ARTICLE 10.00

SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

Section 10.01 Intent and Scope of Application

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

Section 10.02 Site Development Standards for Non-Residential Uses

A. Sexually Oriented Businesses

1. **Purpose.** It is the purpose of this ordinance to regulate Sexually Oriented Businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Sexually Oriented Businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

2. **Uses Constituting Adult Uses.** Applicable uses considered under this section are found in Section 2.02, Definitions. Such terms include: "Sexually Oriented Businesses" and "Specified Sexual Activities" and "Specified Anatomical Areas."

3. **Required Spacing.** Sexually Oriented Businesses shall meet all of the following space requirements. Unless otherwise specified, the measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as part of the premises where Sexually Oriented Businesses are conducted to the nearest property line of premises of the types of uses listed below:

a. At least one thousand (1000) feet from any other Sexually Oriented Businesses. For this subsection, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

b. At least six hundred (600) feet from all churches, synagogues, mosques, temples or building which is used primarily for religious worship and related religious activities.

c. At least six hundred (600) feet from all public or private educational facilities including but not limited to child day care facilities, licensed child care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

d. At least six hundred (600) feet from all hospitals.

e. At least six hundred (600) feet from the boundary of any residential district, including the CA, RUR, RR, STR, RE, SR, MDR, HDR, MR or MR-2 districts or five-hundred (600) feet from any property containing any one-family or multiple-family residential use.

f. At least six hundred (600) feet from any entertainment business, *any establishment licensed or proposed to be licensed by the State of Michigan to serve alcohol*, pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, dance club catering primarily to teenagers, movie theaters, indoor and outdoor roller or ice skating rinks and similar uses frequented by minors under the age of 18.

g. At least six hundred (600) feet from any public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township or any municipal park and recreation authorities.

4. Special Standards

a. The maximum size of the building shall be three thousand (3,000 sq ft.) square feet.

b. The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.

c. Sexually Oriented Businesses shall be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.

d. The style, shape and color of the building materials shall be subject to approval by the Planning Commission and Township Board in consideration of the similarity and

compatibility of said structure with other structures within a reasonable proximity and this Ordinance.

e. In addition to the requirements of Article 8.00 of this Ordinance regarding walls and fences (except as specifically provided below) and the landscaping requirements set forth in Article 7.00, a four and one-half (4-1/2) foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way. The provisions of Section 8.01.C shall not be used as all or part of the required screening for Sexually Oriented Businesses.

f. No person shall reside in or permit any person to reside in the premises of Sexually Oriented Businesses.

g. No person operating Sexually Oriented Businesses shall permit any person under the age of eighteen (18) to be on the premises of said use either as an employee or customer.

h. Sexually Oriented Businesses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.

i. Any sign or signs proposed for Sexually Oriented Businesses shall comply with the provisions of this Ordinance; may not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form; and may not include animated or flashing illumination.

j. Entrances to Sexually Oriented Businesses must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) "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."

k. 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 right-of-way of a public street or private street or a neighboring property.

l. Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All Sexually Oriented Businesses shall remain closed on Sundays and legal holidays.

m. All off-street parking areas shall comply with this Ordinance and shall be illuminated after sunset during all hours of operation and until one (1) hour after the business closes. The illumination shall be designed in accordance with Article 7.00.

n. Any booth, room or cubicle available in any Sexually Oriented Businesses, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:

1) Be handicap accessible to the extent required by law;

2) Be unobstructed by any floor, lock or other entrance and exit control device;

3) Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;

4) Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and

5) Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

5. **Conditions.** Prior to granting approval for the establishment of any Sexually Oriented Businesses, the Planning Commission and Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the special land use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

B. Adult Care and Child Care Facilities

The following regulations shall apply to adult care and child care facilities which provide care for seven (7) or more individuals:

1. Licensing

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

2. Setbacks

Buildings housing adult or child care facilities shall have a minimum side yard setback of at least forty (40) feet.

3. Location

The group day care home shall not be located closer than 1,500 feet to any of the following:

a. Another licensed group day-care home.

b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.

c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.

d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

4. Fencing
Appropriate fencing shall be provided for the safety of children in the group day-care home, as determined by Hartland Township.

5. Property
The property shall be maintained consistent with the visible characteristics of the neighborhood.

6. Hours of Operation
A group day-care home shall not exceed 16 hours of operation during a 24-hour period.

7. Parking
Off-street parking shall be provided for employees and shall meet the requirements of Article 5 of this Ordinance.

8. Compliance
A State licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the above requirements.

C. Airports and Related Uses

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted subject to the following conditions:

1. Plan Approval
The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.

2. Minimum Standards
The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.

3. Clear Zones
All required "clear zones" (as defined by the FAA) shall be owned by the airport facility.

4. Aircraft and Vehicle Parking
Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in Article 5.00.

5. Approval from Utility Companies
The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communications towers within two miles of the proposed facility.

6. Setback
No portion of any landing strip or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes excluding the CA district. The setback shall not apply to landing strips used for private, non-commercial use.

D. Asphalt, Transit Mix and Concrete Plants

Concrete plants shall comply with the following regulations:

1. Setbacks

In order to reduce the effects of airborne dust, dirt and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than one hundred (100) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial.

2. Access

Asphalt, transit mix and concrete plants shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

3. Stacking Spaces

A minimum of five (5) stacking spaces large enough to accommodate the largest truck expected shall be provided on the premises for trucks waiting to be loaded. All stacking and waiting areas shall be contained on the site.

4. Layout

Concrete batch plants and operations shall be entirely enclosed within a building.

5. Outside Storage

Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage of processed materials, where necessary, awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen feet in height.

6. Screening

Plant facilities, including parking and loading areas, shall be screened in accordance with Article 7.00. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts.

7. Truck Traffic

Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Planning Commission approval. A schedule for cleaning and other necessary maintenance of roadways at the point of access shall be included on the plan.

8. Back-up Alarm

All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

9. Truck Washes

All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.

10. Pollution Control

a. Plants shall comply with the dust and noise standards set forth in Article 11.00. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic.

b. Plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDEQ groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.

c. Appropriate measures must be taken to ensure that storm water discharged into drainageways, storm drains, wetland areas or groundwater meets applicable standards of the Livingston County Drain Commissioner.

d. All hazardous materials used in the production process including additives, fixants and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Livingston County Emergency Program Manager and the Livingston County Health Department.

11. Plan Approval

The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Air Quality Control Division, Michigan Pollution Control Commission and MDEQ Ground Water Division. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval.

12. Excess Asphalt or Concrete

The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall include a means of sealing the recovery area to prevent leaching of hazardous materials into the ground. Storage of such excess materials on the site shall not exceed the limits specified in the approved recovery plan. Excess asphalt, concrete, or similar materials from other locations shall not be brought onto the site for recovery.

13. Performance Guarantee

Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with Section 3.19.

14. Height of Structure
Structures on site including stacks and towers shall not exceed a height of thirty-five (35) feet.

15. Odor
Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air.

E. Automobile or Vehicle Dealers

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. Grading, Surfacing, and Drainage
Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township and shall meet requirements of Section 3.11.

2. Driveway Location
The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. Servicing of Vehicles
Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

a. Service activities shall be clearly incidental to the vehicle sales operation.

b. Vehicle service activities shall occur within a completely enclosed building.

c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

d. The building containing service operations shall be located a minimum of fifty (50) feet from any property line or the required setback which ever is greater.

e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

4. Broadcasting Devices Prohibited
Devices for the transmission or broadcasting of audible voice or music sounds, such as a public address system, bells or tone devices, shall be prohibited outside of any building.

