a primary county roadway.

3. Performance Standards.

- a. A landscaped buffer shall be provided along all lot lines abutting an R Residential District (according to the applicable provisions of Section 6.16).
- b. All storage areas shall be enclosed in a building.
- c. Offensive, noxious or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property or which could be detrimental to human, plant, or animal life. The applicant shall describe acceptable details on control of odors.

**F. Commercial Recreation.**

1. Location Requirements.

Public and private commercial recreation facilities are permitted as a special use in the AR Agricultural Residential District.

2. Use Conditions. The following uses shall only be allowed upon compliance with the following requirements.

a. Golf courses.

- (1) The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy-five (75) feet from all property and street lines.
- (2) Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
- (3) Operational hours for maintenance vehicles, course maintenance and irrigation may be restricted by the Planning Commission to protect nearby residential districts.

b. Golf driving ranges, miniature golf courses.

- (1) All traffic ingress and egress shall be from a primary road, as classified by the Livingston County Road Commission.
- (2) Any lot line abutting a residential district shall provide a fifty (50) foot wide landscaped buffer as set forth in Section 6.16.
- (3) A minimum twenty-five (25) foot wide greenbelt, as described in Section 6.16, shall be provided along any public street or highway.
- (4) Site size shall be adequate to retain all golf balls within the site by means of a fence no more than six (6) feet high.
- (5) The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.

- (6) Pro-shops, refreshment stands, retail shops selling golf-related items and maintenance buildings shall be permitted as part of the principal use and shall be subject to the dimensional requirements of principal buildings.

c. Golf domes.

- (1) Dome height shall not exceed sixty (60) feet at its highest point. The Planning Commission shall review and approve the height and material of the dome. The Planning Commission may permit a greater height based on documentation by the applicant that a taller dome is necessary to shed snow.
- (2) The outer membrane of the dome shall be flame resistant and construed of a material that does not emit excessive interior lighting to the exterior. The Planning Commission may require domes to install an outer membrane that is partially or totally opaque when adjacent to residential districts.
- (3) All repairs or patches to the outer membrane of the dome shall match the original material and color of the membrane and shall not be generally discernible from the exterior.
- (4) All outdoor mechanical equipment shall be screened from view and noise reduced by a continuous obscuring wall, fence or evergreen hedge as appropriately determined by the Planning Commission. Accessory buildings, structures, and storage areas shall be screened on all sides visible from adjacent residential districts and public street rights-of-way.

d. Commercial outdoor recreation establishments  
(excluding golf related uses)

- (1) Such uses shall include, but need not be limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the

general public or operated by a private non-profit organization, archery and shooting ranges, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshments stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and services areas, including locker rooms and restrooms.

- (2) The site shall be adequate to accommodate the intended uses, parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation that the site size is adequate using national facility standards.
  - (3) The site shall be located on a paved street which is classified as a primary route by the Livingston County Road Commission.
  - (4) No building or spectator seating facility shall be located within one hundred (100) feet of the property line.
  - (5) The site shall be periodically cleared of debris.
- e. Indoor commercial recreation, such as bowling alleys, ice arenas, skating rinks, cinemas, theaters, etc.
- (1) The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district or permitted use.
  - (2) All uses shall be conducted completely within a fully enclosed building.
- f. Private, non-commercial institutional or community recreation facilities.
- (1) The proposed site for any of the uses permitted herein which would attract persons

from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a county primary road, and the site shall be so planned as to provide all ingress and egress directly onto or from said primary road.

- (2) Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts. Any such site shall have a minimum area of at least forty (40) acres.
- (3) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases where the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

g. Off-road vehicle courses, and trails, gun/archery ranges, paintball and similar uses which may be operated for profit, subject to the following conditions:

- (1) Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse effects on the adjacent properties due to reasons of dust, odor and noise. The hours of operation shall also be so regulated as to minimize any adverse effects

on adjacent properties. Any such site shall have a minimum area of at least eighty (80) acres.

- (2) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare.
- (3) Development features shall be located and arranged so as to encourage pedestrian, vehicular, user and neighborhood safety.

h. Campgrounds for travel trailers, tent-campers, motor homes and tents which may or may not be operated for profit, subject to the following conditions:

- (1) Minimum lot size shall be twenty (20) acres.
- (2) All ingress and egress shall be along a county primary road or a roadway with a minimum right-of-way of eighty-six (86) feet.
- (3) Development features including the principal and accessory buildings and structures shall be located and related to minimize adverse affects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be two hundred (200) feet from any property line abutting a residential district, one hundred twenty-five (125) feet from any other district or surface water body, including wetlands. Where topographic conditions are such that they provide a screen and shield, the Planning Commission may modify these requirements in its site plan review.
- (4) Each camp site shall be at least two thousand (2,000) square feet in size.
- (5) Each camp site shall be provided with individual water and sewer hookups approved by the Health Department or have convenient access to approved service buildings.

i. Carnivals, fairs, commercial cider mills and amusement parks.

- (1) Minimum lot size shall be ten (10) acres.



- (2) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
- (3) All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.
- (4) The Planning Commission may require placement of a six (6) foot high fence around all or part of the site.
- (5) Access shall be provided onto a primary road, as designated by the Livingston County Road Commission. Access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet on stacking (queuing) area shall be provided on site before parking fee collection.
- (6) The amount of on-site parking shall be deemed sufficient by the Planning Commission.
- (7) Maximum coverage by buildings and structures must be found to be twenty percent (20%).
- (8) The Planning Commission may require posting of a performance guarantee. The guarantee shall be in an amount determined by the Planning Commission as necessary to cover any potential damage or clean-up on the site or adjacent properties and otherwise subject to the provisions of Section 3.06.
- (9) The Planning Commission may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
- (10) Prior to issuance of a Special Land Use Permit, the applicant shall provide evidence of public liability insurance and property damage

insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

3. Site requirements. Unless otherwise specified, the following requirements shall apply:
  - a. The minimum lot size shall be two (2) acres.
  - b. The proposed site shall have at least one property line abutting a paved thoroughfare. All access shall be directly to said thoroughfare.
  - c. Front minimum yard setbacks shall follow the requirements of the AR Agricultural Residential District. Side and rear minimum yard setbacks shall be at least one hundred (100) feet and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yard setbacks, except required entrance drives.
4. Performance Standards. Unless otherwise specified, the following requirements shall apply.
  - a. The size, layout, and use of the site shall be adequate to accommodate the intended uses, and parking without significant impact on nearby properties in terms of noise, traffic, lighting glare, odors, trespassing, dust or blowing debris, as determined by the Planning Commission.
  - b. Whenever a swimming pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height and entry shall be provided by means of a self-latching, controlled gate. The Planning Commission may require perimeter fencing for uses that may potentially jeopardize the health, safety and welfare of the Conway Township community.
  - c. The site shall be periodically cleared of debris.
  - d. The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.

