

ARTICLE 40.0 USE STANDARDS

Section 40.001 Intent.

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

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

Section 40.002 Scope of Regulations.

Land uses regulated by this Article shall only be allowed in the various zoning districts as specified in Article 20.0 (Land Use Table). Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 50.02 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 64.0 (Site Plan Review).

Section 40.003 Organization.

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

SECTION 40.100	RURAL USES
SECTION 40.200	RESIDENTIAL USES
SECTION 40.300	OFFICE, SERVICE, AND COMMUNITY USES
SECTION 40.400	COMMERCIAL USES
SECTION 40.500	INDUSTRIAL, RESEARCH, AND LABORATORY USES
SECTION 40.600	OTHER USES

SECTION 40.100 RURAL USES

Section 40.101 Agricultural Services and Farm Supply Stores.

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

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review).
2. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
3. Farm products offered for sale shall include those grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
4. Any outdoor sales or display areas shall conform to the standards of Section 40.409 (Outdoor Sales or Display Areas).
5. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per Section 60.09D (Methods of Screening).
6. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
 - a. Such uses shall not create a health or safety hazard, nuisance, or deleterious impact on surrounding areas due to appearance or operation.
 - b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
 - c. Storage of loose materials shall be contained within the site to prevent off-site impacts from windblown debris.

Section 40.102 Farm-Based Tourism/Entertainment Activities or Farm Markets.

Farm-based tourism or entertainment-oriented facilities and activities and farm markets shall be subject to the following:

A. Use Standards.

Land uses permitted under this Section shall be consistent with the definitions of "farm-based tourism/entertainment activities" and "farm market" per Section 2.03 (Definitions), and shall be limited to the following:

1. Agricultural festivals and events.
2. Farm-based or seasonal recreational attractions, such as a petting farm or play area, corn mazes, hayrides, and seasonal displays.
3. Winery or cider mill.

4. Farm-based educational center, and indoor or outdoor facilities for group gatherings.
5. Accessory food service and retail sales, provided that such facilities are incidental in character as compared to the overall parcel size and scope of permitted uses.
6. Farm market, as defined in Section 2.03 (Definitions).
7. Similar facilities and activities, as accepted by the Planning Commission.

B. Additional Standards.

The following additional standards shall apply to all farm-based tourism or entertainment-oriented facilities or activities and farm markets:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.
2. Screening shall be provided per Section 60.09D (Methods of Screening) for any off-site Residential Uses located within 200 feet of any area occupied by farm-based tourism/entertainment activities or a farm market. The Planning Commission may approve the use of existing vegetation or crop growing areas of a width of not less than 100 feet to satisfy this requirement.
3. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
4. Noise levels shall not exceed 65 decibels at any lot line or road right-of-way.
5. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully-shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5 footcandles in intensity as measured at any lot boundary or road right-of-way at a height of five (5) feet above grade.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval, taking into consideration anticipated noise levels, exterior lighting for the facility, the type(s) of off-site uses impacted by the facility, and the facility's proximity to lot boundaries and adjacent dwellings.

Section 40.103 Farm Products Direct Marketing Business.

Farm products direct marketing businesses shall be associated with an active farm operation in the Township. Such businesses may include "U-Pick" commercial agriculture operations, direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

Section 40.104 Farming Operations.

A parcel may be used for general and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs; and any farm building or structure used as part of the farming operation may be located thereon and used for the day-to-day operation of such activities, for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said lot or in said building or structure, subject to the following:

1. The operation shall be maintained in conformance with the Right to Farm Act and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
2. Any land kept for the growing, stripping and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion of soil by water or wind.

Section 40.105 Greenhouse.

This Section shall not apply to a residential greenhouse structure accessory to a single-family dwelling. Such residential greenhouses shall conform to all requirements of Section 3.01 (Accessory Structures). The following shall apply to all other greenhouses:

1. Retail sales of greenhouse products shall be permitted as an accessory use, subject to site plan approval per Article 64.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
3. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 30.208 (Corner Clearance Areas).
4. The storage of loose materials shall be contained within the site to prevent off-site impacts from windblown debris.

Section 40.106 Kennel.

Kennels, animal shelters, animal day care operations, similar animal care facilities, and any other building, lot or premises with a population of or capacity to receive six (6) or more dogs over six (6) months in age shall be subject to the following:

A. General Standards for All Kennels.

The following general standards shall apply to all such facilities in the Township:

1. Persons granted approval to operate a kennel may also care for and house cats, rabbits or other domesticated animals in accordance with Township ordinances. A maximum of 50 animals shall be permitted in any kennel.
2. Such facilities shall comply with Township ordinances and any applicable licensing or other requirements of outside agencies with jurisdiction.
3. Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas. Such areas shall be screened in accordance with Section 60.09D (Methods of Screening). All outdoor pens and animal runs shall be enclosed with a six (6) foot high safety fence.
4. All animals shall be enclosed within a building between 8:00 p.m. and 8:00 a.m. and during non-business hours.
5. Animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

B. Small Kennel Standards.

The following additional standards shall apply to all such facilities with a population of or capacity to receive up to 12 dogs over six (6) months in age:

1. Such facilities shall have a minimum lot area of two (2) acres and a minimum lot width of 150 feet.
2. Structures or pens where animals are kept, outdoor runs, and exercise areas shall be set back a minimum of 100 feet from road rights-of-way, 30 feet from side and rear lot boundaries, and 50 feet from any watercourse.
3. Dogs kept as personal pets of the owner or operator of a small kennel shall be permitted within required setback areas, provided that all other standards of this Section are satisfied and the perimeter is secured to restrict the dog(s) from trespassing on abutting lots or road rights-of-way
4. Minor site plan approval shall be required for such facilities in accordance with Article 64.0 (Site Plan Review).

C. Large Kennel Standards.

The following additional standards shall apply to all such facilities with a population of or capacity to receive over 12 dogs over six (6) months in age:

1. Such facilities shall have a minimum lot area of five (5) acres and a minimum lot width of 150 feet.

2. Structures or pens where animals are kept, outdoor runs, and exercise areas shall be set back a minimum of 150 feet from road rights-of-way, 50 feet from side and rear lot boundaries, and 50 feet from any watercourse.
3. Animal pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.
4. Operation, maintenance, and waste management plans shall be submitted to the Township for approval as part of any conditional use permit or site plan approval application. At a minimum, one (1) responsible person shall be on-site at all times.
5. Preliminary and final site plan approval shall be required for such facilities in accordance with Article 64.0 (Site Plan Review).

Section 40.107 Landscape Businesses.

The following regulations shall apply to all landscape businesses:

1. Retail sales of nursery or landscape products shall be prohibited accessory to a landscape business in the Rural Districts.
2. The business shall have direct frontage on and direct access to a primary road, as classified by the master transportation plans of the Township, or county or state road authorities, except where the Planning Commission determines that no adverse impacts will result from an alternative road frontage or means of access. Such determination shall be based on anticipated levels of truck traffic, access needs, other operational characteristics, and other land uses abutting the anticipated travel routes.
3. Construction equipment or road-maintenance equipment shall not be considered part of permitted landscape business.
4. A landscape business may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscape business, but only if provided in combination with live plant material.
5. The following yard setback requirements shall apply to landscape businesses:
 - a. **Lot area.** Not less than five (5) acres in area.
 - b. **Lot width.** Not less than 300 feet in width.
 - c. **Front yard setback.** Not less than 65 feet.
 - d. **Side yard setback.** The least width of either yard shall not be less than 50 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 65 feet.
 - e. **Rear yard setback.** Not less than 50 feet.

6. A permanent greenbelt buffer or evergreen screen with a minimum width of 20 feet shall be established around the periphery of the business operation. The buffer shall include plant materials with year-round screening characteristics, and shall conform to Section 60.09 (Screening and Land Use Buffers).

Section 40.108 Nursery.

Nursery operations, as defined in Section 2.03 (Definitions), shall be subject to the following:

1. Limited on-site outdoor sales of unprocessed/prepared nursery products raised on the premises shall be permitted as an accessory use, subject to site plan approval per Article 64.0 (Site Plan Review). Such activities shall be incidental in character as compared to the overall parcel size and scope of permitted uses.
2. Any non-farm building or structure located on the parcel shall be secondary and incidental to the raising or growing of nursery products, and may be used only for the storage of equipment and materials necessary for such raising or growing on such site or on parcels under the same ownership used for the same purpose.
3. Trucks, trailers or other equipment not used for on-site nursery operations or other permitted land uses in the zoning district shall be prohibited. Tree spades and other equipment necessary for the nursery operation shall be used only in accordance with the requirements of this Section.
4. Landscape supply yards, storage yards, and contracting facilities shall not be allowed as part of a nursery operation. Any operation exceeding the limitations of this Section shall be subject to approval as a landscape business per Section 40.108 (Landscape Businesses).

Section 40.109 Riding Arenas, Boarding Stables, and Non-Farm Keeping Of Animals.

Riding arenas, boarding stables, and non-farm raising and keeping of domesticated animals and livestock shall be subject to the following:

1. This activity shall remain an accessory use, incidental to the principal use of the lot for the principal dwelling of the property owner.
2. The keeping of up to two (2) large farm animals (such as horses, cattle, hogs, ponies, goats, or other similar livestock) shall be permitted on non-farm parcels that have a minimum lot area of two (2) acres and a minimum width of 150 feet. One (1) additional large farm animal shall be permitted per each additional acre for non-farm parcels up to ten (10) acres. The keeping of large farm animals on non-farm parcels of ten (10) acres or more shall conform to Section 60.02 (Performance Standards), and be maintained pursuant to the Right to Farm Act and applicable Generally Accepted Agricultural Management Practices (GAAMP) established by the Michigan Department of Agriculture.
3. Small livestock animals (such as chickens, rabbits, and similar animals) may be kept on non-farm parcels that have a minimum lot area of two (2) acres. The

number of permitted animals and facilities for such animals shall conform to Section 60.02 (Performance Standards); be consistent with the definition of "accessory use" per Section 2.03 (Definitions); and be maintained pursuant to applicable GAAMP standards.