5. Setbacks

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and other requirements for parking lots, as specified in Article 5.00.

6. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

F. Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler, and undercoating shops:

1. Frontage

Such uses shall have access to and front upon a hard surface, major thoroughfare.

2. Minimum Lot Width

The minimum lot width required for such uses shall be 200 ft.

3. Minimum Setbacks

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

	Minimum Setback from Right-of-Way Line
Nearest Edge of Pump Island	30 ft.
Nearest Edge of Unenclosed Canopy	20 ft.

4. Ingress and Egress

Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

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

5. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned and so that they do not face onto adjacent thoroughfares unless screened by landscaping.

6. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height.

7. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited.

8. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

G. Automobile Wash or Vehicle Wash Establishment

The following regulations shall apply to Automobile Wash or Vehicle Wash Establishments:

1. Layout

All washing activities shall be carried on within a fully enclosed, roofed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned property. Entrances and exits shall not face abutting residentially zoned or used property.

2. Entrances and Exits

Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

3. Orientation of Open Bays

Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto any adjacent thoroughfares unless screened by landscaping or acceptable substitute.

4. Exit Lane Drainage

Exit lanes shall be sloped to drain water back to the wash building to drainage grates.

5. Truck Washes

Truck washes must be at least one hundred (100) feet from all property line and entirely screened from residential uses. The screening shall include both a wall and landscaping.

H. Bed and Breakfast Facilities

Bed and breakfast facilities shall be subject to the following regulations:

1. **Bed and Breakfast as Accessory Use**
   The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than twenty five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.

2. **Maximum Number of Units**
   No more than six (6) bed and breakfast sleeping rooms shall be established in a bed and breakfast dwelling unit. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.

3. **Principal Residence**
   The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

4. **Kitchen Facilities**
   There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.

5. **Building Requirements**
   A building used for bed and breakfast operations shall comply with the following minimum requirements:

   a. There shall be at least two (2) exits to the outdoors, with separate means of egress provided from each room.

   b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.

   c. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.

   d. At least one bathroom shall be provided for each two rooms on the same floor.

6. **Parking**
   Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 5.00. Off-street parking in the front yard is prohibited.

7. **Duration of Stay**
   Duration of stay of guests shall be limited to a maximum of seven days.

8. Guest Register
All Bed and Breakfast operations shall maintain a guest register. Such register is subject to inspection during reasonable hours by the Zoning Administrator.

9. Signs
Signs shall comply with Article 9.00 of this ordinance.

I. Cemeteries and Pet Cemeteries

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. Size
The minimum parcel size shall be five (5) acres and have a minimum frontage of 330 feet on a public road.

2. Location
No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.

3. Master Plan
Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.

4. Setbacks
No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

5. Location of Entrances
Entrances to cemeteries shall be from an arterial or collector road as determined in the Master Plan, and shall be designed to minimize traffic congestion.

6. Screening
Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Article 7.00.

J. Churches and Religious Institutions

The following regulations shall apply to all Religious Institutions, including churches, synagogues, temples, and so forth:

1. Lot Width
The minimum lot width for religious institutions shall be three hundred and thirty (330) feet, unless a greater width is specified in the Schedule of Regulations for the district in which the institution is located. If located on a parcel having 660 feet or more of frontage, two (2) entrances/exits spaced at least 330 feet apart shall be required, except lots or parcels existing prior to the adoption of this Zoning Ordinance and any amendments to it, provided that all other requirements of this Ordinance are met.

2. Parking Setback
Off-street parking shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property line.

3. Building Setback
Religious institutions shall comply with the following building setback requirements, unless larger setbacks are specified in the Schedule of Regulations for the district in which the institution is located.

Front Yard: 50 feet
Side Yards: 25 feet
Rear Yard: 50 feet

4. Frontage and Access
Religious institutions shall be located on a paved collector or arterial road.

5. Landscaping
Religious institutions shall comply with the landscaping requirements set forth in Article 7.00.

6. Maximum Height
Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.

7. Churches in Existing Structures
If a church is to be located in an existing structure in a residential zoning district, such occupancy shall be permitted provided that the structure retains its existing floor area and its external residential character and continues to meet all of the other requirements of the Ordinance, unless variances are granted by the Zoning Board of Appeals.

8. Churches in STR Districts
STR Districts were created to assist the Township in preservation of the traditional Midwestern settlements that exist in the Township. Because of the unique attributes of those settlements and the churches that exist there, the Planning Commission and Township Board can exercise flexibility in the application of these regulations in order to maintain the traditional development character of the surrounding settlement. The requirements of subsections 10.02.J.1. through 10.02.J.7. above may be adjusted by the Planning Commission and Township Board in order to accommodate the redevelopment of churches in the STR Districts.

K. Coal, Coke and Fuel Yards

Prior to establishment of a coal, coke, or fuel yard (including propane fuel distributors), an impact assessment shall be prepared in accordance with Section 33.02, and submitted to the Planning Commission for review.

L. Composting Centers

1. The applicant shall submit an Impact Assessment in accordance with Section 33.02, describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.

2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated) curbing area, landscaped buffers, sales area and fencing.

3. Commercial composting operations shall be at least five hundred (500) feet from any residential district except CA.

4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.

5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.

6. The applicant shall describe acceptable methods for control of odors.

7. A landscaped greenbelt, as described Article 7.00 shall be provided on all sides adjacent to a residential district. A landscaped greenbelt as described in Article 7.00 shall be provided on all other sides unless waived by the Planning Commission in consideration of adjacent uses and topographic features.

8. Access shall be provided solely on Class A truck routes.

9. All storage areas shall be enclosed in a building.

M. Convalescent Homes, Nursing Homes, Rest Homes, and Orphanages and Congregate Care Facilities

The following regulations shall apply to Nursing Homes, Convalescent Homes, Rest Homes, Orphanages, and Congregate Care Facilities.

1. Frontage and Access

Such uses shall front onto a paved arterial or collector road and the main means of access to the hospital for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be from a residential street in a platted subdivision.

2. Setbacks

The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.

3. Open Space

Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

N. Drive-In Establishments

1. General Provisions

The following provisions shall apply to all drive-in establishments:

a. Location of Driveways

Driveways serving drive-in establishments shall be located off of a minor or principal arterial. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

b. Screening

An obscuring wall or greenbelt shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in Articles 7.00 and 8.00.

2. Drive-In Theaters

The following regulations shall apply to Drive-In Theaters:

a. Setbacks

The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.

b. Frontage and Road Access

Such uses shall front onto a paved principal arterial and the main means of access to the theater shall be via the arterial. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

c. Access Drive Design

The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.

d. Stacking Space

A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.

e. Screening

The entire drive-in theater site shall be screened in accordance with Articles 7.00 and 8.00.

f. Number of Movie Screens

No more than one (1) screen shall be permitted per establishment.

O. Driving Ranges

1. Minimum Dimensions and Setbacks

Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be set back at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. No netting to prevent the flight of golf balls shall be permitted along any side lot line.

2. Screening or Slopes

The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Article 7.00. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

3. Special Use Requirements for Outdoor Recreation Facilities

Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 10.02, sub-section X.

