

**ARTICLE 16
SITE DEVELOPMENT REQUIREMENTS**

SECTION 16.00 APPLICATION

The site development requirements of this Article are intended to alleviate the potential impact of uses, which possess characteristics that could have impacts on neighboring properties. The required standards intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Each use listed in this Article shall be subject to the site development requirements and regulations specified whether permitted by right or subject to special land use approval. The requirements herein apply in addition to the dimensional standards of Article 14, general provisions of Article 15 and requirements for the district in which the use is located. Conformance with the site development standards shall be subject to the site plan review standards of Article 17:

SECTION 16.01 AGRICULTURAL LABOR CAMPS

- A. All provided shelters shall be of single-story construction, and not exceed twenty-five (25) feet in height.
- B. All provided shelter shall be located in the rear yard, and located at least two hundred (200) feet distant from all property lines.
- C. The use of trailers, tents, or vehicles as sleeping or living quarters at an agricultural camp is strictly prohibited; however, mobile homes constructed in accordance with the Mobile Home Commission, Act 419, P.A. 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended, will be permitted.
- D. Agricultural labor camps shall comply with the minimum requirements and standards as established under the provision of Public Act 368 of 1978, of the State of Michigan, as may be amended, relating to agricultural labor camps, and any and all rules and regulations promulgated pursuant to Part 124 of Act 368, P.A. 1978, as amended.

SECTION 16.02 AMUSEMENT ENTERPRISES INCLUDING, AMUSEMENT PARKS, MINIATURE GOLF, CIRCUSES AND SIMILAR FACILITIES, BUT EXCLUDING RACE TRACKS.

- A. All parking shall be provided as off-street parking within the boundaries of the development.

- B. All access to the parking areas shall be provided only to a major thoroughfare.
- C. All sides of the development abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.

SECTION 16.03 ANIMAL HOSPITAL (VETERINARY CLINIC)

- A. All activities shall be within an enclosed building.
- B. All buildings shall be set back a minimum of two hundred (200) feet from abutting or nearby residential district.

SECTION 16.04 AUCTION SALES ESTABLISHMENTS

- A. Minimum site size shall be 10 acres.
- B. All parking shall be provided as off-street parking within the boundaries of the development in accordance with the requirements of Sections 15.07 and 15.08.
- C. Customer parking shall be separated from the Auction Display Storage area.
- D. There shall be maintained a Type A land form buffer of twenty (20) feet around the perimeter of the site planted in accordance with Section 15.10.
- E. No servicing of vehicles shall be permitted on the subject site. The storage of inoperable vehicles shall not be permitted.
- F. Adequate space shall be provided on site for the unloading of vehicles for Auction.
- G. Site lighting shall be in accordance with Section 15.13.
- H. Signs shall be regulated by Section 15.17
- I. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

SECTION 16.05 AUTOMOBILE FILLING STATION

- A. Minimum site size shall be two (2) acres for automobile filling stations. Additional lot area may be required if there is an accessory convenience store component.

- B. Minimum lot width shall be not less than one hundred fifty (150) feet for automobile filling stations.
- C. Buildings shall be located not less than twenty-five (25) feet from any side or rear lot line.
- D. Ingress and egress drives shall not be more than thirty (30) feet in width.
- E. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
- F. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- G. Parking shall be designed in accordance with the requirements of Sections 15.07 and 15.08.
- H. Gasoline pumps and other appurtenances shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- I. Self-contained, covered waste receptacles shall be provided at each proposed pump station to provide convenient disposal of customer refuse.
- J. Exterior lighting shall be provided in accordance with the provisions of Section 15.13.
- K. All outside storage areas for trash shall be enclosed in accordance with Section 15.10.16
- L. The outdoor storage or display of products for sale including firewood, windshield wiper fluid and other goods is expressly prohibited.
- M. The gasoline service station including accessory canopies, if proposed shall be architecturally treated and designed to be compatible with the adjacent land uses.
- N. Vehicle service and repair work is prohibited.

SECTION 16.06 AUTOMOBILE REPAIR STATION, PAINT AND BODY SHOP, MUFFLER SHOP, TRANSMISSION REPAIR SHOP (MAJOR AUTOMOTIVE REPAIR).

All necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor or vibration do not create a condition more detrimental to the surrounding area(s) than would result from other permitted uses. The following special requirements and regulations governing the erection of automobile repair garages are hereby established.