**G. Wireless Communication Support Structures And Radio And Television Broadcast Towers.**

1. Location Requirements. Wireless communication support structures and radio and television broadcast towers may be permitted as a special use in the AR Agricultural Residential District subject to the issuance of a special use permit, to the extent one is required as provided in this Section, and subject to the conditions specifically set forth herein. No tower except wireless internet towers under eighty-five (85') feet shall be located closer than one thousand feet from the boundary of any R Residential District, including a PUD District incorporating residential uses, and shall not be in violation of the airport zoning height restrictions.
2. Site Requirements.
  - a. Minimum lot size shall be two (2) acres.
  - b. The tower base shall be setback from all lot lines a minimum distance equal to one and one half (1.5) times the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
  - c. Where possible, joint use of tower facilities, including Township storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
  - d. No signs, except warning or other cautionary signs shall be permitted on the site.
3. Permitted Uses.
  - a. Notwithstanding the foregoing provisions, wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this Ordinance if all of the following requirements are met:
    - i. The wireless communications equipment will be collocated (See Section 13.10(G)(4) for definition of "Collocation") on an existing

wireless communications support structure or in an existing equipment compound, or requires the removal of transmission equipment or replacement of transmission equipment.

- ii. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.
  - iii. The proposed collocation will not do any of the following:
    - 1. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
    - 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - iv. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
  - v. Upon a showing that all conditions contained in subsections (a)(i)-(a)(iv) herein have been met, the Zoning Administrator shall confirm in writing that no special land use permit is required.
- b. Wireless communications equipment that meets the requirements of subsection (a)(i) and (ii) but does not meet the requirements of subsection (a)(iii) or (iv) is a permitted use of property if it receives special land use approval under subsections (c) to (f).
  - c. Unless otherwise in conflict with this Subsection 3, a request for special land use approval of wireless

communications equipment described in subsection (b) shall also satisfy the requirements of subsection 5(b), 5(d) and 6.

- d. After a request for special land use approval is filed with the Zoning Administrator, as outlined in subsection (b), the Zoning Administrator shall determine whether the request is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (e), the request shall be considered to be administratively complete when the Zoning Administrator makes that determination or 14 business days after the Zoning Administrator receives the request, whichever is first.
- e. If, before the expiration of the 14-day period under subsection (d), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14 day period under subsection (d) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- f. The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Zoning Administrator fails to timely approve, approve with conditions, or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

4. Definitions.

- a. "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing

equipment compound such that the physical dimensions of the tower or base station are not substantially changed. A substantial change is anything that meets any of the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other types of support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site; and
- v. It would defeat the concealment elements of the support structure.

- b. “Collocation” has a corresponding meaning, i.e., to collocate.
- c. “Equipment Compound” means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- d. “Transmission Equipment” Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- e. “Wireless Communications Equipment” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. Wireless Communication Facility has a corresponding meaning. Not included in this definition are citizens band radio facilities, shortwave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.
- f. “Wireless Communications Support Structure or Tower” means structures erected or modified to support Wireless Communications Equipment. Support structures within the definition include, but are not limited to monopoles lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

5. Special Land Use Permit

a. When Required. A special land use permit is required for all wireless communications equipment that does not meet the requirements of subsection 3(a)(i)-(a)(iv), herein, and for all other wireless communications support structures. Conway Township has 90 days to approve, approve with conditions, or deny the request once it is administratively complete under Section 13.10(G)(d).

b. Information Required.

The following information is required for a special use permit under subsection (a):

i. Each applicant shall provide an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of Conway Township or within one (1) mile of the border thereof, including specific information about the location, height, type of equipment including model number and design of each tower. Such information may be shared with other applicants applying for approvals under this ordinance or other organization seeking to locate towers or antennas within the jurisdiction of Conway Township; provided, however, that the sharing of such information in no way constitutes a representation or warranty by the Township that such sites are available or suitable.

ii. A scaled site plan clearly indicating the location, type and height of the proposed tower or site land uses and zoning, adjacent land uses and zoning; land use plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines, elevation drawings of the proposed tower, specifications of the transmitter and model numbers and any other structures, topography, parking and any other information deemed by



Conway Township to be necessary to assess compliance with this ordinance.

- iii. Legal description of the property and proof of ownership, and evidence of lease interest, if applicable.
- iv. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- v. A landscape plan showing specific landscape materials.
- vi. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- vii. If requesting a wireless support structure, a notarized statement by the applicant indicating that construction of the proposed tower will accommodate a minimum of five (5) additional antenna arrays equal to the one submitted by the applicant, allowing a minimum total of six (6) antennas.
- viii. For wireless communication systems, identification of the relationship between the backhaul network (i.e., the lines that connect a provider's structures/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) and tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- xi. If requesting a wireless support structure, a description of the suitability of the use of existing towers, and other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower. The applicant shall provide an affirmative statement as to the need for the proposed tower and why no existing structure

will meet the needs of the proposed new tower.

- x. A map showing the locations(s) of future towers, structures or antennae proposed or anticipated by the applicant within Conway Township based on existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
  - xi. An environmental impact assessment disclosing any potential impact on local wetland, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites or other environmental considerations.
  - xii. Name and location of communication tower manufacturer.
  - xiii. A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs which might result in lower tower heights.
  - xiv. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonable prudent standard.
  - xv. All tax related information as requested by the Conway Township Assessor for appraisal purposes.
  - xvi. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- c. Conditions of Approval. In granting a special land use permit under subsection 5, the Planning Commission may impose conditions that the Planning Commission determines are necessary to further the purposes of this ordinance and/or to minimize any adverse impact

of the proposal on adjoining or nearby properties. The Township may employ specialized experts to review information and materials submitted by the applicant. The applicant shall incur all costs associated with such review, not to exceed \$1,000.