4. All livestock feed shall be stored in rodent proof containers, and all pens and shelters shall be maintained in a sanitary condition. Fenced enclosures shall be provided to prevent such animals from roaming-at-large off the premises.
5. All containers, shelters, pens, and enclosures shall conform to the minimum yard setbacks for the zoning district.

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act and GAAMP standards.

Section 40.110 Roadside Stands.

Seasonal roadside stands shall be subject to the following:

1. A seasonal roadside stand shall be permitted accessory to any Rural Uses and as otherwise permitted per Article 20.0 (Land Use Table). Such use shall not create a commercial zoning district, nor shall it be deemed a commercial activity.
2. Operation of the roadside stand shall not exceed a period of eight (8) months per calendar year.
3. A roadside stand shall not be greater than 500 square feet in size
4. Suitable trash containers shall be placed on the premises for public use.
5. At least fifty percent (50%) of the produce and other agricultural products available for sale shall be natural, unprocessed produce raised or produced by the farmer operating the roadside stand.
6. The roadside stand shall be located outside of all road rights-of-way and set back a minimum of 35 feet from the near edge of the road pavement or improved gravel surface.
7. Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 61.0 (Off-Street Parking and Loading Requirements), except that hard surfacing shall not be required. Screening shall not be required for seven (7) or fewer parking spaces.
8. Roadside stand signage shall conform to Article 62.0 (Sign Regulations).
9. Roadside stands exceeding the limitations of this Section shall be subject to conditional use approval as a farm-based tourism or entertainment facility per Section 40.102 (Farm-Based Tourism/Entertainment Activities or Farm Markets).

Section 40.111 Veterinary Clinics and Hospitals.

Veterinary clinics and hospitals shall comply with the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review).
2. All activities shall be conducted within an enclosed building, except for an outdoor exercise area located outside of all required yard setback areas.
3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. Keeping of animals for overnight care shall be limited to the interior of a building.
5. Operation shall include proper control of animal waste, odor, and noise.

**SECTION 40.200
RESIDENTIAL USES****Section 40.201 Accessory Dwelling.**

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

A. Approval Required.

Construction of any new accessory dwelling unit(s) shall be subject to site plan approval per Article 64.0 (Site Plan Review). The application shall include submittal of floor plans for the accessory dwelling(s) and principal building. Alteration of any existing, approved accessory dwelling unit(s) shall be subject to administrative approval per Section 57.03 (Certificates of Zoning Compliance).

B. Accessory to a Farm Operation.

One (1) accessory dwelling unit may be permitted accessory to an active farming or agricultural operation on the same lot with a principal dwelling in the Rural Districts, as allowed and provided for in Article 20.0 (Land Use Table), and subject to the following:

1. The accessory dwelling may be located within the principal dwelling, or may be located in a separate residential building on the same lot. All buildings shall conform to the requirements of Article 30.0 (Dimensional Standards).
2. Use of the accessory dwelling shall be limited to an on-site herdsman, farm operations manager, caretaker or similar employee of the farming or agricultural operation and immediate family members or dependents.
3. Parking shall be provided for the accessory dwelling per Article 61.0 (Off-Street Parking and Loading Requirements).

C. Accessory to Office, Service, and Community Uses and Commercial Uses.

One (1) or more accessory dwelling units may be permitted accessory to principal OFFICE, SERVICE, AND COMMUNITY USES, and COMMERCIAL USES as allowed and provided for in Article 20.0 (Land Use Table), and subject to the following:

1. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) or more principal uses as permitted in the zoning district.
2. Where conditional use approval is required by this Ordinance, the number of accessory dwelling units shall be subject to Planning Commission approval.
3. Accessory dwelling units shall be prohibited on the ground floor or street level of the building, and shall be constructed with adequate sound and firewall separation from the principal use(s).

4. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where multiple accessory dwelling units are located in a building, such entrances may be provided from a common hallway.
5. Parking shall be provided for each accessory dwelling unit per Article 61.0 (Off-Street Parking and Loading Requirements).

D. Accessory to Industrial, Research, and Laboratory Uses.

One (1) accessory dwelling may be permitted accessory to principal INDUSTRIAL, RESEARCH, AND LABORATORY USES as allowed and provided for in Article 20.0 (Land Use Table), subject to the following:

1. The accessory dwelling may be located within the principal building, or may be located in a separate residential building on the same parcel or an abutting lot under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.
2. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.
3. If located within a principal building, the dwelling shall have separate kitchen, bath, and toilet facilities and a private entrance; and shall be constructed with adequate sound and firewall separation from the principal use(s).

Section 40.202 Bed and Breakfast Inn.

Bed and breakfast inns shall comply with the following:

A. Approval Required.

Establishment of a new bed and breakfast inn shall be subject to site plan approval per Article 64.0 (Site Plan Review), in addition to any conditional use approval requirements per Article 20.0 (Land Use Table). Alteration of an existing, approved bed and breakfast inn shall be subject to administrative approval per Section 67.03 (Certificates of Zoning Compliance).

1. Floor plans for the bed and breakfast inn and principal building, and a property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for approval.
2. Any approved conditional use for a bed and breakfast inn, where required by Article 20.0 (Land Use Table), shall not become effective, and a bed and breakfast inn shall not be operated for business, until all licenses required therefore have been issued.

B. General Requirements.

Bed and breakfast inns shall conform to the following requirements:

1. A bed and breakfast inn shall only be permitted in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast inn shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time the bed and breakfast inn is active. Not more than one person, other than members of the resident family, shall be employed in a bed and breakfast inn.
2. A dwelling unit containing a bed and breakfast inn shall comply with State of Michigan regulations for bed and breakfast inns, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for approval under this Ordinance shall provide written evidence of inspection and compliance with applicable codes and regulations to the Township at the time of application.
3. A dwelling to be used for a bed and breakfast inn shall have a minimum floor area of 2,000 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 120 square feet and shall not have more than two occupants. Not more than six (6) rooms shall be provided for bed and breakfast inns in one (1) single family detached dwelling.
4. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast inn in that structure. One (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each two (2) sleeping rooms. Each such bathroom shall be separate from the living quarters of the resident family.
5. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.
6. Full breakfasts or continental breakfast service shall be limited to registered bed and breakfast guests. No other meals shall be provided to such guests, and service of alcoholic beverages shall be prohibited.
7. A single-family detached dwelling containing a bed and breakfast inn shall have no outside appearance of the presence of the inn, except for one (1) maximum five (5) foot high and six (6) square foot non-illuminated ground sign; in addition to a nameplate as permitted for a dwelling per Article 62.0 (Sign Regulations).
8. Bed and breakfast inn facilities shall not be used for receptions, weddings or similar celebrations and parties, other than private events for members of the resident's immediate family.
9. The maximum length of stay for any occupant of a bed and breakfast inn shall be 14 days in any period of 90 consecutive days.

Section 40.203 Farm Labor Housing.

Single-family dwelling units for housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops, herdsman or other activities

associated with animal husbandry or dairy farming, or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

1. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 64.0 (Site Plan Review).
2. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township.
3. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.
4. All structures for farm labor housing shall comply with the standards of Article 30.0 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:
 - a. Such housing shall be set back a minimum of 100 feet from all side and rear property lines and 75 feet from road rights-of-way.
 - b. Such housing shall be set back a minimum of 150 feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
 - c. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
5. The number of permitted farm labor housing units associated with a farm operation shall be limited to one (1) single-family dwelling unit per 5-50 acres; two (2) per 50-100 acres; three (3) per 100-200 acres; and four (4) per 200 acres or more.

Section 40.204 Home Occupations.

Home occupations shall be subject to the following:

A. Use Standards.

Home occupations shall conform to the following requirements:

1. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.
2. Home occupations shall be limited to single-family detached dwellings, and to other owner-occupied dwellings. The home occupation shall be conducted only within the dwelling or within an accessory structure on the parcel.

3. A maximum of one (1) person other than members of the family residing on the premises shall be engaged in the home occupation.
4. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
 - a. The total floor area used by the home occupation, whether the home occupation is conducted within the dwelling unit or within an accessory building on the same lot, shall not exceed twenty five percent (25%) of the floor area of the dwelling unit.
 - b. There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation. External and internal alterations not customary for a single-family dwelling shall be prohibited.
5. Traffic generated by a home occupation shall not be greater in volume and intensity than that normally expected within the neighborhood.
6. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall not be located in any required yard, and shall be subject to the standards of Article 61.0 (Off-Street Parking and Loading Requirements).
7. No signs shall be permitted for the home occupation, other than as permitted for a dwelling per Article 62.0 (Sign Regulations).
8. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
9. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
10. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
3. Home office for a massage therapist, subject to the standards of Section 5.309 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.

6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. Restoration of classic or antique motor vehicles, boats, and similar equipment, provided that such activities do not violate Section 40.204C (Prohibited Uses).
8. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed a total of 15 days per calendar year.
9. Any home occupation not specifically listed may be approved by the Planning Commission with a conditional use permit, subject to the provisions of this Section and Article 63.0 (Conditional Uses).

C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

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

D. Inspection and Enforcement.

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

Section 40.205 Manufactured Housing Parks.

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

I. Regulations and Performance Standards.

The following regulations shall apply to all manufactured housing park residential districts.

- A. **Lot Area.** The minimum area of the lot that comprises the manufactured housing park shall be 15 acres.
- B. **Height Requirements.** Except as otherwise provided in Article 30.0 (Dimensional Standards), no building or structure shall exceed a height of 2-1/2 stories or 35 feet.

II. Planning and Development Regulations For Manufactured housing parks.

- A. The business of selling new and/or used manufactured houses as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured houses located on lots within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured house by a resident of the manufactured housing park provided the park's regulations permit the sale.
- B. A manufactured house shall be in compliance with the following minimum distances:
 - 1. Twenty (20) feet from any part of an attached or detached structure which is used for living purposes on an adjacent home site in the park.
 - 2. Ten (10) feet from an attached or detached structure or accessory which is not used for living purposes of an adjacent manufactured house.
 - 3. Ten (10) feet from an on-site parking space of an adjacent site.
 - 4. Fifty (50) feet from any permanent building.
 - 5. Ten (10) feet from the edge of an internal street.
 - 6. Twenty (20) feet from the right-of-way line of a dedicated public street within the manufactured housing park.
 - 7. Seven and one-half (7½) feet from a parking bay.
 - 8. Seven feet (7) from a common pedestrian walkway.
 - 9. Fifty-feet (50) from the right-of-way of a public road external to the manufactured housing park.