4. Lighting

All lighting shall be in accordance with Section 7.09.

P. Essential Public Services Structures, Storage Yards and Substations

Essential public services structures, substations, and similar uses shall comply with the following regulations:

1. Location

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

2. Design

All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Articles 7.00 and 8.00. Electric or gas regulator equipment and apparatus shall be setback a minimum if thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.

3. Off-site Impact

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Articles 7.00 and 8.00.

4. Security Fencing

Security fencing may be permitted, subject to the requirements in Article 8.00. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.

Q. Farms

The following provisions shall apply to Farms as defined in Article 2.00 and consistent with the provisions of the Michigan Right to Farm Act:

1. Location

Feedlots and commercial livestock operations shall not be located within a subdivision, proprietor or assessor's plat or in a floodplain or regulated wetlands.

2. Minimum Size

The minimum size for a farm shall be ten (10) acres, except that feedlots and commercial operations for livestock and fowl shall have at least eighty (80) acres.

3. Prohibited Uses

Farms shall not be used for the disposal of garbage, rubbish, offal from rendering plants, or for the slaughtering of animals except where the animals have been raised on the premises for consumption by residents on the premises.

4. Setbacks

Farms shall comply with the following setback requirements:

a. Farm buildings used to house large animals, feed lots and livestock confinement areas shall be located at least one hundred (100) feet from residentially used or zoned property and all road right-of-way.
b. Runoff from pasture feeding and watering areas shall be separated from any surface water by vegetative buffer that is at least sixty-six (66) feet in width.

5. Pesticide Management

Pesticides shall be located in a lockable building or storage facility which shall be ventilated to dissipate dust and fumes. New pesticide storage facilities shall have a concrete floor that is sloped to a sump for containment of spills. To prevent potential contamination of the groundwater, the storage facility shall not have a floor drain. New bulk pesticide storage areas shall be located a minimum of 150 feet from any single family residential water well and a minimum of 200 feet from surface water.

6. Manure Management

Manure shall be stored in a manner that minimizes odors and runoff. Consideration should be given to partial paving of confinement areas, storage ponds, and other accepted agricultural practices regarding runoff control. All manure shall be stored at least 100 feet from any property line.

7. Exceptions

These provisions shall not apply to garden plots for single family residents, or to a collection of farm buildings that is operated for educational, demonstration, or recreational purposes (such as a "petting zoo" or "interpretive farm"). Petting farms shall be limited to buildings only.

R. Fast-Food and Drive-Through Restaurants

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. **Minimum Frontage**
   The site shall have a minimum of two hundred (200) feet of frontage on a principal arterial road or highway.

2. **Location of Driveways**
   Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). The use of secondary access drives in accordance with Section 6.02 is required.

3. **Control of Sound Level**
   Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

4. **Stacking**
   Stacking space and lanes shall be provided as specified in Article 5.00.

S. Funeral Homes or Mortuaries

The following regulations shall apply to Funeral Homes and Mortuaries:

1. **Assembly Area**
   A minimum of 9,000 sq. ft. (30 car capacity) shall be provided off-street for vehicles to be used in funeral processions.

2. **Screening**
   Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Article 7.00.

3. **Caretaker's Residence**
   A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building, subject to the provisions in Section 3.03.

4. **Loading Requirements**
   One (1) loading berth shall be provided per 5,000 square feet of gross floor area, and one (1) additional berth shall be provided for each additional 10,000 square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.

5. **Location**
   Such uses shall front onto a paved arterial or collector road and the main means of access shall be via the paved road.

T. Golf Courses and Country Clubs, and Par-3 Golf Courses

The following regulations shall apply to Golf Courses, Country Clubs, and Par-3 Golf Courses:

1. **Lot Size**
   Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres. Country clubs shall have a minimum lot size of 40 acres.

2. **Setbacks and Fairway Width**
   Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred fifty (150) feet subject to review by the Planning Commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred ten (210) feet from the center of the fairway.

3. **Access**
   Golf courses and country clubs shall have direct access onto a public road.

4. **Shelter Buildings**
   At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Livingston County Health Department and the County Building Code.

5. **Impact on Water Supply**
   A hydrogeological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.

6. **Building Setbacks**
   Buildings shall be setback a minimum of 100 feet from any property line that abuts residentially zoned or used property, and seventy five (75) feet from any other property line.

7. **Turf Maintenance Plan**
   The proposed turf maintenance plan and chemical application plan for the first year and for long-term turf maintenance shall be submitted for review.

8. **Chemical Storage**
   Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean-up shall also be provided.

U. Hospitals

The following regulations shall apply to Hospitals:

1. Frontage and Access
Hospitals shall have a minimum of 660 feet of frontage on a paved major arterial or highway and the main means of access to the hospital for patients, visitors, and employees shall be via the arterial or highway. In no case shall access to a hospital be off of a residential street. A minimum of two (2) entrances/exits shall be provided located no less than 330 feet apart.

2. Setbacks
The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two (2) stories.

3. Screening
Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Article 8.00.

V. Junk Yards or Salvage Yards

The following regulations shall apply to Junk Yards and Salvage Yards:

1. Setbacks
A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line which abuts a residentially-zoned district.

2. Screening
The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with Article 8.00. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

3. Surfacing
All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine any wind-borne dust within the boundaries of the site.

4. Regulated Activities
Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

5. Permits
All required Township, County, and State permits shall be obtained prior to establishing a junkyard.

6. Stacking
Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

W. Kennels

The following regulations shall apply to Kennels as defined herein.

1. Operation
Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

2. Lot Size
The lot on which any such kennel is located shall be a minimum of five (5) acres in size. If more than five (5) animals over the age of six (6) months are housed in the kennel, an additional one-third (1/3) acre shall be required for every additional animal over six (6) months of age.

3. Setbacks
Buildings in which animals are kept, animal runs, and exercise areas shall be located at least one hundred (100) feet from any property line.

4. Sound Control
All animals shall be housed in a masonry building which is fully soundproofed, using insulation, soundboards, and acoustic tile. The animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.

5. Odor Control
Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

6. Kennels Prohibited in Subdivisions
Regardless of lot size, kennels shall not be permitted in platted subdivisions or condominium developments.

X. Large Scale Institutional Uses, including Large Scale Churches

Large scale institutional uses including large scale churches, as defined in Article 2.00 shall be subject to the conditions that follow:

1. Frontage
The site shall have at least 150 feet of frontage on a hard-surfaced major thoroughfare with an existing or planned right-of-way of not less than one hundred twenty (120) feet. All ingress and egress to the site shall be directly onto such major thoroughfare(s).

2. Site Location
The site shall be located within one-half (.) mile of M-59 or one (1) mile of interchange access to US 23 as measured along hard surfaced major thoroughfares.

3. Setbacks

All buildings, structures, and parking and loading areas shall be set back a minimum of one hundred (100) feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of Article 7.00 of this Ordinance.

4. Traffic

Traffic from events (including church worship services) and other large assemblies shall be controlled by the institution or church or by its agents so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including church worship services) and assemblies, a description of the method(s) of traffic control, and a traffic impact study and shall be presented to the Planning Commission for approval.

5. Associated Uses

Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools (if not the primary use), convents, and others shall meet all requirements of this Ordinance for such uses.

6. Parking Screening

All parking spaces and aisles shall be screened from off-site view in accordance with the requirements of Article 7.00 of this Ordinance.