- d. Factors to Consider in Granting a Special Use Permit. The Planning Commission shall consider all provisions of this ordinance, including the following factors, as well as any other Township ordinances not in conflict with this ordinance, in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce one (1) or more of the following criteria if the Planning Commission determines that the goals of this ordinance are better served thereby:
  - i. Height of the proposed tower.
  - ii. Proximity of the tower to residential structures and residential district boundaries.
  - iii. Nature of uses on adjacent and nearby properties.
  - iv. Surrounding topography.
  - v. Surrounding tree coverage and foliage.
  - vi. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - vii. Proposed ingress and egress.
  - viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
  - ix. The design of the proposed structure and its ability to accommodate co-location of additional users.
  - x. A bond of \$15,000 on towers will be maintained while the tower is up with Conway Township. The bond shall be posted before work begins and returned when the tower is taken down.
- e. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new

wireless support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure or alternative technology which does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- i. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- vi. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
- vii. The applicant demonstrates that an alternative technology which does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line

system is unsuitable. Costs of alternative technology that exceed the new tower or antenna development shall not be presumed to render the technology unsuitable. New technology, which does not require the use of a tower, shall be preferred, regardless of cost.

6. General Regulations and Design Standards.
  - a. Wireless communication support structures or towers shall be subject to the following regulations:
  - b. Access. Unobstructed access, constructed in accordance with all provisions of this ordinance, shall be provided to the tower and apparatus building to ensure service by police, fire and emergency vehicles. Roads used for ingress and egress must be constructed according to specifications set forth by the Livingston County Road Commission.
  - c. Structural Design and Installation
    - i. The plans for the tower construction shall be certified by a State of Michigan licensed professional engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes.
    - ii. All towers or structures must meet or exceed current standards and regulations of the FAA, the FCC and other agencies for the state or federal government with the authority to regulate towers, structures, and antennas. If such standards and regulations are changed, then the owners of the towers, structures, and antennas governed by this ordinance shall bring such towers, structures, and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, structures, and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- iii. To ensure the structural integrity of towers or structures, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers or structures that are published by the Electronic Industries Association, as amended, and shall supply Conway Township with a yearly report of such maintenance. If upon inspection Conway Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- iv. Antennae and metal towers or structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all applicable local, state and federal statutes, regulations, and standards.
- v. Towers or structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- vi. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower of antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- vii. The base of the tower shall occupy no more than five hundred (500) square feet.
- viii. The use of guyed wires is prohibited unless the applicant demonstrates that the prohibition of guyed wires is not feasible for the proposed tower.

- ix. All communications tower operators shall be required to prove compliance with all federal and state emission regulations as requested by Conway Township.
  - x. Lighting towers or structures shall not be artificially illuminated if under one hundred fifty (150) feet, except as required by the FCC, FAA or local building codes. Anything over one hundred (150) feet shall be illuminated.
- d. Height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure including the base pad and any antenna, but shall not include the height of a whip, which whip may not exceed fifteen (15) feet in height. In no case shall the tower or structure plus the whip exceed two hundred sixty five (265) feet in height.
- e. Design.
- i. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of or treated with corrosive resistant material.
  - ii. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
  - iii. Landscaping shall be utilized to blend the tower or structure into the natural setting and surrounding buildings.
  - iv. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - v. All utility wiring going to the tower shall be placed underground.

- f. Fencing and Landscaping. The tower and appurtenant apparatus building shall be secured by fencing a minimum of ten (10) feet in height and at least three (3) strands of barbed wire at the top facing out. All towers must be equipped with an anti-climbing device to prevent unauthorized access. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing or building. Specifications for spacing land plant materials shall be as set forth by the Planning Commission. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers or structures sited on large wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this paragraph.
- g. Employees. No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
- h. Franchises. Owners and/or operators of towers structures or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Zoning Administrator prior to final plot plan approval.
- i. Not Essential Services. Towers, structures and antennae shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.
- j. Cessation of Operation. The Planning Commission shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground within one hundred and eighty (180) days of cessation of operations. The Planning Commission reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any



antenna or tower, whether approved under this ordinance or existing at the time of adoption of this ordinance, that is not operated for a continuous period of one hundred eighty (180) days shall be deemed abandoned. Failure to remove an abandoned antenna or tower within sixty (60) days of receipt of a notice from Conway Township requesting such removal shall be grounds for Conway Township to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

**H. Essential Public Service Structures.**

1. Location Requirements: Essential public service structures are permitted as a special use in all districts.
2. Site Requirements:
  - a. The minimum lot size shall be two (2) acres
  - b. All yard area requirements and spacing requirements of the district shall be met.
3. Performance Standards:
  - a. All structures shall be fenced or screened or both at the discretion of the Planning Commission.
  - b. The structure shall display a sign on the building, not to exceed two (2) square feet in area, containing an address and telephone number to contact in the event of damage or lack of service of the structure.

**I. Home Occupations.**

1. Location Requirements. Home occupations which are clearly incidental to the principal residential use may be permitted in both the Agricultural Residential (AR) District and the Residential (R) District. Home occupations which meet the requirements of Home Occupation Class I shall be exempt from the requirement of obtaining a special use permit. Home occupations that meet the requirements for Home

Occupation Class II may be permitted as a special use and must obtain a special use permit as specified herein.

2. **Home Occupation Class I.** The regulation of Home Occupation Class I is intended to secure flexibility in the application of the requirements of this Ordinance. Home Occupation Class I is permitted as an accessory use to the principal residential use of a lot without the requirement of a special use permit. Such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home Occupation Class I shall satisfy the following conditions. These regulations do not apply to occupations protected by Michigan's Right to Farm Act, 1981 PA 93, MCL 286.472, et seq, as amended.
  - a. The Home Occupation Class I shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
  - b. Home Occupation Class I shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation Class I based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
  - c. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all Home Occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
  - d. All of the activities on the property related to the occupation, except those occupations that are protected by Michigan's Right to Farm Act, 1981 PA 93, MCL 286.471, et seq, as amended, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.