- C.** The maximum height of accessory structures in a manufactured housing park shall be fifteen (15) feet. The height of a storage building on a manufactured housing park site shall not exceed fifteen (15) feet or the height of the manufactured house which ever is less.

D. Parking Requirements

1. A minimum of two parking spaces shall be provided for each manufactured housing park site. The minimum number of parking spaces for conditional uses permitted in a manufactured housing park may be reduced to 2/3 the number required for such uses as set forth in Article 61.0, herein, as part of the conditional use permit approval.
2. Additional parking facilities shall be provided as follows:
 - a. for storage of maintenance vehicles.
 - b. at the park office location for office visitors.
 - c. for general visitor parking, at the ratio of one (1) parking space for every three home sites in the park, in a convenient location for the sites served thereby.

E. Streets.

1. Vehicular access to a manufactured housing park shall be provided by at least one hard surface public road.
2. Only streets within the manufactured housing park shall provide vehicular access to individual sites in the manufactured housing park.
3. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted, along one side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.
4. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one side, and thirty-three (33) feet where parallel parking is permitted along both sides.
5. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.

- F. Outdoor Storage.** Common storage areas for the storage of boats, motorcycles, recreational vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited for use only by residents of the manufactured housing park. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties.

G. Site Constructed Buildings. All buildings constructed on site within a manufactured housing park must be constructed in compliance with the Salem Township Building, Electrical, Plumbing, and Mechanical and Cross-Connection Codes. Any addition to a manufactured housing park unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for manufactured houses shall comply with the Salem Township Building, Electrical, Plumbing, and Mechanical Codes. Certificates and permits shall be required as provided in Article 67, herein. An approved final site plan is required prior to construction of any principal structure, not including manufactured housing park units, in accordance with Article 64, herein.

H. Placement of a Manufactured housing park Unit

1. It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.
2. No manufactured house may be placed on a manufactured housing park site until a building permit has been issued by the Salem Township Building Department. A building permit shall not be issued until all required state approvals have been obtained.

I. Site Plan Review. Construction of a manufactured housing park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.

1. The site plan shall be prepared on standard twenty-four (24)inch by thirty-six (36) inch sheets and shall be of a scale not greater than one inch equals twenty (20) feet or less than one (1) inch equals two-hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan.
2. Scale, north arrow, name and date, plus date of any revisions.
3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
4. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
5. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
6. Existing topography, at minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; one hundred-(100) year flood hazard area.
7. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches,

- bridges, and culverts; existing improvements to remain or to be removed; deed restrictions, if any.
8. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
 9. Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catchbasins; location of existing wells, septic tanks, and drainfields, if applicable.
 10. Names and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
 11. Zoning classification of the subject property; location of required setbacks; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
 12. Grading plan, at a minimum contour interval of two (2) feet.
 13. Location and exterior dimensions of proposed buildings and structures other than manufactured housing park dwellings; height and finished floor elevations of such buildings and structures; location of the unit and parking spaces on each manufactured housing park site.
 14. Location and alignment of all proposed streets and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
 15. Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
 16. Location, width, and surface of proposed sidewalks and pedestrian paths.
 17. Location, use, size, and proposed improvements of open space and recreation areas.
 18. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
 19. Location, type, size, area, and height of proposed signs as required in Article 62.0-Sign Regulations herein.
 20. General proposed utility layout for sanitary sewer, water, and storm water systems.
 21. An overall map at a smaller scale showing how this property ties in with all other surrounding properties shall be developed to include:

- a. Existing and proposed water mains, sanitary and storm sewers in the area, including sanitary sewer service areas;
 - b. The road network in the area;
 - c. The relationship of existing and proposed drainage courses and retention basins in the general area that impact or are impacted by this development as well as an area wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds);
 - d. The map should also be on a twenty-four (24) inch by thirty-six (36) inch sheet.
 - e. Landscape plan showing location, type, and size of plant materials.
 - f. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.
- J. Occupancy** – A manufactured house in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of occupancy is issued by the Salem Township Zoning Administrator.

Section 40.206 Multiple-Family Housing.

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

A. General Standards.

- 1. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article 64.0 (Site Plan Review).
- 2. **Minimum floor area per unit.** No multiple-family building shall hereafter be erected or altered unless each dwelling unit therein shall contain:

Type of Dwelling Unit	Minimum Floor Area per Unit
Efficiency or studio with no separate bedroom	400 square feet
One (1) or more bedrooms	350 square feet, plus 150 square feet per bedroom

- 3. **Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more residential buildings on a lot:

Orientation of Two (2) Adjacent Multiple-Family Buildings	Minimum Separation Distance
Front facade wall facing an adjacent front wall Front facade wall facing a rear wall	Three (3) times the height of the taller building, and not less than 70 feet
Side wall facing an adjacent side wall	One and one-half (1.5) times the height of the taller building, and not less than 35 feet
Front facade wall facing an adjacent side wall Rear wall facing an adjacent side wall Rear wall facing an adjacent rear wall	Two (2) times the height of the taller building, and not less than 45 feet

The Planning Commission shall be responsible for making the final identification of the front, side, and rear walls for purposes of this Section. The front facade wall of the building shall typically be the wall occupied by the primary or public entrance(s) to the building, or that face of the building having the greatest length. The rear wall shall typically be that face opposite the front, and the side walls shall typically be the faces having the smallest dimension.

4. **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps.
5. **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or required building separation areas.
6. **Compatibility.** Multiple-family buildings shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of the area per the Master Plan.
 - a. Compatibility shall be determined by the Planning Commission according to the following standards:
 - (1) Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to beveled siding, brick or stone.
 - (2) The roof shall be finished with shingles, vertical seam or decorative metal roofing, or similar materials that have a finished appearance. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
 - b. The use of innovative designs and energy efficient materials and systems shall be encouraged, provided that the overall development is compatible with the intended character of the area per the Master Plan.

B. Senior Housing and Elderly Housing.

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

1. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.
2. **Compliance with regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.
3. **Density.** The number of permitted dwelling units, rooms, or beds for nursing homes, assisted living facilities, and dependent elderly housing may exceed the maximum dwelling unit density standards for the zoning district, subject to Planning Commission approval as part of the conditional use approval.
4. **Compliance with Other Standards.** Such housing shall conform to State of Michigan and other outside agency requirements.

Section 40.207 Single- and Two-Family Dwelling Standards.

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

1. Each dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
2. Each dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
 - a. The foundation wall shall completely enclose the area under the dwelling. The enclosed area shall not be less than the ground floor area of the dwelling.
 - b. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
 - c. Any wheels, tongue, hitch, or other towing appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.

3. Each dwelling shall be connected to potable water and sanitary sewerage facilities per Section 3.18 (Water Supply And Sanitary Sewage Systems).
4. Each dwelling shall have, prior to any additions, a minimum floor area of 1,200 square feet, and a minimum exterior width of 24 feet.
5. The dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family detached dwellings in the Township. Compatibility shall be determined in accordance with the following:
 - a. Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
 - b. Front and rear or front and side exterior doors shall be provided. Permanent steps, porches or barrier free access shall be provided where there is a difference in elevation between a doorway and grade level.
 - c. The roof shall be finished with shingles, vertical seam or decorative metal roofing, or similar materials that have a finished appearance. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township. A roof drainage system shall be provided that will collect, and concentrate the discharge of, roof drainage, and will avoid drainage along the sides of the dwelling.
 - d. Roof-mounted solar energy conversion systems installed parallel to the roofline and integrated into the roof structure shall be considered an incidental part of the dwelling for purposes of this Section.
6. Other innovative designs and energy efficient materials and systems not listed in this Section, including an earth-sheltered home, may be accepted by the Zoning Administrator upon determination that the dwelling is aesthetically compatible with the neighborhood, based on its location, orientation, and visible appearance from the road right-of-way and abutting lots.
7. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section 67.03 (Certificates of Zoning Compliance).
8. Additions to existing dwellings shall conform to all requirements of this Section and Ordinance.
9. A single-family detached dwelling shall not be used as an accessory building in any residential zoning district.

Section 40.208 Functional Equivalent of a Domestic Family; Additional Persons.

The limit upon the number of persons who may reside as the functional equivalent of a domestic family, as specifically defined in Section 2.03 (Definitions), may be increased or enlarged, subject to Conditional Use Permit approval and determination by the Planning Commission that the application and proposed use conforms to all of the following:

1. There are adequate provisions for off-street parking on the subject lot for each adult proposed to reside on the premises, and adequate storage area for each person proposed to reside on the premises.
2. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable-projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
3. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor area per person on the premises.
4. If the property in question is not serviced with publicly-owned and operated or municipal water or sanitary sewerage systems, any approval under this Section shall be contingent upon approval by the Washtenaw County Environmental Health Division of the number of persons on the premises in relation to the capacity of private on-site well and septic facilities.
5. If the Planning Commission grants an application under this Section, the determination shall include the specific number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.
6. The property owner shall be responsible for notifying the Zoning Administrator in writing of any increase in or enlargement of the number of persons residing or proposed to reside on the premises.

**SECTION 40.300
OFFICE, SERVICE, AND COMMUNITY USES**

Section 40.301 Accessory Office, Service, and Community Uses.

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

1. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.
2. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Unless otherwise approved as part of a Planned Unit Development (PUD), all accessory OFFICE, SERVICE, AND COMMUNITY USES shall be located in the same principal building(s) containing the permitted principal use(s) that will be served. Outdoor private recreation facilities accessory to a principal use shall be located on the same lot as the principal use and not open to the general public.

Section 40.302 Day Care, Group Home, and Other State Licensed or Managed Residential Facilities.