- A. Such use shall be located on a plot of ground having frontage along a commercial street of not less than one hundred (100) feet and having a minimum area of not less than two (2) acres.
- B. All repair work must be carried out within an enclosed building. Lubrication equipment, automobile wash equipment, hoists and pits shall be enclosed entirely within a building.
- C. No automobile repair garage shall be erected within a two hundred (200) foot radius of any residential district.
- D. 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 located in a manner that would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives or pedestrian entrances or crossings.
- E. Outdoor storage of rubbish, junked equipment or parts is prohibited unless such rubbish, junked equipment or parts is stored adjacent to the principal building in an obscure location that is enclosed with a masonry screening wall. When such screening is provided, such rubbish, junked equipment or parts shall not be stacked or heaped higher than the height of the screening wall. The screening wall shall not be higher than five (5) feet.
- F. An automobile repair garage use shall not include the parking or storage of dismantled, non-licensed or non-repairable vehicles of any kind, unless ordered by a law-enforcement agency. The storage, sale or rental of mechanical equipment, new or used cars, motorcycles, mini-bikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile repair garage.

- G. All temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.
- H. All buildings shall be setback not less than forty feet (40) from all existing street right-of-way lines.
- I. Automobile, truck, or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities subject to the provisions that the number of automobiles, truck, or trailers on the site that are available for lease shall not exceed one (1) automobile, truck, or trailer for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping, or sidewalks.
- J. The parking of two (2) trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

SECTION 16.07 AUTOMOBILE SERVICE STATION (MINOR AUTOMOTIVE REPAIR).

Automobile service centers providing light repairs, services and materials such as: tires (not recapping), batteries, mufflers, undercoating, auto glass, detailing, reupholstering, quick oil change, lubrication, wheel balancing, brakes and suspension services, and motor tune-up for passenger cars and vans may be approved in the C-1 and C-2, Business Districts subject to the following:

- A. All access shall be directly onto a major thoroughfare. 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.
- B. The use shall be conveniently and safely accessible by the general public and shall not conflict with traffic movement or the reasonable and proper development of the district and area in which it is located.
- C. All repair and/or servicing activities shall be conducted within a completely enclosed building.
- D. The outside overnight parking of vehicles shall be limited to no more than one and one half (1 1/2) per service bay and shall be limited to only those vehicles which are to be repaired.
- E. There shall be no outside storage of partially dismantled, inoperable or unlicensed vehicles, or discarded parts. Operator shall produce evidence of contract(s) for

regular removal of hazardous items from site such as fluids, used tires and other similar materials.

- F. Outside display of parts and/or products for sale shall be maintained in a neat and orderly fashion and shall not interfere with vehicular access or obstruct driver visibility.
- G. A minimum parcel size of two (2) acres shall be required to establish this use, unless the service center is incorporated and designed as part of a discount or department store complex, or similar structure.
- H. The location of the vehicle service center shall be architecturally treated and designed to be compatible with the adjacent land uses. Entrances to individual service bays shall not face abutting residential parcels.
- I. The Planning Commission shall require landscape and screening materials in accordance with Section 15.10, where the Planning Commission determines such screening is necessary to reduce the impact of the proposed facility on adjacent properties or rights of way.

SECTION 16.08 AUTOMOTIVE OR VEHICLE SALES DEALERSHIP

- A. All areas subject to vehicular use shall be paved with a durable dust-free surfacing, with appropriate bumper guards where needed.
- B. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets as measured from the right-of-way line.
- C. Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
- D. No outside storage of discarded or salvaged materials, junk vehicles, or junk parts shall be permitted on the premises.
- E. The outside display of new and used vehicles shall be permitted and such storage area shall occupy no more than thirty-five (35) percent of a lot which is used for vehicle sales. Parking lot setbacks must be provided in accordance with Section 14.01C.
- F. There shall be no streamers, strings of flags, pennants, or bare light bulbs permitted.

- G. There shall be no portable signs and no flashing illumination of any kind on any feature of the use.
- H. No vehicles or merchandise for sale shall be displayed within any required greenbelt, landscaped berm, or other landscape or open space area.
- I. All lighting shall be shielded in accordance with the provisions of Section 15.13.
- J. No outside load speaker or outside public address systems shall be used.