- e. Traffic generated by the combined home and Home Occupation Class I shall be no greater in volumes than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles and similarly sized vehicles. Any need for parking used by such Home Occupation Class I shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created. Home Occupation Class I shall not generate any traffic from customers coming to or from the residence.
- f. A Home Occupation Class I may be permitted in both the dwelling unit and accessory structure. The Home Occupation Class I shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement, but may encompass the entire accessory structure. Accessory structures shall conform to the requirements of Section 6.06, Supplemental Regulations Pertaining to Accessory Buildings and Structures.
- g. No hazardous chemicals shall be stored on site. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws. Refuse generated by the Home Occupation Class I shall be safely and properly disposed of.
- h. The Home Occupation Class I shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- i. Home Occupation Class I approval is not transferable with the sale, rental or lease of the dwelling unit.
- j. Signage shall be permitted in accordance with Article 17.

3. **Home Occupations Class II**

- a. Site Requirements.
  - i. The Home Occupation Class II shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential

character of the premises including both the dwelling and yard areas.

- ii. All of the activities on the property, except those performed pursuant to Michigan's Right to Farm Act, 1981 PA 93, MCL 286.471, et seq, as amended, related to the occupation shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.
- iii. Refuse generated by the occupation shall be safely and properly disposed of.
- iv. No equipment or process shall be used in such Home Occupation Class II, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.
- v. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations. The home occupation shall employ no more than three (3) persons on the premises during the ordinary course of business, excluding the resident owner, other employees residing in the dwelling, and employees who do not physically report to the site or perform occupational duties on the site.
- vi. The Home Occupation Class II shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- vii. Home Occupation Class II approval is not transferable with the sale, rental or lease of the dwelling unit.

- viii. Signage shall be permitted in accordance with Article 17.
- ix. Home Occupation Class II may be permitted in both the dwelling unit and accessory structure. The Home Occupation Class II shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement, but may encompass the entire accessory structure. Accessory structures shall conform to the requirements of Section 6.06, Supplemental Regulations Pertaining to Accessory Buildings and Structures.
- x. Visitors, customers and deliveries shall not exceed a cumulative total of twelve (12) during a single day. The Planning Commission may modify this standard in the case where the Planning Commission determines that the operation of the Home Occupation Class II will not unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the Home Occupation Class II in volumes in excess of that which is normally associated with a single family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly sized vehicles. The Planning Commission may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the lot, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by the subsection below.
- xi. All parking needs of the Home Occupation Class II shall conform to the requirements of Article 15, Off Street Parking and Loading-

Unloading Standards. The Planning Commission may require screening of parking areas to minimize negative impacts on neighboring properties.

- b. Performance Standards.
  - i. The Planning Commission shall determine that the proposed Home Occupation Class II is compatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
  - ii. For a Home Occupation Class II, an informal site plan or plot plan must be submitted for review and recommendation by the Planning Commission. The site plan does not need to comply with the strict requirements found in Article 14, Site Plan Review. The site plan or plot plan shall be to scale and need only illustrate the following:
    - 1. Owner's name, parcel identification (tax ID#) and address.
    - 2. Property lines with dimensions.
    - 3. Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the Home Occupation Class II.
    - 4. Location of driveways, off-street parking areas & delivery and storage areas.
    - 5. Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties.
    - 6. The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the Home Occupation Class II.
    - 7. Lot or parcel identification (address and tax ID#), size of lot or parcel dimension of lot lines, location of structures on adjacent lots or parcels within two hundred feet, abutting streets or roads.
  - iii. In addition to the information above, the applicant shall submit a detailed description of the nature of the Home Occupation Class II,

which shall clearly specify the following minimum features:

1. A detailed description of the character of the Home Occupation Class II including but not limited to the service or product offered and the typical daily schedule of activities of such business.
2. The type and frequency of vehicular traffic to be generated by the Home Occupation Class II. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the Home Occupation Class II.
3. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
- iv. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.
- v. Any approval of a Home Occupation Class II, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

**J. Injection Wells.**

1. Location Requirements.

Injection wells may be permitted as a special use in the AR Agricultural Residential District.

2. Site Requirements.

Minimum lot size shall be two (2) acres. All other area, height and bulk requirements shall be in conformance with

Article 7 provisions for the AR Agricultural Residential District.

3. Performance Standards.

- a. Applicants shall submit documentation showing either approval or tentative approval for any permits necessary from the U.S. Environmental Protection Agency, Michigan Department of Environmental Quality or any other federal, state or local agency from which approval is necessary for the installation and operation of any injection well. Permit approval from other agencies does not obligate Conway Township to grant special use permit approval unless all provisions of this ordinance are complied with. Site plans submitted as part of the special use permit application shall show any changes or modifications required for approval by regulating agencies. Site plan changes required after Conway Township issues a special use permit shall be changed in accordance with provisions for site plan changes provided in this ordinance. Copies of approved permits shall be filed with the Zoning Administrator within thirty (30) days of their approval.
- b. Injection of hazardous material as defined and prohibited by the U.S. Environmental Protection Agency or Michigan Department of Environmental Quality shall not be permitted.
- c. A Pollution Incident Prevention Plan shall be developed in conjunction with the County Health Department and filed with the Planning Commission as part of the special use permit application and be approved by the following:
  - The Village of Fowlerville Fire Chief
  - Livingston County Emergency Program Manager
  - Livingston County Department of Public Health
- d. No more than one injection well shall be sited per parcel.
- e. Portions of the site used for parking, driveways and injection activities shall be fenced with cyclone fencing eight (8) feet in height. Entrances and exits shall be locked when the site is not in use.



- f. Hours of operation not to exceed 6:00 a.m. to 7:00 p.m. shall be established for the special use permit.
- g. Days of operation are not to exceed Monday through Saturday excluding holidays. This restriction shall be established by the special use permit. The following are recognized Township holidays: President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day.
- h. Parking spaces and facilities and lighting of parking areas shall be provided in conformance with the provisions of this ordinance.
- i. Signage on-site shall direct traffic flow and direction.
- j. Signage shall include one four (4) foot by four (4) foot sign attached to the fence facing the roadway identifying the name of the owner of the company, the address and phone number. Lettering shall be at least four (4) inches in height.
- k. Additional signage may be permitted at the discretion of Planning Commission.
- l. The area encompassing the injection well shall be provided with a spill containment structure of compacted clay, impervious synthetic liner or concrete designed to prevent the migration of liquids into the earth in the event of a spill. The design of said spill containment structure shall be approved by the Livingston County Health Department.
- m. At the time the special use permit application is submitted, the applicant shall submit the following information regarding traffic to and from the site:
  - Number of vehicles per day
  - Size and hauling capacity (in barrels and gallons)
  - Direction of traffic
  - Roadway access routes
  - Haul routes to and from the site

- n. Underground tanks or other underground storage containers other than the injection well shall not be installed on the site.
- o. The applicant shall submit to the Zoning Administrator copies of any reports or other documentation they are required to file with any regulatory agency.
- p. The special use permit shall be granted for a period of three (3) years and will be subject to renewal every three (3) years. Permit renewals shall be granted based on compliance with the provisions of the ordinance and compliance with regulatory agency requirements.