The following regulations shall apply to group child day care homes, day care centers, group homes, and other state licensed or managed residential facilities, except licensed group day care homes that lawfully operated before March 30, 1989:

1. The facility shall be appropriately licensed as required by the State of Michigan.
2. The facility, other than a day care center, shall not be located within 1,500 feet from another licensed group day care home, adult foster care home, substance abuse treatment center or any facility that houses an inmate population.
3. All outdoor play areas shall be enclosed by a fence not less than four (4) feet or more than six (6) feet in height and capable of containing the children within the play area. Outdoor play areas and playground equipment shall not be located in the front yard.
4. No signs shall be permitted for the facility, other than as permitted for a dwelling per Article 62.0 (Sign Regulations).
5. Off-street parking shall be provided for employees. Off-street parking shall also be provided at child day care facilities for drop-off and pick-up of children.
6. The facility shall be inspected for compliance prior to the issuance of a certificate of occupancy.
7. The appearance of the day care home or adult foster care group home premises shall be consistent with that of a single-family dwelling.

8. The operation of a group day care home shall not exceed 16 hours during any 24-hour period. The Planning Commission may limit operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
9. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a conditional use permit for a group child day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions of approval beyond those listed in this Section.

Section 40.303 Funeral Parlor or Mortuary.

Funeral parlors and mortuaries shall be subject to the following standards:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.
2. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of Section 40.201 (Accessory Dwelling).

Section 40.304 Institutional Uses.

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities defined as institutional uses per Section 2.03 (Definitions):

1. **Height.** The highest point of stage towers or scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building or be occupiable space for human activities or storage.
2. **Frontage and access.** Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

Section 40.305 Private Recreational Facilities.

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

A. General Standards.

1. No building shall be located within 100 feet of any property line.
2. Facilities such as licensed restaurants and bars may be permitted as an accessory use when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
3. Golf fairways, swimming pools, tennis courts, camp sites, and similar uses shall be located not less than 35 feet from any property line. The Planning Commission may require screening along the property lines per Section 60.09D (Methods of Screening).
4. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 64.0 (Site Plan Review).

B. Golf Course and Driving Ranges.

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

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

C. Public and Private Campgrounds.

Facilities providing public or private camping facilities and amenities for individuals, families or groups on a daily, weekly or seasonal basis shall be subject to the following additional standards:

1. The minimum site area shall be 20 acres.
2. The site shall have direct accessibility to a paved public road.
3. A minimum 100 foot setback shall be established around the perimeter of the property for the purpose of buffering a public or private campground in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer the campground in relation to surrounding properties, the Township may require additional setback, landscaping or berming.
4. Manufactured housing units shall not be permitted within a campground, except as a permanent home or office for the owner, operator or manager.
5. The use and occupancy of a campground shall be in strict compliance with the requirements of outside agencies with jurisdiction.

Section 40.306 Sportsman's Clubs and Commercial Shooting Ranges.

Sportsman's clubs and commercial shooting ranges shall be subject to the following:

A. General Standards.

All sportsman's clubs and commercial shooting ranges shall be subject to the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review).
2. The facility shall conform to the generally accepted operation practices adopted by the State of Michigan. Operation, safety, and environmental plans for the facility shall be submitted for review as part of the site plan approval application.
3. A list of the responsible officers of the organization shall be submitted annually to the Township Clerk. An updated list shall be submitted within 30 days of any changes in responsible officers. A list of qualified range supervisors shall be maintained by the responsible officers of the organization at all times.
4. "No trespassing" or "danger" signs designating the hazard, not less than twelve (12) inches by 18 inches nor more than four (4) square feet in area, shall be posted at each point of entry to the shooting areas. All signs shall conform to the generally accepted operation practices adopted by the State of Michigan.

B. Outdoor Facility Standards.

Outdoor sportsman's clubs and commercial shooting ranges shall be subject to the following additional standards:

1. A minimum six (6) foot high fence shall be erected around individual ranges, areas containing more than one (1) range, or the entire property to serve as a barrier and to discourage unauthorized entry.

2. "No trespassing" or "danger" signs designating the hazard, not less than twelve (12) inches by eighteen (18) inches nor more than four (4) square feet in area, and spaced not more than 150 feet apart, shall be posted along the perimeter of the property. All signs shall meet the requirements of the generally accepted operation practices adopted by the State of Michigan.

Section 40.307 Therapeutic Massage.

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

Section 40.308 Donation Drop Boxes.

Freestanding receptacles and drop boxes for donations of new or used household goods, clothing, and related items shall be subject to the following:

1. One (1) per lot shall be permitted, subject to approval per Section 67.03 (Certificates of Zoning Compliance). Additional donation drop boxes or receptacles shall be subject to approval as an outdoor sales or display area per Section 40.409 (Outdoor Sales or Display Areas).
2. Any application for approval under this Section shall include the name and contact information of the person(s) responsible for regular maintenance and upkeep of the facility and surrounding area. Outdated contact information or a failure to maintain the facility and surrounding area in a neat and orderly condition shall constitute grounds for the Township to seek removal of the drop box or receptacle as a violation of this Ordinance, subject to the written warning requirement and procedures outlined in Section 67.10 (Ordinance Violations Bureau, Penalties, Sanctions, and Remedies for Violations).
3. The drop box or receptacle shall not be placed or maintained in any required yard setback area; or in any manner that would impede pedestrian or barrier free access, reduce the number of available parking spaces or interfere with vehicular circulation through the site.
4. The Zoning Administrator or Planning Commission may require screening where the drop box or receptacle would be visible from adjacent road rights-of-way, per Section 60.09D (Methods of Screening).

SECTION 40.400 COMMERCIAL USES

Section 40.401 Accessory COMMERCIAL USES.

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

1. Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.
2. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Where permitted as an accessory use per Article 20.0 (Land Use Table), a pharmacy, drugstore, or medical supply store shall be located in the same principal building(s) containing a hospital or urgent care center.
4. Retail sales and display areas for items designed, assembled or manufactured on the premises, or related by use or design to such items, shall not exceed twenty-five percent (25%) of the gross floor area of the principal building.
5. Unless otherwise approved as part of a Planned Unit Development (PUD), all accessory COMMERCIAL USES shall be located in the same principal building(s) containing the permitted principal use(s) that will be served.

Section 40.402 Amusement Center.

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

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers also shall be subject to the standards of Section 40.409 (Outdoor Sales or Display Areas).
3. Pool and billiard parlors, pinball/video game parlors, and arcades without liquor sales shall be permitted as an amusement center.

Section 40.403 Big Box COMMERCIAL USES.

Big Box Commercial Uses as defined in Section 2.03 (Definitions) shall conform to the following:

1. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.

- a. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
- b. A traffic impact study and proposed mitigation measures shall be required.
2. **Outlots.** The site design, circulation, and parking layout of any outlot(s) shall be fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission. The layout, design, and exterior façade materials of principal buildings on any outlot(s) shall be coordinated with other principal buildings on the overall site, as determined by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).
4. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 40.404 Car Washes.

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

A. Use Standards.

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

B. Ingress/Egress.

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.

3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

C. Screening.

Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).

Section 40.405 Drive-in or Drive-through Facilities.

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

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
2. Planning Commission determination that access to and egress from the site will not interfere with peak-hour traffic flow on the road(s) serving the site, based upon documentation provided with an application for site plan approval.
3. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).
4. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
5. An internal bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
6. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
7. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
8. Menu boards may be installed and maintained for the drive-through facility, provided that the location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.

Section 40.406 Motion Picture Cinema.

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

A. General Requirements.

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

1. **Screening.** Screening shall be required from adjacent Rural Districts, Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).
2. **Access.** Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

B. Additional Outdoor Cinema Requirements.

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

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

Section 40.407 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

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

A. Use Standards.

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

B. Pollution Prevention.

In addition to the requirements contained in Article 64.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 64.0 (Site Plan Review), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures.

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure.
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.

D. Vehicle Access.

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

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum widths of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 60 degrees.
3. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

E. Incidental Outdoor Storage.

Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 60.04 (Storage of Materials and Trash Storage Areas).
2. Such storage shall not occur in front of the front building line.
3. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
4. Outdoor storage shall be limited to areas identified on an approved final site plan.

F. Combined Uses.

Where motor vehicle service centers, repair stations or fueling stations are combined with a car wash, retail store, food service establishment, drive-through lane, or other permitted land uses, the regulations of this Ordinance for each land use shall apply to the site.

Section 40.408 Outdoor Cafés and Eating Areas.

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

1. No such seating shall be located in a required yard setback, except as follows:
 - a. Consistent with the purpose of the Hamlet Center, as specified in Section 10.213 [Hamlet Center District (HCD)], outdoor cafes and eating areas in the Hamlet Center (HCD) District may be approved within a required yard setback as part of site plan approval. Adequate screening shall be provided from neighboring uses, as determined by the Planning Commission.
 - b. Outdoor cafes and eating areas may be approved within a required yard setback as part of a planned unit development (PUD), where such land uses are shown on the approved Area Plan with provisions for adequate screening from neighboring uses.

Where allowed adjacent to the road right-of-way, adequate separation from the roadway shall be provided, such as on-street parking, concrete curbing or other measures designed to maximize the safety of patrons.

2. Approval of the Washtenaw County Environmental Health Division or other agencies with jurisdiction as required.
3. A site plan shall be submitted indicating the area for and location of all outdoor seating, and demonstrating how adequate pedestrian and barrier free access will be maintained.
4. The maximum allowable seating for an outdoor seating area shall be established as a part of Planning Commission approval.
5. Parking shall be provided as required under Article 61.0 (Off-Street Parking and Loading Requirements).

Section 40.409 Outdoor Sales or Display Areas.

Outdoor dealership sales lots, and other open air businesses, outdoor sales or display areas, and temporary outdoor sales areas for a permanent business shall be subject to the following:

A. General Standards.

The following standards shall apply to all outdoor dealership sales lots, and other open air businesses, outdoor sales or display areas, including temporary outdoor sales areas for a permanent business:

1. The site plan shall show the location, duration, and extent of such sales. All sales activity and display of merchandise shall conform to the approved site plan.