7. Sound Control

There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.

8. Storage

Storage of buses, trucks, and maintenance equipment shall be entirely within a totally enclosed building.

Y. Mini Warehouses

The following regulations shall apply to Mini-Warehouses:

1. Permitted Use

Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building. No water or telephone service shall be provided. Electric service shall be limited to 10 amperes.

2. Site Enclosure

The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high masonry wall, constructed in accordance with Article 8.00. A six (6) foot chain link fence may be permitted along property lines which do not abut a residentially zoned or residentially used district.

3. Exterior Appearance

The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

4. Resident Manager
A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.

5. On-Site Circulation and Parking

a. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.

b. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.

c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

Z. Motels and Hotels

The following regulations shall apply to Motels:

1. Design
Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.

2. Services
Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service.

3. Parking
Off-street parking for semi-trailers shall be specifically designated and separated from passenger vehicles.

AA. Oil and Gas Processing Plants

The following regulations shall apply to oil and gas processing or sweetening plants:

1. Setbacks

a. Oil and gas processing plants shall be located a minimum of thirteen hundred (1,300) feet from any property line wetlands, or surface water and a minimum of five hundred (500) feet from any residential zoned property.

b. Oil and gas processing plants shall be located a minimum of two thousand six hundred and forty (2,640) feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.

2. Density
There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.

3. Screening

Oil and gas processing facilities shall be screened in accordance with Article 7.00.

4. Air Pollution Control

Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times. The operator also provide the Township with an emergency preparedness plan in the event a complaint requires a plant shut down, and submit an odor complaint response plan for Planning Commission approval.

5. Fire Detection

The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.

6. Noise

Oil and gas processing plants shall comply with the noise standards set forth in Article 11.00.

7. Automatic Alarm System

In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher and plant operating personnel.

8. Site Security

The following security measures shall be maintained on the site:

a. Fencing

The site shall be fully enclosed with a eight foot high chain link fence with three strands of barbed wire along the top of the fence.

b. Locking of the Facility

All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.

c. Signs

"Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.

d. Lighting

The site shall be adequately lighted, and subject to the standards of Article 7.00.

e. Telephone Monitoring System
In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.

9. Preventative Maintenance
The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.

10. Site Closure
In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.

11. Other Approvals
The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Natural Resources (MDNR) Waste Management Division, Michigan Pollution Control Commission, Livingston County Health Department, Livingston County Road Commission, Livingston County Drain Commission, MDNR Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.

12. Performance Guarantee
Prior to issuance of a building permit, the Township may require submission of a performance guarantee, in accordance with Section 3.18.

13. Franchise Agreements for Oil and Gas Lines
The Township Board shall consider all requests for Franchise Agreements, consistent with the provisions of state and federal law.

BB. Open-Air Business, Commercial Outdoor Display, Sales or Storage

The following regulations shall apply to all such uses, whether operated year round or on an intermittent basis, or as a principal or accessory use:

1. Driveway Location
The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.

2. Setbacks
Parking shall be setback a minimum of ten (10) feet from any road right-of-way line. No outdoor storage shall be permitted in any required front, side, or rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.

3. Lot Width
The minimum lot width for open-air businesses shall be one hundred and fifty (150) feet.

4. Loading and Parking
All loading, truck maneuvering and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.

5. Storage

Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.

6. Sales and Display

All outdoor sales and display areas shall have an approved paved or aggregate surface and a stormwater drainage system.

7. Screening

All outdoor sales, display or storage area property lines adjacent to a residential district shall be screened in accordance with Articles 7.00 and 8.00.

8. Outdoor Display of Vehicles

The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 10.02.E.

9. Plant Material Nursery

Nurseries which deal with plant materials shall comply with the following:

a. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.

b. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

10. Flea Markets

Flea markets shall not be permitted as a year round use.

11. Permit Required

A temporary endeavor permit shall be required for all intermittent uses.

CC. Radio, Television and Other Communications Towers (Commercial and Public)

The following regulations shall apply to radio and television towers, microwave towers, and other communication antennae/towers:

1. Setbacks

Any such tower shall be set back from all property lines a minimum distance of fifty (50) feet greater than the height of the tower except in the case that the Planning Commission determines that a lesser setback is needed. The Planning Commission•s determination shall be based upon engineering evidence provided by the applicant that the tower is self-collapsing. All guide wires, supports and anchors must adhere to district setback requirements.

2. Fencing

An open weave, eight (8) foot high chain link fence shall be constructed around the entire perimeter, in accordance with Article 8.00.

3. State and Federal Regulations
Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

4. Location
Such towers shall be permitted in the GC, LI and I Districts only.

5. Landscaping
The base of such towers shall be landscaped for screening in accordance with Article 7.00.

DD. Recreation Facilities

1. Campgrounds
Campgrounds for travel trailers, tents, tent-campers, and motor homes, shall comply with the following requirements:

a. Setbacks.
Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines, and shall be screened in accordance with Article 7.00.

b. Minimum Campsite Size.
Each campsite shall be at least two thousand (2,000) square feet in size for campsites designed to serve motor homes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.

c. Utilities.
Each campsite shall either be provided with individual electric and water hookups approved by the Livingston County Health Department, or shall have convenient access to approved service buildings. Sewer hook-ups are optional.

d. Minimum Parcel Size.
A campground shall have a minimum of twenty (20) acres.

e. Temporary Residency.
Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.

f. Accessory Use.
Accessory uses shall include but not be limited to rental cabins and trailers, swimming docks, and game rooms.

2. Commercial Outdoor Recreation Facilities
Outdoor recreation facilities, such as, but not limited to recreational fields, rinks or courts, including football, softball, soccer, tennis basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, shall comply with the following regulations:

a. Setbacks.
Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.

b. Access.
Outdoor recreation uses shall have direct access onto a principal arterial.

c. Impact on Surrounding Properties.
The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.

d. Nuisance Impacts.
Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired. The site shall be periodically cleared of debris.

e. Parking.
All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Article 5.00, and set back a minimum of forty (40) feet from any residential district.

f. Screening.
Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Articles 7.00 and 8.00.

g. Accessory Facilities.
Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

3. Off-Road Vehicle and Snowmobile Trails, Outdoor Gun Ranges, and Auto Racing Tracks
Courses or trails for off-road vehicles, snowmobiles, gun ranges or similar use shall comply with the following regulations:

a. Minimum Parcel Size.
A minimum of eighty (80) acres shall be required for such uses or other size parcel deemed appropriate for the proposed use by the Planning Commission.

b. Location.
The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.

c. Operations Plan.
The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning Commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.

4. Private Institutional or Community Recreation Facilities and Athletic Clubs.

a. Enclosure.
Outdoor swimming pools in single family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Article 8.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.

b. Setbacks.
Swimming pools in single family districts shall be setback at least 100 feet from any property line that abuts a residential district. In all other districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.

c. Swimming Pool Clubs.
Swimming pool clubs in residential districts shall be incorporated as non-profit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly-defined geographic area as specified in the club's articles of incorporation.

d. Site.
The proposed site for any of the uses permitted herein which would attract persons from or are intended to serve areas beyond the immediate neighborhood shall have at least one property line abutting an arterial road, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.

e. Landscaping.
All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts. Front, side and rear yards shall be landscaped in trees, shrubs and grass.

f. Parking.
Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

g. Other Standards.
Swimming pools shall meet the standards of Section 3.03, all applicable building and County health codes.