**K. Long Term Care Facilities.**

1. Location Requirements.

Long term care facilities may be permitted as a special use in the AR Agricultural Residential and R Residential Districts.

2. Site Requirements.

- a. Minimum lot size shall be five (5) acres or two thousand (2,000) square feet per bed, whichever is greater, to provide for landscaping, parking, service drives, yards, recreational areas and accessory uses.
- b. There shall be a minimum of one thousand five hundred (1,500) square feet of open site area for each bed in the facility to provide for landscaping, parking, service drives, yards, recreational areas and accessory uses.
- c. The site shall be served by a primary county roadway. Ingress and egress shall be provided directly from said roadway.
- d. The main and accessory buildings shall be set back at least one hundred (100) feet from all property lines.
- e. No more than twenty-five (25) percent of the site shall be covered by buildings.
- f. Parking areas shall not be located within fifty (50) feet of an adjacent residential use.

g. Area for access of emergency vehicles shall be provided for each primary building entrance.

3. Performance Standards:

a. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

b. A landscaped buffer shall be provided along all lot lines abutting a residential use according to the applicable provisions of Section 6.16.

**L. Self-Storage Facilities.**

1. Location Requirements.

Self-storage facilities may be permitted as a special use in the C Commercial District.

2. Site Requirements.

a. Self-storage facilities shall not be permitted on parcels less than five (5) acres in size.

b. Self-storage facilities shall abut a paved, county thoroughfare and public ingress and egress shall be provided from the thoroughfare.

c. A minimum distance of twenty-five (25) feet shall be provided between self-storage buildings.

3. Performance Standards.

a. All areas intended for vehicle travel shall be paved with concrete or bituminous materials and shall be maintained in a usable, dirt-free condition.

b. Storage of materials or goods shall be enclosed entirely within self-storage facilities.

c. A six (6) foot fence shall be constructed around the perimeter of the development, as approved by the Planning Commission.

d. A landscaped buffer shall be provided along all lot lines abutting a single family residential use according to the applicable provision of Section 6.16.

- e. No lighting shall in any way impair the safe movement of traffic on any transportation corridor.
- f. There shall be no storage of any hazardous materials (See Article 2 definition).

**M. Multiple Family Dwellings.**

1. Location Requirements.

Multiple family dwellings may be permitted as a special use in the R Residential District.

2. Site Requirements.

- a. Multiple family dwelling units shall be permitted at a density no greater than two (2) units per acre.
- b. All multiple family dwellings shall have direct access to a paved county roadway.
- c. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street and the required off-street parking area.
- d. The distance between any two (2) residential structures which occupy the same lot shall not be less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.
- e. Maximum lot coverage for a multiple family development shall cover no more than thirty (30) percent of the parcel.
- f. There shall be provided easily accessible and useable open space in the development in an amount of ten (10) percent of the site area or two thousand (2,000) square feet per four (4) dwelling units, whichever is greater.

3. Performance Standards.

- a. A landscaped buffer shall be provided along all lot lines abutting a single family residential use according to the applicable provisions of Section 6.16.
- b. Provisions shall be made for safe and efficient egress and ingress to public streets serving any development which shall be designed to minimize congestion and interference with normal traffic flow.
- c. All street and driveways in the development shall be constructed and maintained with an all weather road surface.
- d. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- e. All off-street parking areas shall be adequately lighted during hours of darkness.
- f. In addition to multiple family residential units, only the following land or building uses shall be permitted:
  - One (1) office space for conducting the business of the development.
  - Utility areas for laundry facilities and auxiliary storage for tenants.
  - Recreation area such as community buildings, playgrounds, and open space for tenants.

**N. Senior Housing Complexes.**

1. Location Requirements.

Senior Housing Complexes may be permitted as a special use in the Residential district.

2. Site Requirements.

- a. Senior dwelling units shall be permitted at a density no greater than two (2) units per acre.
- b. All senior dwellings shall have direct access to a paved county roadway.
- c. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an

access drive or a public street and the required off-street parking area.

- d. The distance between any two (2) residential structures which occupy the same lot shall not be less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided however, a greater separation may be required where any structure exceeds (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.
- e. Maximum lot coverage for a senior housing development shall cover no more than thirty (30) percent of the parcel.
- f. There shall be provided easily accessible and useable open space in the development in an amount of ten (10) percent of the site area or two thousand (2,000) square feet per four (4) dwelling units, whichever is greater.

3. Performance Standards.

- a. A landscaped buffer shall be provided along all lot lines abutting a single family residential use according to the applicable provision of Section 6.16, herein.
- b. Provisions shall be made for safe and efficient egress and ingress to public streets serving any development which shall be designed to minimize congestion and interference with normal traffic flow.
- c. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
- d. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- e. All off-street parking areas shall be adequately lighted during hours of darkness.
- f. In addition to senior housing units, only the following land or building uses shall be permitted:

- One (1) office space for conducting the business of the development.
- Utility areas for laundry facilities and auxiliary storage for tenants.
- Recreation area such as community buildings, playgrounds, and open space for tenants.

**O. Single Family Attached Dwellings.**

1. Location Requirements.

Single family attached dwellings are permitted as a special use in the R Residential District.

2. Site Requirements.

- a. Dwelling units shall be permitted at a density no greater than two (2) units per acre.
- b. Dwellings shall have direct access to a paved county roadway.
- c. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street and the required off-street parking area.
- d. Maximum lot coverage for a single family attached housing development shall cover no more than thirty (30) percent of the parcel.
- e. There shall be provided easily accessible and useable open space in the development in an amount of ten (10) percent of the site area or two thousand (2,000) square feet per four (4) dwelling units, whichever is greater.