2. No sales activity or display of merchandise shall be permitted in any road right-of-way, corner clearance area, required yard setback, landscape strip or transition buffer.
3. The sales operation shall be adequately separated from and shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
4. One sign not to exceed eight (8) square feet may announce such sales. Such sign shall not be located in a required yard setback, landscape strip or transition buffer. Such a sign shall be temporary in nature, non-illuminated and subject to approval of a Certificate of Zoning Compliance by the Zoning Administrator.
5. The sign, merchandise, and all equipment used in such sales, and all resulting debris and waste shall be removed from the premises within three (3) days of termination of the sale.

B. Additional Standards for Temporary Sales Areas.

The following additional standards shall apply specifically to temporary outdoor sales areas accessory to the principal use and permanent business on the site:

1. The Planning Commission may restrict the number of permitted days and specific months during any calendar year for which such temporary sales shall be permitted as part of the conditional use approval (e.g. "a maximum of 15 days per calendar year during the months of June and September").
2. An approved conditional use approval for temporary outdoor sales runs with the land. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall annually apply for administrative approval per Section 67.03 (Certificates of Zoning Compliance).
 - a. Before issuing a Certificate, the Zoning Administrator shall verify that the proposed temporary sales location and time periods conform to the conditions of conditional use approval.
 - b. The Zoning Administrator may require a cash bond to guarantee site clean up to be provided to the Township, in an amount established by Township Board resolution, prior to the start of an approved sale.

Section 40.410 Secondhand Stores.

Secondhand stores, as defined in Section 2.03 (Definitions), shall be subject to the following:

1. **Outdoor sales or display areas.** Outdoor sales or display areas shall conform to the requirements of Section 40.409 (Outdoor Sales or Display Areas).
2. **Drop-off or donation areas.** Drop-off facilities for donated items shall be located within the principal building or an enclosed accessory structure. Outdoor drop-off areas shall be prohibited. Accessory drop boxes or receptacles for donated items, whether on-site or off-site, shall be subject to the requirements of Section 40.308 (Donation Drop Boxes).

3. **Compliance with state law.** The facility shall be maintained and operated in compliance with applicable federal, state, and local laws and ordinance.

Section 40.411 Showroom for Display or Sale of Products.

Showrooms or sales and display areas for sales of products or services created by the principal business or operation shall be limited to a maximum of twenty-five percent (25%) of the usable floor area occupied by the principal use.

**SECTION 40.500
INDUSTRIAL, RESEARCH, AND LABORATORY USES**

Section 40.501 Intensive Industrial Operations.

Intensive industrial operations, as defined in Section 2.03 (Definitions) and specified in Article 20.0 (Land Use Table), shall be subject to the following:

A. General Standards.

Such uses shall comply with all standards established by this Ordinance, other applicable Township ordinances, and the Michigan Department of Environmental Quality, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

B. Impact Assessment.

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

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

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use as determined necessary to minimize any adverse impact of the facility on nearby properties, as additional conditions of approval per Article 63.0 (Conditional Uses).

C. Development Standards.

To minimize impacts on neighboring land uses, road rights-of-way, and the Township as a whole, intensive industrial operations shall be subject to the following additional requirements:

1. Where such uses are located within 500 feet of any Residential Districts, a Planning Commission determination that the expected impacts associated with the use cannot be effectively mitigated at the proposed location shall constitute grounds for denial of a proposed intensive industrial operation.

2. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 60.09D (Methods of Screening).

Section 40.502 Junkyards.

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

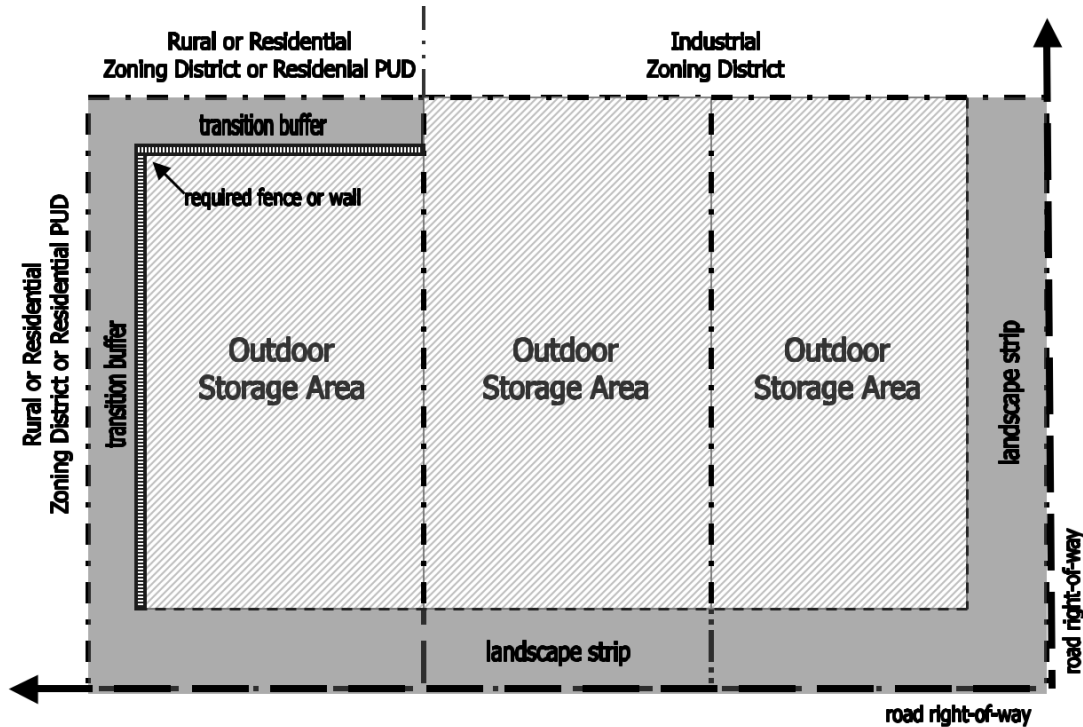
1. Such facilities shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private or local roads shall be prohibited. Truck travel routes shall not pass through residential areas, unless such routes follow primary roads.
2. A site plan shall be provided at the time of the Conditional use approval application with the following information:
 - a. All information required by Article 64.0 (Site Plan Review);
 - b. A description of any materials processing, dismantling, and wrecking operations to be conducted within the facility; and of the location and nature of equipment for such operations, including any power driven processing equipment; and
 - c. Anticipated truck routes within the Township to and from the facility.
3. Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
4. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect the safety of visitors.
5. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
6. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural Districts or Residential Districts.
7. The facility, when established and located within 1,000 feet of any Residential Districts or existing RESIDENTIAL USES, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, between 7:00 a.m. and 12:00 noon on Saturdays, and closed on Sundays and holidays.
8. On-site burning shall be prohibited.
9. Immediately after junk vehicles are brought to the junkyard, all flammable liquids contained in automobiles and other vehicles shall be drained in a paved, designated area with secondary containment complying with applicable regulations and standards. Such liquids and materials shall be contained or disposed of according to approved handling methods.

10. No tires shall be stored on the site.
11. All drives, parking areas, and loading-unloading areas shall be paved.
12. There shall be not more than one (1) entrance from each adjoining public road.
13. The facility shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited. Gates shall also be made of solid, opaque material.
14. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission as additional conditions of approval per Article 63.0 (Conditional Uses) to minimize impacts of such operations on neighboring properties.
 - a. Such operations shall operate within a wholly enclosed building or within an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.
 - b. Such operations shall be set back a minimum of 150 feet from any Residential Districts or existing RESIDENTIAL USES.
 - c. Processing operations shall be limited to baling, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
 - d. Power-driven processing, dismantling, and wrecking facilities shall not operate on Saturdays, Sundays, or holidays.
15. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
16. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.
17. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.
18. Signs or other advertising materials shall not be placed on any fences or walls.

Section 40.503 Outdoor Storage, General.

Where permitted under the terms of this Ordinance, outdoor storage of products, materials, equipment, machinery, lumber, landscaping and building supplies or similar items shall be maintained in a manner consistent with the purposes of this Ordinance, per Section 1.03 (Purposes), and shall be further subject to the following:

1. Storage areas shall be located outside of all landscape strips and transition buffers for the district where the facility is located, as required by Article 30.0 (Dimensional Standards). No storage shall be permitted within any required parking or loading spaces. In the GI (General Industrial) District, such storage areas shall be permitted within the front yard area, provided that the Planning Commission may require additional screening from the road right-of-way in accordance with Section 60.09D (Methods of Screening).
2. The outside storage area shall have a gravel or paved surface, treated regularly to prevent erosion and blowing of dust, and shall include an approved stormwater management system.
3. Any area of the storage facility or subject lot that directly abuts any Rural Districts, Residential Districts, or any Planned Unit Development (PUD) District planned for RESIDENTIAL USES shall be enclosed within a solid wall or opaque fence at least seven (7) feet in height.
 - a. The required wall or fence shall be located outside of any required landscape strips or transition buffers (see "Screening of Outdoor Storage Areas" illustration).
 - b. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
 - c. Gates shall also be made of solid, opaque material.
 - d. A landscaped berm and greenbelt may be substituted for a required wall or fence, when approved by the Planning Commission.
 - e. In the LI (Limited Industrial District), no materials shall be stored above the height of any perimeter wall, fence or berm.
4. Locations and sizes of storage areas, nature of stored items, and details of the enclosure, including description of materials, height, and typical elevation drawings shall be provided as part of site plan review.
5. Storage of soil, fertilizer, sand, mulch, gravel, stone, and similar materials shall be designed to ensure that such materials will be contained within the site to prevent off-site impacts from windblown debris.
6. Storage or disposal of used petrochemicals, junk vehicles, garbage or similar materials to be dismantled or recycled shall be prohibited.



Screening of Outdoor Storage Areas

Section 40.504 Self-Storage Warehouses.

The following regulations shall apply to self-storage warehouses:

1. The minimum lot area for mini-warehouses shall be two (2) acres, and the minimum lot width shall be 200 feet.
2. Such facilities shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities, except where the Planning Commission determines that no adverse impacts will result from road frontage on a non-primary road. Such determination shall be based on anticipated levels of truck traffic, access needs, other operational characteristics, and other land uses abutting the anticipated travel routes. Vehicle access to private or local roads shall be prohibited.
3. All structures, driveways, and other improvements shall be located outside of all required landscape strips, transition buffers, and yard setbacks for the zoning district, per Article 30.0 (Dimensional Standards) (see "Screening of Outdoor Storage Areas" illustration).
4. The minimum distance between self-storage buildings shall be 25 feet.
5. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
6. Exterior façade walls of all new storage buildings shall be of decorative masonry construction.