5. Indoor Recreation Facilities

Indoor recreation facilities, such as, but not limited to, bowling establishments, fitness centers, indoor archery ranges, indoor firearms ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

a. Setbacks.
Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line which abuts a residential district.

b. Adverse Impacts.
The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.

c. Buildings.
All uses shall be conducted completely within a fully enclosed building. The buildings shall be sound-proof and consistent with the Township Noise Abatement Ordinance.

d. Access.
Indoor recreation uses shall have direct access onto a principal arterial road.

EE. Roadside Stands

The following regulations shall apply to all Roadside Stands, which shall be temporary uses, as defined in Article 2.00:

1. Use

Each farm may have a maximum of one (1) seasonal roadside stand, and all produce or products for sale shall be grown on the premises or be made from produce grown on the premises.

2. Building Size

Any roadside stand shall not be greater than two hundred fifty (250) square feet in size, nor shall it have more than one(1) story. The stand shall be of portable construction, permitting it to be removed from its roadside location during seasons when it is not in use.

3. Site Maintenance

Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out of view.

4. Building Setbacks

Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the paved surface of any paved public road, and no closer than forty-five (45) feet to the improved gravel surface of any unpaved public road.

5. Parking
Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 5.00, except that hard-surfacing shall not be required. Parking maneuvering shall not conflict with traffic flow on the road.

6. Signs
Signs used in connection with the roadside stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way and shall meet clear vision requirements.

FF. Schools, Public/Private/Parochial

Public, private and parochial elementary, intermediate or high schools licensed by the State of Michigan to offer courses permitted subject to the following conditions:

1. The minimum lot or parcel width shall be three hundred (300) feet.

2. The minimum lot or parcel area shall be:

   - ten (10) acres for elementary schools
   - twenty (20) acres for intermediate schools
   - forty (40) acres for high schools

3. The lot or parcel location shall be such that at least one (1) property line abuts a collector road or arterial road. All ingress and egress shall be directly onto said roads.

GG. Stables and Riding Arenas

1. Private Stables
Private stables, as defined in Article 2.00 of this Ordinance, are intended for the keeping of horses or other large animals for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements:

a. <u>Minimum Size</u>
Private stables shall have a minimum of one (1) acre of open pasture per horse.

b. <u>Setbacks</u>
All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line.

c. <u>Maintenance</u>
All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

2. Public Stables
Public stables, as defined in this Ordinance, shall comply with the following:

a. Minimum Size
Public stables shall have a minimum of one (1) acre per animal, but in no event shall there be less than twenty (20) acres.

b. Setbacks
All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the Planning Commission.

c. Maintenance
All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

3. Riding Arenas

Riding arenas may be permitted as an accessory use in the CA District subject to the following requirements:

a. Minimum Size
Riding arenas shall have a minimum of one (1) acre per animal, but in no event shall there be less than ten (10) acres.

b. Private Use
Riding arenas shall not be open to the general public. Accordingly, grandstands and other public facilities shall be prohibited. However, observation platforms or similar viewing facilities are permitted.

d. Setbacks
The riding arena shall be located at least one hundred (100) feet from any property line. Outdoor tracks shall be permitted provided they are setback at least fifty (50) feet from any property line.

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line.

e. Maximum Height
Riding arenas shall comply with the height requirements for the district in which they are located.

f. Maintenance
Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

g. Permitted Use
Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables.

k. Approval Criteria
The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:

1) All requirements set forth in this sub-section will be complied with.

2) The arena will be for private use only for riding horses that are permanently stabled on the same property.

3) No living quarters will be located in the arena building.

4) The arena will be compatible in terms of appearance and function with surrounding land uses.

5) The arena is not likely to negatively affect the value of other property in the area in which it is located.

4. Stables for Breeding and Training Horses
Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in Article 2.00, and shall be subject to the regulations applicable to farms.

HH. Truck Stops

Truck stops shall be subject to the following regulations:

1. **Minimum Lot Size and Width**
Minimum lot size shall be five (5) acres. Minimum lot width shall be 300 feet.

2. **Location**
No such site shall abut residentially zoned property.

3. **Parking**
Adequate parking and maneuvering area shall be provided for truck layover, truck scales and stacking at fuel islands.

4. **Ingress and Egress**
Ingress and egress drives shall be a minimum of thirty six (36) feet in width. No more than one (1) such drive or curb opening shall be permitted for every one hundred fifty (150) feet of frontage (or fraction thereof) along any street. No such entrance or exit drive shall face any property zoned or used for residential purposes.

5. **Layout**
All lubrication equipment, vehicle wash equipment, and repair facilities shall be enclosed entirely within a building. Fuel pumps shall be located so that motor vehicles do not park on or

extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so that they do not face onto adjacent thoroughfares unless screened by landscaping.

6. **Outside Storage**
   Outside storage of inoperable, wrecked or partially dismantled vehicles or parts salvage is prohibited. Disabled vehicles shall be removed from the site within two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than is not less than six (6) feet in height.

   Outdoor storage of truck or automotive parts or supplies is prohibited. Outdoor display or storage of food, beverages, seasonal supplies (such as hunting or fishing supplies), and similar retail items is also prohibited.

7. **Vehicle Sales and Storage**
   The storage, sales, or rental of new or used trucks, trailers, and any other vehicles on the premises is prohibited.

8. **Groundwater Protection**
   The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

II. Veterinary Clinics

Veterinary clinics shall comply with the following requirements:

1. Small Animal Clinics

All activities shall be conducted within a completely enclosed building. If the small animal clinic does not include outdoor kennels, animal runs or exercise areas, the setbacks of the district for principal buildings shall apply. Outdoor animal runs and kennels shall meet the setback requirements for kennels.

2. Large Animal Clinics

a. Range of Services
   The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

b. Accessory Office Uses
   Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

c. Setbacks
   All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building to be used by the public.

d. Maintenance
All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated so as not to be a nuisance and to control odors and flies.

e. Setback of Stable or Paddock
No stable or confined paddock area shall be located nearer than one hundred (100) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

JJ. Shopping Centers and Other Buildings over 60,000 Square Feet

The following regulations shall apply to all shopping centers and buildings over 60,000 square feet:

1. **Setbacks:**

a. **Front –** All principal and accessory buildings, and parking stalls and vehicular circulation aisles shall have a minimum front yard setback of 80 feet. Exceptions shall be made for ingress and egress drives from the public road.

b. **Side –** All principal and accessory buildings, and parking stalls and vehicular circulation aisles (when parallel to the side lot line) shall have a minimum side yard setback of 50 feet where a side lot line abuts land zoned, used or planned for residential purposes. Where a side lot line abuts land zoned, used or planned for non-residential purposes, the minimum side yard setback for the GC District per Article 32.00 of this Ordinance shall apply. The Planning Commission may reduce the minimum side yard setback when the side lot line is an internal boundary within a multiple-tenant/multiple-building shopping center. The applicable minimum side yard setback as approved by the Township shall be clearly noted on the approved site plan.

c. **Rear –** All principal and accessory buildings shall have a minimum rear yard setback of 50 feet. All parking stalls and vehicular circulation aisles shall have a minimum rear yard setback of 30 feet. The Planning Commission may reduce the minimum rear yard setbacks when the rear lot line is an internal boundary within a multiple-tenant/multiple-building shopping center. The applicable minimum rear yard setback as approved the Township shall be clearly noted on the approved site plan.