3. Performance Standards.

- a. A landscaped buffer shall be provided along all lot lines abutting a single family detached residential dwelling use according to the applicable provisions of Section 6.16, herein.
- b. Provisions shall be made for safe and efficient egress and ingress to public streets serving any development which shall be designed to minimize congestion and interference with normal traffic flow.

- c. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
- d. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- e. All off-street parking areas shall be adequately lighted during hours of darkness.
- f. In addition to single family attached dwelling units, only the following land or building uses shall be permitted:
  - One (1) office space for conducting the business of the development.
  - Utility areas for laundry facilities and auxiliary storage for tenants.
  - Recreation area such as community buildings, playgrounds, and open space for tenants.
- g. All single family attached dwellings following the condominium form of ownership for dwelling units shall follow the standards set forth in the Condominium Act, 1978 PA 59, MCL 559.101 et seq, as amended.

**P. Veterinary Hospitals and Clinics.**

1. Location Requirements.

Veterinary hospitals and clinics may be permitted as a special use in the AR Agricultural Residential District.

2. Site Requirements.

- a. Establishments with dog kennels must also meet the requirements for commercial kennels, Section 13(S).
- b. Buildings with dog runs or exercise areas or buildings wherein animals are kept, shall not be located nearer than one hundred fifty (150) feet to any adjacent property lines and two hundred (200) feet from the road right of way in order to minimize nuisance to adjoining property or uses.



3. Performance Standards.
  - a. All veterinary hospital and clinics shall be operated in conformance with all applicable county and state regulations.

**Q. Contractor's Yard.**

1. Location Requirements.

Contractor's yards are permitted as a special use in the C Commercial District.

2. Site Requirements.

- a. The minimum lot area required for such uses shall be two (2) acres.
- b. The minimum lot width required for such uses shall be one hundred fifty (150) feet.
- c. The minimum front setback required for such uses shall be one hundred (100) feet from the center line of a secondary roadway and one hundred ten (110) feet from the center line of a primary roadway.
- d. Outside storage shall comply with the front, side, and rear setback requirements for the District. Furthermore, outside storage shall extend no closer to any road than the principal building on the site, and no closer than three hundred (300) feet to any R Residential District.
- e. The entire site, exclusive of access drives, shall be enclosed with a fence or wall, constructed in accordance with Section 6.15.
- f. Outside storage shall not exceed fourteen (14) feet in height.
- g. Outside storage shall be completely screened with a screen that is opaque through all seasons from the ground to a minimum height of eight (8) feet. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation or a combination.

- h. The Planning Commission may waive or modify these requirements for screening upon determining that:
  - Outside storage will be adequately screened from view by existing or proposed buildings, trees or shrubs, or other physical features in accordance with Section 6.16.
  - Screening would serve no useful purpose because of the characteristics of adjacent land use (for example, the presence of unscreened outside storage on adjacent land). The planned use of undeveloped sites shall dictate screening requirements.
- i. Outdoor lighting shall be shielded and directed downward. In no case shall outdoor lighting trespass onto an abutting lot.
- j. Outside storage areas shall be paved and properly drained. The Planning Commission may waive the requirements for paving to allow direct infiltration of storm water and reduce requirements for storm water retention or detention where the applicant submits sufficient evidence that a paved surface would not support heavy machinery used on the site or would not otherwise be appropriate for the intended use of the site. Paved, gravel, crushed concrete or other surfacing shall be subject to review and approval by the Township engineer. Unpaved open storage shall be permitted only where it is not visible from the perimeter of the site and all public roads. Pavement shall be required if there is any risk of ground or surface water contamination as a result of a spill or leakage.
- k. All yards shall be located with direct access to paved roads.

3. Performance Standards.

- a. Heavy construction equipment, such as bulldozers and front-loaders, shall not be stored or used on the site, unless approved as part of a special use.
- b. No truck or trailer shall be parked outside longer than seven (7) calendar days, except that trucks, trailers and other equipment accessory to the principal building or

use may be parked for longer periods, subject to prior Township approval of a site plan illustrating the location and method of screening such parking from roads and residential uses.

- c. Outside storage may be used only to store materials to be used on a timely basis in the inside industrial operations or for storage of finished product prior to shipment. In no case shall outdoor storage areas be used to store junk, construction, debris, obsolete machinery or materials no longer used or intended to be used in the operation.
- d. No individual product or material shall be stored outside for more than one (1) year.
- e. Open storage structures shall be enclosed on three (3) sides with a roof and the open side shall not be visible from the public or private road.

**R. Service Stations.**

1. Location Requirements.

Service Stations, including self-service stations, are permitted as a special use in the C Commercial District.

2. Site Requirements.

- a. The minimum lot area required for such uses shall be two (2) acres.
- b. The minimum lot width shall be one hundred fifty (150) feet.
- c. The minimum front setback required for such uses shall be one hundred (100) feet from the center line of a secondary roadway and one hundred (110) feet from the center line of a primary roadway.
- d. Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut lots zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

Minimum Setback:

- Nearest edge of pump island 30 feet from setback line.
  - Nearest edge of unenclosed canopy 30 feet from setback line.
- e. Circulation aisles and parking stalls are not permitted in front setback.
- f. Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. The total number of ingress and egress drives shall not exceed two (2). No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.
- g. 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, its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.
- h. A curb of at least six (6) inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two (2) feet of abutting landscaped areas, sidewalks, public or private streets, public or private buildings, or adjoining property.
- i. The site shall be heavily screened from a private or public road or driveway in accordance with Section 6.16.
- j. The canopy shall have fully recessed lighting fixtures and the total initial lamp output under the canopies shall be limited to forty (40) lumens per square foot of canopy. All canopies shall have pitched roofs.
- k. Outdoor lighting shall be shielded and directed downward. In no case shall outdoor lighting trespass onto an abutting property.

3. Performance Standards.

- a. The servicing and repair of vehicles shall be limited to those which may be serviced during a normal workday.
- b. Outside parking of vehicles overnight is prohibited except for the operable vehicles of the employees working at the station and up to two (2) services vehicles utilized by the service station.
- c. There shall be no outside display of parts or products.
- d. All lubrication equipment, automobile wash equipment, hoists and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.
- e. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days, provided such vehicles are stored in the rear yard within a masonry screening wall that is not less than six (6) feet in height.
- f. The storage, sale, or rental of new or used cars, trucks, trailers, motorcycles, recreational vehicles, boats, tractors, and any other vehicles on the premises are prohibited.