7. Any area of the storage facility or subject lot that directly abuts any Rural Districts, Residential Districts, or any Planned Unit Development (PUD) District planned for RESIDENTIAL USES shall be screened along the common lot boundaries per Section 60.09D (Methods of Screening).
8. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods.
9. Storage of recreational vehicles and recreational equipment shall be permitted accessory to a self-storage warehouse establishment in a zoning district where general outdoor storage is permitted, subject to the requirements of Section 40.503 (Outdoor Storage, General).
10. A caretaker's residence may be provided as an accessory dwelling unit in accordance with Section 40.201 (Accessory Dwelling).

**SECTION 40.600
OTHER USES****Section 40.601 Adult Uses and Sexually Oriented Businesses.**

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by Township ordinance or state or federal law.

If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. Standards and Additional Requirements.

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,000 feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
3. No sexually oriented business shall be established on a parcel within 1,000 feet of a public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and public park, school, child care facility, church or place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the public park, school, child care facility, church or place of worship.
4. The proposed use shall conform to all applicable standards of the zoning district in which it is located, and all other applicable requirements of this Ordinance.
5. The proposed use must meet all applicable written and duly promulgated standards of the Township and outside agencies with jurisdiction, and that to the

extent required, the approval of these agencies has been obtained or is reasonably assured.

6. Entrances to the sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height as follows:
 - a. "Persons under the age of 18 are not permitted to enter the premises."
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
7. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
8. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
9. All off-street parking areas shall comply with Article 61.0 (Off-Street Parking and Loading Requirements), and shall additionally be illuminated during all hours of operation, and until one (1) hour after the business closes.
10. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities as defined in Section 2.03 (Definitions) shall be:
 - a. Barrier-free accessible, as required by applicable codes and statutes;
 - b. Unobstructed by any door, lock or other entrance and exit control device;
 - c. Totally open to a public, lighted aisle on at least one side, with an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within; and
 - e. Without holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any applicable building code or authority.

B. Appeal to Zoning Board of Appeals.

If the Planning Commission denies site plan or other approval for a sexually oriented business, the applicant shall be entitled to prompt review by the Zoning Board of Appeals upon written request to the Zoning Administrator. The Zoning Board of Appeals

shall convene a meeting with 30 business days of the Zoning Administrator's receipt of the applicant's request for review of the Planning Commission decision.

1. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether the Planning Commission's decision:
 - a. Was based upon competent, material and substantial evidence; and
 - b. Complies with the procedural requirements of this Ordinance and with Michigan and federal law.

The Zoning Board of Appeals shall have all of the powers of the Planning Commission in reviewing the decision.

2. Within seven (7) business days of the hearing by the Zoning Board of Appeals on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed.

If the Zoning Board of Appeals affirms the Planning Commission's denial of an application to operate a sexually oriented business, the applicant may file an appeal to the County Circuit Court.

Section 40.602 Composting Center.

All composting centers shall be subject to the applicable requirements of the Salem Township Composting Ordinance No. 97-7-1.

Section 40.603 Extraction Operations.

The Township recognizes that sand, gravel, clay and other earthen deposits within the Township's land area are nonrenewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. To provide for the utilization of these resources in a manner compatible with nearby residential areas, protect human health and the environment, and ensure future capacity of the site for other permitted land uses, it is necessary to provide procedures and standards for mining, extraction, and site restoration at the conclusion of the extraction operation. These regulations are the minimum necessary to mitigate the unique and substantial impacts of such operations and related activities on the environment, welfare of adjacent properties and community as a whole. Without proper planning, extraction operations can disrupt the environment, impair water supply and quality, cause noise and dust nuisances, damage roads, and create conditions dangerous to Township residents. If not properly restored, mining and extraction operations can also leave land in a condition that is unsightly, unusable for other permitted purposes, and potentially hazardous.

A. Exemptions and Limitations.

This Section does not apply to the ordinary grading of land for the tilling and cultivation of soils for the growing of crops; necessary grading or excavation for construction of

buildings or structures or related septic system on the lot under a permit from the Township; removal of minerals of less than 300 cubic yards per calendar year; and excavation within a public right-of-way, public road or drainage easement.

Mineral extraction shall include the mining, quarrying, excavation, or other removal or processing of sand, gravel, clay, soil, or other minerals from the mineral extraction site; and the processing of mined material from the site, including washing, sorting, crushing, aggregating, grinding, blending, mixing, and cutting. A mineral extraction permit shall not allow for other uses, such as but not limited to asphalt, cement or other manufacturing operations; or the processing of material from off-site.

B. Determination of No Very Serious Consequences.

Per Section 3205 of the Michigan Zoning Enabling Act, this Section shall not prevent mineral extraction as permitted by this Section and Ordinance unless very serious consequences would result from such extraction.

1. In determining under this subsection whether very serious consequences would result from the mineral extraction the standards referenced in the state act shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The overall public interest in the extraction of the specific natural resources on the property.
 - f. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
2. The Planning Commission shall approve the extraction operation upon determination that:
 - a. The applicant can comply with this Section and Ordinance.
 - b. The operation will not adversely affect the health, safety, and welfare of the general public.
 - c. The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land.

- d. The operation will not result in an impairment, pollution, or destruction of the air, water, natural resources or public trust therein.
- e. The operation will not create a probable impairment of or unreasonable alteration in the course, quantity and quality of surface water, ground water or watershed anticipated to be impacted by the operation.
- f. The operation will not unreasonably impact upon surrounding property or property along haul routes, in terms of noise, dust, air, water, odor, light or vibration, and further shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
- g. The proposed operation will not be incompatible with surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, taking into consideration the duration and size of the operation and based upon application of generally accepted planning standards and principles.
- h. The proposed operation will not unreasonably burden public services and facilities, and will not result in a demand beyond the existing or planned capacity for such services or facilities.
- i. The applicant has provided adequate documentation showing the availability of all required insurance, ongoing operational fees, performance guarantees, and escrow deposits and accounts per this Section.

C. Permit Required.

It shall be unlawful for an owner, leaseholder or any other person or entity who owns, manages, leases or otherwise occupies the site of an extraction operation to conduct the operation without first having complied with and obtained all required permits and approvals pursuant to this Section and Ordinance and outside agencies with jurisdiction.

Any party having an interest in the land, including the owner, leaseholder, and operator, shall be equally responsible for complying with these requirements. Each party having any of the interest mentioned above, shall have the responsibility of taking all necessary precautions and actions to prevent the violation of this Section and Ordinance. No person who has been issued a permit pursuant to this Section shall engage in activity contrary to the terms of the permit or contrary to the terms of this Section.

D. Application for Extraction Permit.

- 1. **Filing of application.** Applications for the extraction permit shall be filed with the Township Clerk by the owners and leaseholders, if any, of the land proposed for extraction operations. The application shall be promptly forwarded to the Township Planning Commission by the Clerk. Each application shall be accompanied by a fee to compensate the Township for its administrative expenses in reviewing, processing, and conducting the necessary investigations before granting or denying the permit.

2. **Amount of application fee.** The application fee and any required escrow deposit shall be set by resolution of the Township Board in accordance with Section 67.07 (Fees and Performance Guarantees) for the first ten (10) acres of contiguous land owned or leased for the purposes of extraction, and for each additional ten (10) acres or fraction thereof included on the application, including all required setbacks. Additional lands not contiguous or to be added at a future date shall require a separate application.

3. **Information and data required.** The following minimum required information shall be provided with the extraction permit application:
 - a. A legal description of the property;
 - b. A list of any deed restrictions appearing in the chain of title;
 - c. A list of names and addresses of persons, firms, or corporations having legal or equitable interests in the property;
 - d. A two (2) foot contour interval topographic map of the site, including the proposed locations of access drives, parking and loading areas, excavation equipment, and existing streets, buildings, and drainage facilities located within 200 feet outside of the perimeter of the site;
 - e. An aerial photo showing the property and adjacent areas;
 - f. A hydrogeological analysis, prepared by a registered professional engineer, demonstrating no significant impact to existing private water supply wells within the influence of site dewatering operations. The hydrogeological report shall include test pumping data at the site and analytical computations used to assess potential site dewatering impacts. The hydrogeological report shall determine the direction and rate of ground water movement, the upgradient and down-gradient water quality, aquifer characteristics (when soil dewatering is planned, or extraction is planned to extend within 20 feet or less of the highest recorded groundwater level), the extent of dewatering influence, and the impact on surrounding water supply wells. All monitor wells installed shall be retained for future monitoring and be constructed to Type I production well standards of the State of Michigan.