2. **Screening:** Screening of the site in general, of mechanical units, and of loading areas shall be provided as follows:

a. **Screen Buffer -** A screen buffer shall be required as part of the development wherever a shopping center or other building over 60,000 square feet abuts land zoned or used for residential use. The screening is intended to completely obscure the view of building(s), vehicular areas and other features of the commercial development from view by adjacent non-commercial properties, and to muffle sound and to provide a physical barrier to discourage trespass of people and objects, including trash and debris, onto the adjacent properties. In lieu of the screening requirements set forth in Article 7.00 of this Ordinance, the following screening requirements shall apply:

i. The minimum width of the buffer shall be 20 feet.

ii. The buffer shall be provided wherever features of the development, such as the building(s), parking area, loading area, or other similar feature, are between or abut land zoned or used for residential use.

iii. A combination of deciduous and evergreen trees shall be provided in a non-uniform fashion across the full length and width of the buffer for visual screening. Deciduous trees shall be a minimum of 3 caliper inches. Evergreen trees shall have a variety of heights, with 50% being a minimum of six feet in height, 30% being a minimum of eight feet in height and 20% being ten feet or greater in height. All sizes are at time of planting. Trees shall be spaced 15 feet on center. Trees shall be provided, and spaced, to form a solid screen within three years of planting.

iv. Use of walls and berming is encouraged. When used, walls shall be faced with solid masonry materials and be consistent with the style and materials of the principal building. The same material(s) shall be used on both sides of the wall. When used, berms shall have a natural shape, being free-forming and undulating as much as possible.

b. **Screening of Mechanical Units –** Any mechanical unit located on the roof of a building shall comply with the screening requirements set forth in the footnotes to the Schedule of Regulations of this Ordinance. However, a parapet wall or similar architectural feature shall be required if such units must be screened. All ground mechanical units shall be concealed from view by solid masonry walls consistent with the predominant material of the building, or live plant materials that completely obscure the units. Ground mechanical units shall be located in safe, convenient and unobtrusive locations and adequately protected from vehicles.

c. **Loading Areas** – When any loading area is visible from customer or general parking areas, or visible from a public or private road, or adjacent to land that is zoned or used for non-commercial uses, the loading area shall be enclosed with a solid masonry wall or live plant materials forming a solid screen a minimum of six feet in height. The wall shall be integrally designed with and consistent with the style and materials of the building.

3. **Off-Street Parking Amounts and Design:**

a. The amount of off-street parking provided shall not exceed the minimum amount required by Article 5.00 of this Ordinance. Use of the "Deferred parking" option detailed in Section 5.01(B)(6) is encouraged, with initial provision of 1 parking space per 250 square feet of useable floor area preferred. If the deferred parking option is used, deferred spaces may not be installed until one year has lapsed from the time the certificate of occupancy was issued. The Planning Commission may approve, in accordance with the procedures for a minor change to an approved site plan as set forth in Section 33.02 (K), additional parking spaces beyond the minimum amount required by Article 5.00 after two years have lapsed from the time a certificate of occupancy was issued upon demonstration that the amount of approved parking is insufficient to meet the average parking demands of the use(s) of a typical day.

b. No row of parking stalls may exceed 25 spaces when located in the middle of a parking lot. No row of parking stalls may exceed 30 spaces when located on the perimeter of a parking lot and abutting a landscaped area, buffer or greenbelt. A landscape island, consistent with the standards per Article 7.00, shall be used to break rows of parking stalls even if the number and area of landscape islands necessary is thus increased beyond the minimum required per Article 7.00.

c. The primary circulation route(s) within the development must be designed for limited access. The number of parking stalls which back directly onto the primary circulation route(s) shall be minimized.

4. **Pedestrian Circulation:**

a. A continuous internal pedestrian walkway, no less than 5 feet in width at any point and no less than 7 feet in width where abutting parking stalls, shall be provided from the public sidewalk along the right-of-way to the primary customer entrance of all individual retail units on the site. The walkway shall be separated from abutting parking stalls by a 6- inch curb or by landscape area, and crossings of driveways and internal vehicle circulation routes must be clearly marked.

b. A sidewalk no less than 10 feet in width, 5 feet of which shall be unobstructed along its the entire length, shall be provided across the full length of the building along any façade featuring a customer entrance. Awnings and other coverings of this walkway are encouraged, particularly at passenger loading points.

5. **Landscaping:** In addition to the provisions of Article 7.00 of this Ordinance, the following shall be provided:

a. A minimum of 2 square feet in area for each 1 foot of linear building facade shall be provided for each side of a principal building with a customer entrance. These front planting area(s) shall be provided along, the foundation or in close proximity to the building wall. The front planting area(s) shall be spread across the full width of the building but need not be continuous.

b. The front planting area(s) shall be planted with deciduous, evergreen, and ornamental trees, flowering shrubs and perennial flowers so that the entire front planting area contains live plant materials.

c. The size, species and number of live plant materials shall be provided to result in reducing the massing of the shopping center or building over 60,000 square feet. Deciduous and evergreen trees should be used as additional vertical elements to break up long expanses of building facades along with the variation in architectural elements set forth in Section 33.10. Raised beds containing flowering shrubs and perennial flowers should also be used to reduce the apparent height and width of the buildings.

6. **Stormwater Basins:** Stormwater management shall be provided as otherwise required, however, surface basins shall incorporate the following:

a. Basins shall have a natural, free-form shape, following existing natural topography to the greatest extent possible. If the site is generally flat, the basin shall be shaped to emulate a naturally formed depression. The basin should be a natural shape, and not square, rectangle or other geometric shape. Side slopes should be varied and undulating, rather than having a uniform grade.

b. Trees, shrubs and grasses suitable to wet environments shall be provided surrounding and within basins and integrated into the overall design. Plants shall be provided in groupings and non-uniform patterns rather than regular spacing. Plants should be native species and tolerant of the anticipated conditions (i.e. permanent water, infrequent inundation, etc.)

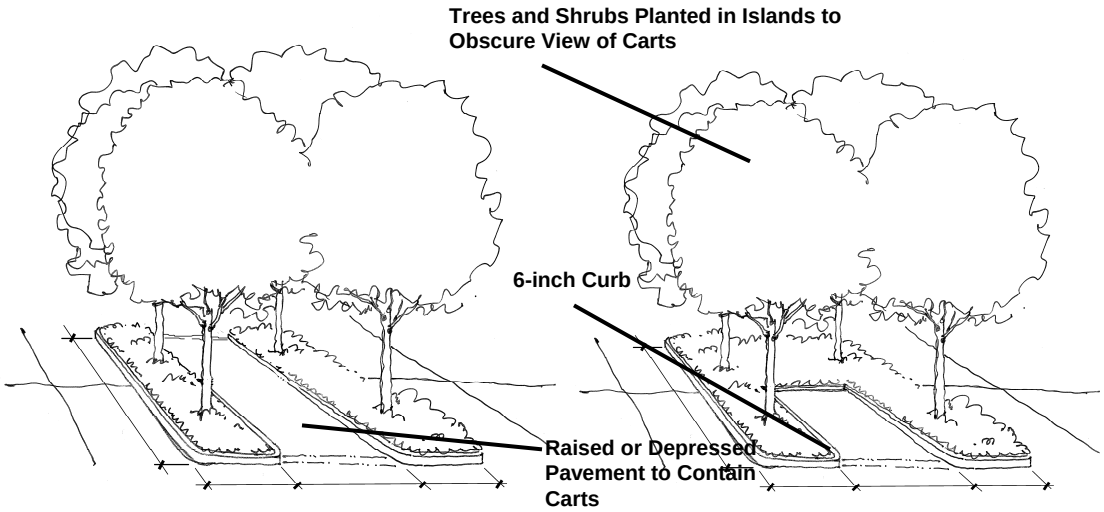
c. If the topography is such that a basin may be located in the front, side and/or rear of a site, the basin shall be located in the front or side of a site such that it is made an amenity of the site. As such, the basin should have green or brown outlet structures rather than an unfinished metal appearance. Where a basin is designed to have permanent water, a fountain or other water feature may be used.