**S. Commercial Kennels**

1. Location Requirements:

Commercial kennels are permitted by special use permit in the Agricultural Residential and Commercial Districts.

2. Site Requirements:

- a. A commercial kennel shall be on a lot with a minimum lot size of five (5) acres of usable land for the first eleven (11) dogs and an additional one-third (1/3) acre of usable land for each additional animal thereafter. Only dogs six months of age or older shall be counted.
- b. Buildings with dog runs or exercise areas or buildings wherein animals are kept, shall not be located nearer than

one hundred fifty (150) feet to any adjacent property lines and two hundred (200) feet from the road right of way in order to minimize nuisance to adjoining property or uses.

3. Performance Standards:

- a. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
- b. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
- c. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses, sixty-five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- d. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
- e. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- f. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
- g. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.16.
- h. The outside perimeter of the run and exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of dogs. In addition, concrete to a depth of 24 inches and width of

4 inches shall be used underneath the length of the fence to prevent the escape of dogs by digging underneath the fence.

- i. All dogs must be licensed and maintained in a healthful and careful manner.
- j. Outdoor runs and breeding areas shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system or municipal sewer connection as approved by the Livingston County Health Department.
- k. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
- l. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
- m. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- n. The Zoning Administrator will review the construction and maintenance of a kennel annually if the kennel is not associated with a veterinary hospital or clinic. The inspection will include sanitation, size of runs, exercise areas, fencing, means used to prevent the escape of dogs, and general appearance. All fees for inspection by county or state agencies or approved kennel associations will be paid by the owner/operator.

## **T. Hobby Kennels**

### **1. Location Requirements:**

Hobby kennels are permitted by special use permit in the AR Agricultural Residential District.

### **2. Site Requirements:**

- a. A hobby kennel shall be on a lot with a minimum size of two (2) acres of usable land for the first three (3) dogs and one-third (1/3) acre of usable land shall be required for each additional dog with a limit of ten (10) dogs. Only dogs six months of age or older shall be counted.
- b. Accessory buildings where animals are kept, runs, and

exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent property lines and two hundred (200) feet from the road right of way in order to minimize nuisance to adjoining property or uses.

3. Performance Standards:

- a. Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.
- b. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
- c. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses, sixty-five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- d. All dogs must be licensed and maintained in a healthful manner.
- e. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- f. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6) feet in height. The wall of the principle building or an accessory structure may be substituted for the required screening wall if such wall screens the view of the kennel run from adjacent property. In addition, concrete to a depth of 24 inches and width of 4 inches shall be used underneath the length of the fence to prevent the escape of dogs by digging underneath the fence.
- g. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.



- h. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
- i. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- j. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m. During the hours between 7:00 a.m. and 10:00 p.m., dogs shall be permitted in outdoor runs or pens. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- k. The Zoning Administrator will review the construction and maintenance of a kennel annually if the kennel is not associated with a veterinary hospital or clinic. The inspection will include sanitation, size of runs, exercise areas, fencing, means used to prevent the escape of dogs, and general appearance. All fees for inspection by county or state agencies or approved kennel associations will be paid by the owner/operator.

**U. Junkyards**

- 1. Location requirements.

Junkyards are permitted as a special use in the I Industrial District.

- 2. Site Requirements.

The minimum lot size shall be 20 acres.

- 3. Performance Standards.

- a. Junkyards shall be established and maintained in accordance with all applicable statutes of the State of Michigan
- b. Maintain a landscaped greenbelt for the entire length of road frontage and a distance along side lot lines necessary to screen the junk in a junkyard from the traveling public and along the entire common property lines with residential properties and along side lot lines across which junk in junkyards is visible from any residential structure in the surrounding area.

- c. The protective screening and greenbelt designed to screen the junk in junkyards from the traveling public and adjacent and nearby homes shall be at least 20 feet wide and no junk shall exceed the height of the screening.
- d. The protective screening and greenbelt shall preserve any existing natural tree and shrub vegetation in the planting strip, and, if sufficient to meet the requirements of Subsection A.6 of this Section, shall not be required to meet those requirements the planting strip lacks.
- e. The protective screening and greenbelt plantings shall be comprised of 50 percent deciduous trees and shrubs and 50 percent evergreens interspersed and planted in spacing so as to provide a visually impenetrable planting screen between the traveling public on public roads adjacent and nearby homes. The plants shall be chosen from the following:
  - i. All trees and shrubs both deciduous and evergreen recommended for planting in Michigan by the American Nursery and Landscape Association.
  - ii. Evergreen trees and shrubs shall be chosen from, but not limited to, the following: (1) Trees: spruce, pines, cedars and firs; (2) Shrubs: juniper, yew and cedars.
  - iii. Deciduous trees and shrubs shall be chosen from, but not limited to, the following: (1) Trees: crabapple, thornapple, dogwood, birch, and fruit; (2) Shrubs: honeysuckle, viburnum, mockorange, forsythia, and lilac.
- f. Evergreen trees shall be spaced no more than ten feet apart with at least three evergreen shrubs located on the road or home site of the planting strip and spaced no more than three feet apart.
- g. The trees and shrubs planted shall be of sufficient height and size so as to establish a permanent planting screen at least 6 1/2 feet in height within two years from the date of planting.
- h. All of the trees and shrubs shall be maintained in a continuous healthy and growing state and, if any trees die or fail to grow, they shall be replaced as soon as practicable during the next growing season during which plant materials become available.