SECTION 16.09 AUTOMOBILE WASH ESTABLISHMENTS

- A. Minimum lot size shall be two (2) acres.
- B. Automobile wash establishments shall be completely enclosed within a building.
- C. Buildings shall be set back sixty (60) feet from the existing right-of-way line.
- D. Entrance and exit drives shall be no less than one hundred (100) feet from any street intersection and at least two hundred (200) feet from any residential district.
- E. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be served by the wash facility. Waiting spaces shall be provided in accordance with Section 15.07 A.
- F. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or heavy tracking onto a public street. A combination of alternatives may be used, including, but not limited to, blowers, hand-drying, length of exit drive and general site design. Adequate provision shall be made for the drying of the automobiles undercarriage during sub-freezing weather prior to entering public thoroughfare.
- G. The site plan shall detail the location of all proposed vacuum stations. Vacuum stations shall be located in the rear yard a minimum of fifty (50) feet away from any adjoining residential use. These areas shall also be located so as not to conflict with any required parking, drive, or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- H. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. Outdoor lighting must meet the lighting standards of Section 15.13.

- I. Landscape screening shall be provided on those sides abutting a residential district, in accordance with the provisions of Section 15.10.

SECTION 16.10 BED AND BREAKFAST OPERATIONS OR TOURIST HOMES AS DEFINED BY SECTION 2.02.

- A. Must be clearly incidental to the principal use of a dwelling unit as a single-family dwelling unit. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- B. There shall be no separate cooking facilities used for the bed and breakfast stay. Food served will be done so in accordance with, and limited by, that permitted by applicable state law and subsequent guidelines published by the Michigan Department of Public Health.
- C. The maximum length of stay for any guests of bed and breakfast operations shall be fourteen (14) days.
- D. The dwelling unit which contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.
- E. In the residential district one sign not to exceed six square feet in area shall be permitted in accordance with the requirements of Section 15.17.
- F. Parking must be provided as per the requirements of Sections 15.07 and 15.08.
 - 1) There shall be ample open space other than that required to accommodate the required off-street parking. Natural screening by use of plant materials or other screening as allowed by the Planning Commission shall be required to screen parking areas from adjoining properties. Off-street parking in front yard areas shall not be permitted.
 - 2) If the applicant is unable to meet criteria for parking, the applicant may request special consideration from the Planning Commission through the site plan review process. The Township's intent is not to encourage yards to be destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. In such a case the applicant shall submit an analysis of parking required and parking provided within a three hundred (300) foot radius of the subject parcel. After analyzing this study, the Planning Commission may lower the number of the required parking based on the fact that sufficient parking exists in the neighborhood.

SECTION 16.11 BERTHING, STORAGE OR SERVICING OF BOATS, YACHTS, CRUISERS, INBOARDS, OUTBOARDS, AND SAILBOATS INCLUDING ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO THE USE.

Sales service, storage, and repair of new and used boats and recreation vehicles or mini-warehouses, boat cradle storage, boat storage or recreation vehicle storage may be permitted by the Planning Commission subject to the provisions of the Ordinance and the following conditions:

- A. When adjacent to a residential use or a residential zoning district, a minimum fifteen (15) feet greenbelt and/or a masonry wall shall be provided along the abutting residential use or district, and shall be planted according to the standards of Section 15.11.
- B. All lighting shall be shielded from adjacent residential uses and from direct glare onto the street.
- C. There shall be a landscaped area of at least fifteen (15) feet between the property line at the street and the parking or storage area.
- D. All wrecked or damaged vehicles shall be screened from public view by a solid wall or an obscuring fence.
- E. No wrecked or damaged vehicle shall be stored on the premises for a period of time exceeding six (6) months, nor shall any wrecked or damaged vehicle be parked or stored within the required front yard area.

SECTION 16.12 CAMPGROUNDS AND TRAVEL TRAILER PARKS

Campgrounds shall be developed only in accordance with Act 171, P.A. 1970, as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended and the following local regulations.

- A. All such uses shall be developed on sites of at least twenty (20) acres and five hundred (500) feet in width. The term "parcel" shall mean the entire campground or travel trailer park.
- B. No individual campsites shall be located closer than thirty (30) feet to all property lines.