d. Basins with side slopes that require fencing are prohibited in front or side yards. When a rear yard basin requires a fence, the fence shall be a decorative style. Chain link fence is prohibited in any circumstance.

e. Wherever possible, the stormwater collection system may include bioswales, rain gardens, and other features that allow run-off water to flow through vegetation prior to entering the stormwater management system. Oil and sediment filters, and other best management practices to control the quality of water entering the system may also be used wherever possible.

7. **Accessory Functions:**

a. **Cart Corrals** – Shopping cart corrals provided in parking areas shall be designed as an integral part of a parking lot landscape island(s). The cart corral area shall be a maximum of 10 feet in width and up to 40 feet in depth (generally the size of 2 back-to-back parking stalls). The cart corral area shall be flanked on each side by a landscape area a minimum of 8 feet in width and extending the full depth of the cart corral, and have a minimum 6-inch concrete curb to contain the carts between the landscape areas. Raised or depressed pavement may be used at the open end(s) of the cart corral to contain carts within. Plantings shall be provided within the landscape areas and shall include trees and hedges sufficient to obscure view of stored carts to a height of 3 feet. The landscape areas may count towards interior parking lot landscape requirements. No additional structures shall be permitted for storage of shopping carts in parking areas.



40-foot Deep Cart Corral with Two Landscape Islands

20-foot Deep Cart Corral with U-shaped Landscape Island

b. **Storage of Carts –** Outdoor storage of customer shopping carts shall be located adjacent to the building and screened by a wall a minimum of four feet in height to screen the carts from view. The exterior of the screen wall shall be treated consistently with the dominant material and design of the building.

c. **Outdoor/Open Air Display and Sales Areas -** Outdoor or open air display and sales areas (i.e. garden centers or seasonal product sales) shall be shown on a site plan and shall be reviewed and approved as part of the proposed development. Such outdoor or open air areas shall be screened by a wall a minimum of four feet in height, on top of which may be black decorative metal fencing, sufficient to buffer the view of materials displayed or stored within that area, and regularly spaced columns consistent with the dominant material and design of the building. The exterior of the screen wall shall be treated consistently with the dominant material and design of the building. No merchandise, products or services may be stored, displayed or sold from any area of the site other than an enclosed building or designated outdoor/open air area. Merchandise and displays are specifically prohibited from the parking lot and sidewalks, including sidewalks abutting a building.

d. **Fuel Kiosk** – Where permitted as a principal use or by special approval, and where separate special approval has been granted as applicable, the following shall apply to fuel kiosk-type automobile service stations instead of the requirements set forth in Section 10.02 (F). A fuel kiosk-type station is defined as an automobile service station operated by a principal commercial tenant in the shopping center or building over 60,000 square feet that only dispenses fuel and does not have a service garage, convenience store, car wash or other use typically associated with a full service automobile service station.

i. The fueling station operator shall be a principal commercial tenant in the shopping center or building over 60,000 square feet.

ii. A maximum of four pumps may be provided. A single pump may be able to serve up to two vehicles simultaneously.

iii. No additional goods or services may be provided at the kiosk or pumps, including service or repair facilities, such as tire, battery, or muffler shops; car washes; vending machines; and convenience stores.

iv. One building may be permitted, up to one hundred (100) square feet in size, for the purpose of sheltering an attendant. This building shall be designed in the same architectural style and be finished with the same dominant material as the principal buildings on the site.

v. The fuel kiosks and pumps, including canopy and any other structure associated with the fuel function, shall be located a minimum of 100 hundred feet from lot line which abuts land zoned, planned or used for residential purposes. The canopy support columns and fascia materials shall be consistent with and complimentary to the architectural design and materials of the principal buildings. No lighting fixtures shall be permitted on the exterior surfaces, outside or above the canopy.

vi. Access to the fuel kiosk shall be from the shopping center and, further, the primary route to the fuel kiosk shall be of limited-access, with a minimal amount of parking

stalls backing directly onto the route leading to and from the fuel kiosk. Access from the public road solely for the purposes of entry and/or exit to the fuel kiosk is prohibited.

vii. The fuel kiosk area shall be provided with landscape areas, and have live plant materials, as set forth in Article 7.00.

e. **Drive-through Windows** – A shopping center or building over 60,000 square feet may include a drive-through window for a pharmacy, bank or similar use subject to the following:

i. The window shall be located on the side or rear of the building.

ii. The window shall not be located or designed so that entering vehicles cross paths with exiting vehicles of the window. Nor shall the window be located or designed so that vehicles using the window cross paths with vehicles which are not using the window.

iii. Devises for the transmission of voices shall be directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

iv. Stacking space and lanes shall be provided as specified in Article 5.00.

KK. Outdoor Seating and Dining

The following regulations shall apply to all outdoor seating and dining areas:

1. **Applicable Establishments**
Outdoor seating and dining areas shall be allowed at restaurants, bars, taverns, coffee shops, cafes, bistros, bakeries, delicatessens, specialty food stores, and or similar establishments.

2. **Standards**

a. Location
All outdoor seating and dining areas shall be located immediately adjacent to the establishment with which it is associated. Outdoor seating and dining areas shall not encroach upon any public right-of-way. A minimum of five (5) feet of sidewalk shall be maintained free of tables and other encumbrances.

b. Defined Area
If alcoholic beverages are to be served, outdoor seating and dining areas must be enclosed by a barrier a minimum of three and a half (3.5) feet above the ground. The barrier must be decorative and cannot restrict visibility in or out of the area. The barrier may be constructed of permanent or temporary materials that are compatible with the architectural character of the main establishment, subject to approval by the Planning Commission. The required barrier must meet all current fire codes, subject to review and approval of the Fire Marshal and must conform to current Michigan Liquor Control Commission Rules and Regulations.

c. Capacity
Outdoor seating and dining areas shall not exceed twenty-five percent (25%) of the total seating for the establishment.

d. Screening
Appropriate screening or fencing complimentary and aesthetically pleasing to the site shall be provided as determined necessary by the Planning Commission.

e. Pedestrian Circulation
The seating arrangement of outdoor seating and dining areas must comply with the State of Michigan Building Code and is subject to review and approval by the Hartland Township Fire Marshal.

f. Parking Spaces
No additional parking spaces are required to accommodate outdoor seating and dining areas.

g. Furniture
Tables, chairs, table umbrellas, railings, planters, posts, and other items shall be of quality design, materials, and workmanship to ensure safety and convenience of users and to enhance the visual and aesthetic quality of the area. All furniture must be made primarily of wood, metal, or a material of comparable quality.

h. Waste Disposal
Appropriate waste disposal containers shall be provided for the convenience and sanitary disposal of garbage or waste within and around outdoor seating and dining areas. Containers shall be complimentary to the style of the provided furniture.