The report shall also demonstrate the effect the proposed operation will have upon the watershed of the area. If waterbodies are to be created, the anticipated permanence of such, the depth of any lake, and other pertinent data shall be provided;
 - g. An environmental impact statement that assesses the operation's impact on the natural features, flora, and fauna on the property which is to be the subject of the extraction operation and upon the surrounding area;
 - h. A statement of compatibility with surrounding uses;

- i. Excavation methods, extraction equipment, depths, and drainage methods to be used on the site;
- j. Soil erosion control methods and a dust control plan;
- k. Estimated total amount and types of material to be taken from the site, and estimated average and maximum amount of gravel, sand or other minerals to be removed each year of the plan for mineral excavation;
- l. Site clearance methods and debris clean-up;
- m. Treatment of ponded or surface water;
- n. Anticipated operating hours;
 - (1) Delineation of entrances, exits, and proposed truck haul routes to the Township's boundaries;
 - (2) Evidence that a security deposit has been supplied to the Country Road Commission in an amount sufficient for maintaining the truck haul route during the term of the license until reclamation has been completed;
 - (3) The estimated average and maximum number of trucks per day that are to haul minerals from the site each year of the plan;
- o. A site map (from both aerial and cross-section perspective) divided into cells and timing of anticipated cell development that shows:
 - (1) Existing site improvements, including buildings, drives, wells, and drain fields;
 - (2) Location and type of materials for visually screening the site, including berming and any other screening plans;
 - (3) Location of land uses/natural resources and public right-of-ways within 500 feet of the operation;
 - (4) Fencing and other security measures, including signage;
 - (5) Setbacks, and location of proposed structures and utilities;
 - (6) Location of sediment ponds, drainage diversions, and discharge points;
 - (7) Location and description of structures and stationary and/or portable equipment to be located on the site during mining operations;
 - (8) Location and description of soil types;

- (9) Wooded areas and other natural features to be preserved;
 - (10) Locations, sizes and depths of test wells for monitoring water quality as may be required based upon conclusions of studies submitted with permit application.
- p. Descriptions of proposed pollution and erosion control measures;
- q. A restoration plan prepared by a professional engineer or registered landscape architect that includes the following minimum information:
- (1) Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description;
 - (2) Location and extent of all natural features to be retained after extraction operations, including but not limited to wetlands, streams, and wooded areas;
 - (3) The slopes of all restored areas, including completed topography at contour intervals of not more than two (2) feet;
 - (4) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
 - (5) Proposed groundcover and other plantings to stabilize the soil surface and to beautify the restored areas;
 - (6) A description of the methods and materials to be utilized in restoring the site; and
 - (7) Sketch plan of the proposed use or uses of the restored site. A landfill or other disposal or refuse site is not a suitable or satisfactory future land use.
- r. Copies of all required permits or approvals from the State of Michigan and other outside agencies with jurisdiction for the extraction operation, reclamation, stormwater management, pollution control, on-site fuel storage or transfer, and related activities.
- s. Per Section 3205(4) of the Michigan Zoning Enabling Act, the applicant shall provide documentation that there are valuable mineral resources located on the relevant property. Mineral resources shall be considered valuable for the purposes of this subsection if the applicant, by extracting the mineral resources, can receive revenue and reasonably expect to operate at a profit. The applicant shall further provide documentation that there is a need for the mineral resources by the applicant or in the market served by the applicant, and that no very serious consequences would result from the extraction of the mineral resources.

4. **Approval or denial of the permit.** The Planning Commission shall, once a complete application is submitted and fully reviewed, act within 60 days on the permit in one of the following ways:
 - a. Approve the permit upon determination that the application and proposed operation conform to all applicable requirements of this Section and Ordinance, including Section 40.603B (Determination of No Very Serious Consequences).
 - b. Deny the permit based on a finding that the applicant has failed to demonstrate compliance with one (1) or more requirements of this Section or Ordinance, including Section 40.603B (Determination of No Very Serious Consequences).
 - c. Conditionally deny the permit until the applicant submits revised document(s) providing evidence that the permit should be approved.
 - d. Extend the period of review for an additional 30 days upon request by the applicant when additional review is needed.
5. **Issuance of Permit.** If a permit is approved, the Zoning Administrator shall issue the permit in duplicate upon receiving all required performance guarantees, escrow deposits and accounts, and proof of insurance per this Section. One (1) duplicate original permit will be provided to the applicant, and the other will be maintained by the Township.
6. **Form of Permit.** The permit shall be prepared in duplicate originals and signed by the Zoning Administrator and contain the following:
 - a. A full description of the operation permitted by the permit based on approved plans and drawings.
 - b. A full description of the restored site based on the approved plans and drawings.
 - c. Dates for the completion of the operations and the completion of restoration.
 - d. The dates for which the permit is valid based on the continual restoration plan approved by the Planning Commission.
 - e. Signed commitments by all parties having an interest in the land and the operation affirming that they will comply with this Section and conditions of permit approval, and shall remain subject to required annual inspections by the Township's designated agent and reimbursement of the Township's cost for monitoring to determine compliance with the permit through annual operational fees.
 - f. All required attachments to the application.

E. Right of Entry.

The Township, through its agents, shall have the reasonable right to enter any private property, upon notification to the owner/operator, to conduct the necessary inspections while reviewing the application. The Township shall also have the right to conduct the necessary periodic inspections to determine if any violation of any provisions of this Section or conditions of the permit exist. Refusal to permit that entry shall result in rejection of the application or revocation of the permit.

F. Ongoing Operational Fees, Performance Guarantees, and Escrow Account.

The permittee shall submit to the Township ongoing operational fees on an annual basis to fully reimburse all legal, engineering, consulting, and investigation costs incurred by the Township after establishing that a violations has taken place. The Planning Commission may review the amount of the ongoing fees every one (1) year, at which time the fee structure amount may be adjusted up or down to reflect the costs incurred in enforcing the provisions of this Section and monitoring the performance of the permittee.

Performance guarantees shall be furnished the Township and an escrow account established by the permittee prior to commencement of extraction operations to ensure proper rehabilitation and reclamation, in accordance with Section 67.07 (Fees and Performance Guarantees) and the following:

1. The performance guarantee shall be in an initial amount set by the Township Board, and the escrow shall be zero. The performance guarantee shall be reduced annually by the total amount deposited in the escrow.
 - a. A deposit shall be made to the escrow, within 30 calendar days after the end of each year following the commencement date of the permit, a sum equal to an amount set by the Township Board for all material removed from the extraction site. The escrow shall be maintained at a banking institution mutually agreed upon by the Township and the permittee, in a non-interest bearing account, and shall be in the joint names of the permittee and Salem Township.
 - b. An annual report of all tonnage of all material removed from the extraction site shall be furnished to the Planning Commission by the permittee together with an annual account of the amount of annual funds deposited in the escrow account.
 - c. The total amount of money in the escrow account shall never be less than the total projected restoration costs for the disturbed areas of the site, adjusted for site conditions and inflation.
2. The Planning Commission may review the total amount of the performance guarantees and escrow deposits every three (3) years, at which time the required amounts to be maintained by the permittee may be adjusted up or down to reflect the actual projected reclamation costs at that particular stage of the extraction operation.

3. The permittee shall have the right to withdraw funds from the escrow by showing to the Planning Commission the amount of costs incurred for rehabilitation and reclamation of some or all of the site involved in the extraction operation. Upon review, the funds may be withdrawn from said account in the amount recommended by the Planning Commission and approved by the Township Board.
4. In determining the areas to which the performance guarantees and escrow deposits shall apply, the following shall be included:
 - a. Any area stripped of topsoil or overburden;
 - b. Areas from which material is extracted;
 - c. Areas utilized for stockpiling extracted material, overburden and topsoil; and
 - d. Any other disturbed land determined by the Planning Commission as integral to the operation, which is directly deemed by it to warrant protection under a financial guarantee.
5. The performance guarantees and escrow account shall remain in effect until such time as it is determined by official inspection that the acreage they guarantee has been completely rehabilitated in full conformance to the approved restoration plan, subject to Planning Commission recommendation and Township Board approval.

G. Annual Report Of Material Remedies.

At the end of each calendar year, and at the date of termination in the final year of operations, the applicant shall provide a written report detailing all operations and activities conducted within and on the site, including the following information:

1. A minimum of four (4) annual aerial photographs of oblique perspectives from each compass point, depicting the entire site of the extraction operation with all site activities and areas of site rehabilitation and restoration identified.
2. Details of the extent of site rehabilitation anticipated for the coming year.
3. A list of equipment located on the site, either of permanent or temporary nature.
4. The amount and type of material extracted during the past year, and a percentage estimate of material left to be removed from the site.
5. Certified test well information for the site.

An annual inspection date for Township officials to visit the site shall be determined at the Planning Commission meeting where the report is presented.

H. Other Permits.

The applicant shall obtain and file with the Township Clerk copies of any and all other permits required by other units of government before the commencement of any extraction operation.

I. Indemnity Insurance.

The applicant shall provide a site-specific liability insurance policy of not less than \$5,000,000 per incident for all liability claims arising out of the site. The adequacy of this amount shall be subject to yearly review by the Planning Commission. The liability insurance is to cover property damage for surface and subsurface occurrences and bodily injury in an amount and form approved by the Township Board of Trustees, naming Salem Township, its elected officials and appointed officials as additional named insured and provide a copy of this policy to the Township Clerk. Said insurance shall include an endorsement that provides that the general aggregate limit of the operator's commercial and general liability applies separately to the site. Salem Township must be sent a notice of intent to cancel the insurance not less than 30 days before the cancellation thereof. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for immediate permit revocation.

J. Specific Operating Requirements.

All persons or firms engaged in the activity of mineral extraction shall comply with the following regulations:

1. **Establishment of setback lines.** Before commencement of extraction operations on the site, four (4) inch by four (4) inch white painted posts, a minimum of five (5) feet in height above grade, shall be placed along the designated setback lines around the site. Such posts shall be placed at a maximum 100 feet apart and shall be located at all changes of boundary direction. The posts shall be placed at intervals so that from the location of any post two (2) additional posts are visible.
2. **Setback.** Excavation, washing, and stockpiling of extracted material shall not be conducted closer than 300 feet from any road right of way, 500 feet from any existing residence, and not less than 200 feet from any other property line of the site. The setback area shall not be used for any use related to the extraction operation, except access roads and public notice signs identifying the use as an excavation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Planning Commission. The Planning Commission may require additional setback where the outer boundary of the site abuts a body of water, so as to secure public safety and ensure water levels and quality.
3. **Placement of Processing Plants.** Any processing plant and all equipment and structures for sorting, crushing, loading, weighing or other operations shall not be located closer than 200 feet from any property line, 300 feet from the centerline of any public road, and 500 feet from any existing dwellings.
4. **Stockpiles of Topsoil.** Stockpiling of topsoil from the site may take place within setbacks that are not along boundaries of the site adjacent to existing dwellings or a public road right-of-way if granted by the Planning Commission.