- i. In lieu of a planting strip, an earth berm at least 6 1/2 feet in height, stabilized with a combination of ground cover, trees and shrubs to prevent its being lowered by erosion, or a combination of a berm and plantings which meet the requirements of Subsection A.7 of this Section and result in a permanent screen at least 6 1/2 feet in height.
- j. In lieu of a planting strip, a solid screen fence or wall, approved by the Township Planning Commission, at least 6 1/2 feet in height and constructed to meet the standards which will ensure its permanency as to remaining in its original alignment and appearance.
- k. No required protective screening and greenbelt shall be located in the required front, side or rear yard setback.
- l. The requirements of this Section shall be presented on a site plan prepared by a competent professional or landscape contractor. The site plan shall be submitted to the Township Planning Commission for its approval.
- m. Access to public roads:
  - i. Access to a junkyard shall be only by a curb out cut approved by the County Road Commission.
  - ii. All driveways providing access to a junkyard and located between the protective screening and greenbelt and traveled lanes of the public road upon which the junkyard fronts shall be paved with a hard surface constructed of either asphaltic or Portland cement concrete.
  - iii. The requirements of this Subsection A.10 shall be presented on a site plan prepared by a competent professional or pavement contractor.
- n. No fence, wall, hedge, screen, sign, berm, structure, vegetation or planting shall obstruct the view of any motor vehicle operator where a public road and the driveway(s) providing access to junkyards within the triangular areas formed by the intersecting road right-of-way lines, and each edge of each driveway which are located 30 feet from their points of intersection as measured along the road right-of-way line and along each edge of the driveway.

**V. Adult Regulated Uses.**

1. Intent and Rationale. There are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deterioration, or devaluing of the nearby areas. The regulations aim to prevent overcrowding of such areas into a particular location and disbursement of uses throughout the allowable zoning districts to minimize their adverse impact on any specific neighborhood. The prohibition against establishment of more than one adult regulated use within 1,000 feet of each other and other in compatible uses serves to avoid the clustering of such uses, the deleterious effects of blight, devaluation of residential and commercial property values, and devaluation of recreational, educational, and religious uses.
2. Definitions. The term “adult regulated use” shall include, but is not limited to, the following:
  - a. Adult book store. An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, electronic media, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas as defined herein, where the floor area or shelf space made available for the display or sale of such material exceeds the lesser of one thousand (1,000) square feet or fifteen percent (15%) of the total floor area or shelf space made available for display or sale purposes.
  - b. Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment where the provision of beverages or food by servers, or where live entertainment such as, but not limited to, dance comedy or theater is provided, presented, permitted or performed and is distinguished or characterized by their emphasis on the depiction, description, or relation to specified sexual activities or specified anatomical areas, for observation by or participating of patrons.

c. Adult motel. A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video tapes, electronic media, slides, or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public road right-of-way that advertises the availability of this adult type of entertainment; or
- (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

d. Adult novelty shop. Any establishment where the floor area or shelf space devoted to the sale of devices that are distinguished or characterized by their use in association with specified sexual activities or the sexual stimulation of specified anatomical areas exceed the lesser of one thousand (1,000) square feet or fifteen percent (15%) of the total floor area or shelf space made available for display or sale purposes.

e. Adult theater. Any establishment where, for any form of consideration:

- (1) Films, motion pictures, video tapes, electronic media, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) Regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

f. Massage parlor. An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage or touching of specified anatomical areas. The term “massage parlor” does not include medical or therapeutic massage services or

any state licensed practitioners or medical or related services such as chiropractors or physical therapists.

g. Public bath. An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility not otherwise defined as an adult entertainment business, are not “public baths.”

h. Specified anatomical areas:

(1) Less than completely and opaquely covered human genitals, pubic regions, buttocks, or any portion of the female breast below a point immediately above the top of the areola.

(2) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

i. Specified sexual activities. Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

j. Taxi dance hall. An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

3. Requirements and Standards.

a. It shall be unlawful to establish any adult regulated use without Township approval.

b. The adult regulated use shall be located only in the Industrial and Commercial Districts and shall not be located within 400 feet of the property line of any other zoning district.

c. Any adult regulated use or building shall be at least 1,000 feet from any of the following except as otherwise provided:

- (1) Another existing adult regulated use
- (2) Any school whether public, private, or parochial
- (3) Library

- (4) Any government building
- (5) Park, playground, or other recreation facility which admits minors
- (6) Daycare center or nursery schools
- (7) Church, convent, monastery, synagogue or other similar place of worship
- (8) Any Class C establishment licensed by the Michigan Liquor Control Commission
- (9) Pool or billiard halls
- (10) Arcades
- (11) Pawn shops
- (12) Hotels, motels, or bed and breakfast inns
- (13) Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters, and other similar uses which typically cater to teenagers
- (14) Any residential district

d. The measurement used to determine the application of any of the above restrictions shall be made from the nearest boundary line of the proposed adult regulated use on a plane to the nearest boundary line of the use in connection with which the measurement is being taken.

e. No person shall reside in or permit any person to reside in or on the premises of an adult entertainment business.

f. Any adult regulated use or building offering material described in this ordinance shall comply with the following performance standards:

- (1) Any display of adult oriented material shall be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owners or employees;
- (2) The counter or room where the material is located shall be away from the main entry;
- (3) All access to adult oriented material shall be restricted to persons 18 years old and older;
- (4) Signage shall be posted restricting this type of material.

g. Site and building requirements.

- (1) Building size shall not exceed 4,000 square feet of gross floor area.

- (2) The building and site shall be designed, constructed, and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
- (3) Use shall be located within a freestanding building. A shared or common wall or shopping center shall not be considered a freestanding building.
- (4) The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way.
- (5) The Planning Commission may require a wall, fence, or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance, and surrounding land uses.
- (6) The hours of operation shall be approved by the Planning Commission.
- (7) Access shall be from a major thoroughfare.
- (8) Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment or while using or consumer the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided shall patrol the grounds and parking areas at all times while the business is in operation.
- (9) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.

h. The Planning Commission may waive the location provision requiring minimum distances between adult regulated uses and those use identified in subsection (c) above if all of the following findings are made after a public hearing:



- (1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this ordinance will be observed.
- (2) The proposed use will not contribute to, create, enlarge, or encourage a blighted or deteriorated area.
- (3) All applicable regulations of this ordinance will be observed.
- (4) There is no other reasonable location in the Township at which the use is suited.
- (5) For waivers from the location requirements relative to any residential zoning district, public, private, or parochial school, or church, convent, monastery, synagogue or other similar place of worship, a validated petition requesting such waiver signed by 51% of those persons owning, residing, or doing business within 1,000 feet of the proposed location has been submitted. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition, those signatures are of the person whose names appears on the petition, and the petition was circulated in accordance with any rules set by the Planning Commission. The Planning Commission may adopt additional rules governing the required procedure from time to time.

i. Prior to granting a permit for any adult regulated use, the Planning Commission may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

j. An adult regulated use granted pursuant to the terms of this ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the Township.