3. **Operating Restrictions**

a. Hours of Operation
All outdoor seating and dining areas shall be allowed to operate until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. Friday and Saturday. All activities shall cease by the required times.

b. Season of Operation
All outdoor seating and dining areas shall be allowed to operate from April 1st through November 15th of a given year.

c. Furniture Storage
During the off-season, from November 16th to March 31st of a given year, all tables, chairs, table umbrellas, railings, planters, posts, and other items not fastened to the ground shall be removed and shall not be stored outside. It shall be the responsibility of the establishment to secure adequate storage of these items.

d. Lighting
Additional lighting on the property shall be designed and erected in accordance with Section 7.09 of the Zoning Ordinance. Lighting shall be reviewed and approved by the Planning Commission.

e. Noise
No music, intercom, or other noise shall be permitted that impacts adjacent properties (See Section 7 of Hartland Township Ordinance No: 49, Nuisances).

f Patron Entrance and Exit
Patron entrance and exit from the enclosed outdoor seating and dining areas at establishments serving alcohol may only occur through the main establishment or an

approved fire exit, as determined by the Fire Marshal. The approved fire exit shall have an alarm to alert the establishment in the event of unauthorized use when no emergency exists.

g. Food and Beverage Service
All food and beverages shall be prepared within the main establishment. The service of alcoholic beverages is subject to the current Michigan Liquor Control Commission Rules and Regulations.

h. Display and Advertising
No outdoor seating or dining area may be used for the display or location of merchandise, advertising materials or signage. No permitted canopy, awning or umbrella shall contain advertising material or signage.

Section 10.03 Site Development Standards for Residential Uses

A. Open Space Development and Maintenance Requirements

Open Space developments may be approved in the CA District, subject to the standards and review procedures set forth herein.

1. Purpose and Intent
The purpose of the Open Space option is to preserve the Township's rural character and encourage the preservation of agricultural lands. The regulations in this section propose to accomplish this purpose by providing for grouping of new homes onto the most buildable portions of a site so that the remainder of the site can be preserved as open space or for agricultural use.

The regulations in this section are also intended to accomplish the following purposes, at minimum:

- Preservation of natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.
- A higher quality of development than could be achieved under conventional zoning.
- Development that is consistent with the Hartland Township Comprehensive Plan.
- Preserve as much natural vegetation and terrain as possible.

2. Special Use
Open Space development shall be a special use in the CA District and subject to the approval process and provisions of Section 33.03. Prior to review of the special use application, the applicant shall submit a site features inventory to the Planning Commission. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: topography at two-foot contour intervals in the area within one hundred (100) feet of residential lots, water courses, drainage patterns, wildlife habitats, streets and rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), vistas,

wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site.

The Planning Commission may require the applicant to submit an alternate plan that shows how the site could be developed under conventional zoning.

3. Parcel Size, Density and Lot Size

The overall density of residential uses in a Rural Open Space development shall not exceed one (1) unit per two (2) acres of parcel area.

Modifications permitted under the Rural Open Space option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

Public right-of-way and easements for private roads or utilities shall not be calculated as open space.

4. Dimensional Standards

a. Setbacks.

Buildings in Rural Open Space developments shall comply with the following minimum yard setback requirements:

Along site perimeter adjacent to public road	50 ft.
Along site perimeter, but not adjacent to a road	35 ft.
Along an internal collector or local road	40 ft.
Between parking lot and property line	
- Adjacent to road	50 ft.
- Not fronting on road	20 ft.
Setback from the shoreline of lakes, ponds, rivers, streams	75 ft.

Docks, bulkheads, patios, terraces, decks and pathways shall be permitted within the 75 foot waterfront setback, subject to review and approval by the Township.

b. Parcel and Lot Size.

(1) The minimum parcel size for the overall Rural Open Space development shall be twenty (20) acres.

(2) Residential dwelling units served by individual septic systems shall have a minimum lot size of 28,000 sq. ft., unless a larger lot size is recommended by the Livingston County Health Department to satisfy the need for reserve septic fields.

c. Distances between Buildings.

Buildings in Rural Open Space developments shall comply with the following minimum spacing requirements:

(1) Any detached single family structure (or accessory structure) shall be located at least forty (40) feet from any other detached single family structure (or accessory structure).

(2) The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.

d. Floor Area and Height Standards.
Buildings in a Rural Open Space development shall comply with the floor area and height standards for the CA District.

5. Open Space Requirements

Rural Open Space developments shall provide and maintain usable open space that is accessible to all residents or that is dedicated to continued agricultural use, which shall comply with the following requirements:

a. Rural Open Space developments shall set aside a minimum of 65% of the total parcel area in common open space.

b. Open space shall be located on the parcel to meet the following objectives:

(1) To preserve distinctive natural features and rural characteristics.

(2) To preserve farm lands.

(3) To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.

(4) To maintain open, rural character along main roads.

c. No more than fifteen percent (15%) of the required open space shall be used for active developed recreation facilities, such as swimming pools, tennis courts, etc.

d. Any pervious land area may be included as required open space, except that: required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.

e. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions and covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:

(1) Indicate the proposed allowable use(s) of the required open space.

(2) Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.

(3) Provide maintenance standards and a maintenance schedule.

(4) Provide notice of possible assessment to the private property owners by Hartland Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.

(5) Be recorded with the Livingston County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Rural Open Space development.

f. Provisions for redevelopment of the open space may be provided for in the conveyance document.

6. Building Location

Where feasible, Rural Open Space developments shall comply with the following building location requirements. Modification to these locational requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

a. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields unless no other feasible option exists.

b. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent.

c. Buildings shall not be located in wetlands or floodplains.

d. Building shall be set back as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

7. Stormwater Management

a. Existing natural drainage shall be maintained to the maximum extent feasible.

b. Where stormwater management facilities are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.

c. Retention or detention basins, where required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.

8. Landscaping and Lawns

a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.

b. Where landscaping is proposed, native species shall be used. Appropriate native species shall be based on a list kept on file at the Township Hall which may be updated from time-to-time.

9. Existing Structures

a. When a tract contains existing structures deemed to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.

b. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

B. Housing for the Elderly

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

1. Minimum Floor Area
All dwelling units shall have at least three hundred fifty (350) square feet of floor area (not including kitchen and sanitary facilities).

2. Lot Coverage
Total coverage of all buildings and structures including dwelling units and related service buildings, shall not exceed thirty percent (30%) of the total site.

C. Model Homes and Model Mobile Homes

1. Model homes in platted subdivisions or condominium developments shall comply with the following standards:

a. Permitted Use
The model home shall be used solely as a sales and promotion office for the subdivision or condominium in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.

b. Termination
Use of the home for sales and promotion shall cease as soon as all lots in the subdivision or condominium are sold to potential end users within two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.

c. Appearance
The model home and site shall be maintained to look like a typical single family dwelling at all times.

d. Parking
A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Article 5.00.

e. Maximum Number of Model Homes
The maximum number of model homes in a subdivision or condominium shall be four (4).

2. Model houses in mobile home parks shall comply with Section 10.03.C.1.a-d, above except that the maximum number of model homes shall be eight (8).