5. **Access.** All means of access to the property shall be from major or secondary thoroughfares and shall not be from residential roadways.
6. **Fencing.** Before the commencement of any extraction operations, a 10/47/6 standard farm fence or similar fence type shall be erected around the perimeter of the active extraction site and maintained in good condition until excavation operations have been completed. A lockable gate shall be provided at all access points from the public road. Said gates shall be closed and locked at all times except during the permitted hours of operation.
7. **Signs.** The Planning Commission may require the posting of "Keep Out - Danger" or similar signs, every 50 feet along the entire perimeter fence.
8. **Noise, vibration, and air pollution.** Any noise, odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading, or processing operation and borne or able to be borne by the wind shall be confined so as not to cause a nuisance or hazard on any adjoining site or public road. The noise generated by the operation shall not at any one time exceed the maximum allowable decibel level as established by the federal government at any adjacent property line of property not owned by the operator.
9. **Pollution of waters.** The removing of materials shall not cause pollution of any body of water or subsurface watercourse.
10. **Natural drainage.** The operations and related activities shall not adversely affect the natural drainage of the other properties in the area.
11. **Access roads.** All access points shall be paved for a minimum of 300 feet into the parcel from the edge of the public road. All trucks carrying extraction materials from the site shall, before leaving the site, be wheel washed.
12. **Slopes.** Finished slopes of the banks of the excavation shall not exceed a four (4) to one (1) slope. Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of eight (8) feet. Said slopes shall be completed as the work in any one cell of the excavation is completed. The time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning the restoration, provided that the Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient topsoil shall be stockpiled on the site so that the entire area, when excavation operations are completed, may be covered with a minimum of 6 inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavation operations. To prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other groundcover acceptable to the Planning Commission.
13. **Elevation of plant site.** Any processing plant shall be located within the excavation area, in such a fashion, to reduce the visual and noise impact of the plant structure.

14. **Seeding of stockpiles.** Stockpiles of stripped topsoil and overburden shall be seeded with grass or other groundcover materials to prevent erosion.
15. **Domestic water supply and domestic sewage disposal systems.** Before the issuance of the permit authorized by this Section and the commencement of the extractive activities on the site, the applicant shall obtain approval, in writing, from the County Environmental Health Department or other outside agency with jurisdiction for the on-site domestic water supply and domestic sewage disposal systems when applicable. A copy of this permit with the plans for the systems shall be furnished to the Township.
16. **Documentation of domestic wells.** Where the extractive operation is to occur below grade level of the surrounding terrain, the operator shall be required, before any excavation occurring below grade level to verify and submit existing well logs within one-half ($\frac{1}{2}$) mile of the perimeter of the property. Said tests shall determine the draw down and the capacity of the well in gallons per minute and other pertinent information determined necessary by the Township. The costs of said tests and analysis supplied shall be verified by the Township Engineer. All costs shall be borne by the operator.
17. **Markers.** All highway extraction trucks, except single or tandem axle trucks with single bottoms of twelve (12) yards or less capacity, shall be marked with the initials of the company and a number of not more than a three (3) digits on each individual truck and on the rear of each tractor-train. Such identification shall consist of black letters and numerals, at least twelve (12) inches high on a white background which must be clearly visible upon entering and leaving the extraction site.
18. **Dewatering.** If site dewatering is planned or becomes necessary, an impermeable groundwater protective barrier wall shall be installed around the entire perimeter of the affected area. Any such required wall shall have a maximum hydraulic conductivity of 1×10^{-7} cm/sec and shall be a minimum of 36 inches thick. The barrier wall shall extend from the surface elevation of the site down to and be keyed into (at least 36 inches) an impervious clay confining layer with maximum hydraulic conductivity of 1×10^{-7} cm/sec. To be used as a floor barrier, the underlying clay layer must be a minimum of six (6) feet in thickness and continuous across the site.

K. Blasting.

No blasting shall be allowed at any time as part of any extraction operation.

L. Hours of Operation.

Extraction and processing operations shall be permitted only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and between 7:00 A.M. and noon on Saturday. No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. or after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. or after noon on Saturday. There shall be no extraction operations or transporting of aggregates permitted on Sundays or the official holidays of New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, or Christmas.

Repair of equipment on site shall be permitted as allowed under the terms of this Section.

M. Public Roads.

The operator shall be responsible for all public roads upon which any trucks haul materials to and from the site. The operator shall maintain these public roads in a safe and drivable condition at least equal to that which existed before the beginning of extraction operations. Further, the operator shall clean all spillage and/or trackage of material, dirt, rock, mud, and any other debris carried onto any public roads by trucks coming to or from the site or by other equipment. This cleaning shall occur promptly after the spillage or trackage of the material has occurred.

N. Landscaping.

1. **Berm.** As soon as it is practicable, except where an entrance is indicated, the operator shall construct and maintain a landscaped berm around the entire perimeter of the site. The berm shall be a minimum height of ten (10) feet, unless increased by the Planning Commission, as measured from the elevation of the nearest road. The berm shall have an outside slope not to exceed one (1) foot vertical drop for each four (4) foot horizontal. Where the operation is adjacent to a private landowner, the operator shall construct a drainage swale to prevent surface water from running off of the berm onto adjacent properties.
2. **Unexcavated areas.** Unexcavated areas shall be left in such a condition so as to ensure growth of vegetation, soil stabilization, and erosion control. Topsoil of a quality equal to that occurring naturally in the area shall be replaced, if necessary, to a depth of four (4) inches on unexcavated areas.
3. **Seeding and tree planting.** The operator shall plant and maintain appropriate groundcovers and a dense greenbelt buffer on the berm and adjacent disturbed areas in accordance with Section 60.09D (Methods of Screening).

O. Restoration and Reclamation.

Reclamation or restoration shall occur in accordance with the restoration plan submitted to and approved by the Township Board as part of the application process. Upon cessation of the extraction operations, the operator, within 365 calendar days, shall remove all structures, buildings, stockpiles, and equipment. Reclamation shall be completed by the operator within 365 calendar days after cessation of the extraction operation, whether cessation be by abandonment or otherwise.

P. Dumping of Materials on Site.

No material of any kind, including but not limited to soil, sand, clay or gravel shall be brought from elsewhere onto the site of the extraction operation unless specific written permission to do so has been obtained from the Township.

Q. Limitation on Area Subject to Extraction

The total area(s) undergoing mineral extraction processes and which have not been reclaimed or restored shall at no time exceed the lesser of 50 acres or forty percent (40%) of the entire land area approved for the extraction operation per this Section.

R. Public Nuisance.

Any violation of the provisions of this Section shall be deemed a public nuisance and shall be abated by a court of competent jurisdiction.

S. Interpretation.

The provisions of this Section shall be held to be minimum requirements for the promotion of public health, safety, or general welfare. It is not intended by this Section to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulations, or permits previously adopted, or issued, or which shall be adopted or issued pursuant to the law relating to the use of the premises described herein, provided, however, that where this Section imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Section shall control.

Section 40.604 Temporary Concrete or Asphalt Batch Plants.

This Section shall not apply to mobile batch plants, provided such plants are not placed in a fixed location while in use. Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

1. The batch plant operation shall be set back a minimum of 50 feet from all lot boundaries and road right-of-way boundaries.
2. The Planning Commission may limit the hours and days of operation where the batch plant is located within 1,000 feet of any existing RESIDENTIAL USES.
3. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Planning Commission may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 180 calendar days.
4. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
5. The batch plant shall only furnish concrete and/or asphalt to the specific development or construction project to which the plant is accessory as a temporary use.
6. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.
7. Within 30 calendar days of completion of the project, the plant owner or operator site shall clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and repair or replace public improvements damaged during operation of the temporary plant.
8. The plant owner or operator shall deposit a performance guarantee sufficient to ensure restoration of the site and repair or replacement of damaged public

improvements, unless the applicant demonstrates to the Planning Commission's satisfaction that such a guarantee is not warranted based on the anticipated impacts and scope of proposed work on the site.

Section 40.605 Utility Transmission and Distribution Lines.

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

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

Section 40.606 Temporary Uses Not Otherwise Regulated.

The Planning Commission shall have the authority to authorize the limited establishment of certain temporary uses for periods not to exceed 365 calendar days, subject to the following:

A. Limitations.

Planning Commission authorization shall be limited to only those temporary uses not otherwise permitted in any zoning district, and that do not require the erection of any capital improvements of a structural nature. Such authorization shall not include temporary construction structures, temporary residences, transient and amusement activities, garage sales, roadside stands, and other temporary uses otherwise regulated by this Ordinance.

B. Conditions of Temporary Use Approval.

The granting of a temporary use permit shall be subject to the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the land uses permitted in the zoning district where the property is located.
2. The granting of a temporary use shall be based upon a finding that the location of the activity will not adversely impact adjoining properties, the character of the surrounding neighborhood, or the public health, safety, and general welfare.
3. The granting of a temporary use shall be in writing stipulating all conditions as to time, nature of use permitted, and arrangements for removing the permitted use at the termination of the temporary permit.
4. All setbacks, land coverage, off-street parking, and other requirements of the district shall be met.

5. In classifying uses as not requiring capital improvements, the Planning Commission shall determine that there are either demountable structures related to the permitted use of the land; or structures which do not require foundations, heating systems, or sanitary connections.
6. A cash performance guarantee, in an amount set by resolution of the Township Board, shall be deposited by the applicant to ensure the removal of the temporary use and restoration of the site upon expiration of the permit. If removal is complete by the expiration date specified, the entire sum shall be returned to the applicant; otherwise, the entire sum shall be forfeited to the Township. In determining the amount of the required guarantee, the Township Board may seek the advice and recommendation of professional consultants.
7. The Planning Commission may grant an extension of a temporary use permit for a period not to exceed an additional 365 calendar days.

Section 40.607 Volatile Biofuel Production.

Limited, farm-based production of certain biofuels shall be permitted in accordance with Section 3513 of the Michigan Zoning Enabling Act, and shall conform to the following requirements:

A. General Standards.

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 30.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Administrator documentation of all necessary permits and approvals from the State of Michigan and other outside agencies with jurisdiction over any of the following:
 - a. Air pollution emissions;
 - b. Transportation of biofuel or another product or by-product of production;

- c. Use or reuse of additional products resulting from biofuel production;
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
 - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
 7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without Special Use Permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:
 - a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
 - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.

B. Additional Standards for Certain Facilities.

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

1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
 - a. A detailed description of the process to be used to produce the biofuel.
 - b. The number of gallons of biofuel anticipated to be produced annually.

- c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
- d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special Use Permit Review.

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

1. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 67.11 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 63.10 (Reapplication).

2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.