- C. All buildings housing animals shall be set back at least one hundred (100) feet from all property lines. All other buildings shall be set back at least fifty (50) feet from all property lines.
- D. All access shall be directly onto a paved road with a future right of way of 120', a paved County Primary Road or a paved State Highway.
- E. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or greenbelt buffer in accordance with the provisions of Section 15.10.
- F. Adequate off-street parking shall be provided to accommodate the maximum number of users of the facility. All parking areas shall be kept dust-free at all times.
- G. There shall be no public address or other amplified sound system, except by written permission of the Township Board.
- H. The parcel shall be provided with at least one (1) public telephone

SECTION 16.13 CARRY-OUT RESTAURANT, FAST-FOOD ESTABLISHMENT, OR DRIVE-IN RESTAURANT

- A. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school or from a public park.
- B. A setback of at least sixty feet (60) from the right-of-way line of any existing street must be maintained.
- C. Points of vehicular ingress shall be limited to an adjacent major thoroughfare only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts and driveways and for layout of parking lots.
- D. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
- E. The minimum distance of any driveway to property line shall be ten (10) feet.
- F. The minimum distance between two-way driveways on the site shall be one hundred eighty (180) feet measured from curb to curb.
- G. The minimum distance a driveway into the site shall be from a street intersection shall be one hundred ten (110) feet measured from the intersection of the street

right-of-way to the nearest end of the curb radius to nearest end of curb radius or equivalent.

- H. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- I. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with Section 15.08. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, in accordance with Section 15.10.
- J. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines except across approved driveways, so as to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
- K. Food consumption upon the premises outside the fast-food and carry-out restaurant building shall be prohibited unless permanent outside facilities are provided. The premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverage within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two (2) such signs not to exceed (two (2) square feet each) shall be posted within the building near the checkout counter of the restaurant and a minimum of four (4) such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises.
- L. All outside trash receptacles shall be enclosed in accordance with the requirements of Section 15.10.16.
- M. Devices for the transmission of voices shall be so directed or subdued as to prevent sound from being audible beyond the boundaries of the site.
- N. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
 - 1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in

possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.

- 2) The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
- 3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured pre-cast concrete wheel stops or the equivalent, as may be approved by the appropriate Township agency.

SECTION 16.14 CEMETERIES

- A. Cemeteries shall have a minimum lot size of ten (10) acres and a minimum frontage on a major thoroughfare of three hundred (300) feet.
- B. All ingress and egress shall be from a paved major thoroughfare.
- C. All buildings and structures shall be located no less than two hundred (200) feet from the property line.
- D. There shall be no burial plots within twenty-five (25) feet of the perimeter of the site and all service and storage yards shall be screened from view by a screen wall at least 6 feet high.
- E. There shall be provided, on those sides abutting or adjacent to a residential district or use, a screen wall, fence or buffer strip designed in accordance with the provisions of Section 15.10.
- F. Perimeter fencing may be required to delineate the limits of the cemetery site to discourage trespassing and prevent vandalism.
- G. Adequate off-street parking shall be provided so that visitors' automobiles are not left standing on a public street or right-of-way

SECTION 16.15 CHILD CARE CENTERS, NURSERY SCHOOLS, DAY NURSERIES AND ADULT DAY CARE CENTERS AS DEFINED IN SECTION 2.02.31

- A. All such uses shall provide adequate drop-off and waiting space so that clients' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.
- B. Outdoor play space shall be provided in the ratio of one hundred (100) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than five thousand (5,000) square feet. An outdoor recreation area is recommended, but not required, for adult day-care facilities.
- C. To insure child and adult safety, all outdoor use areas shall be enclosed by a minimum 4 foot 6 inch high fence of a non-climbable design. On those sides abutting a residential zoning district or use, a 6-foot high screen wall shall be required in accordance with Section 15.11.
- D. The site layout shall be designed to insure pedestrian safety by separating outdoor use areas from parking and driveways.
- E. Overnight and night time care after 8 p.m. shall require evidence of compliance with Michigan Department of Social Services rules.
- F. All day-care facilities shall provide fifty (50) square feet of indoor space for each adult or child in their care, based upon their current license and any conditions of their Special Land Use Permit. This space shall be exclusive of space for offices, restrooms, and kitchens.
- G. Sufficient on-site parking shall be provided to satisfy the needs of the staff, visitors, and clients of all day-care facilities as required by Section 15.07. All parking shall be paved and constructed to the standards of Section 15.08.

SECTION 16.16 RELIGIOUS FACILITIES

- A. Minimum lot width shall be one hundred fifty (150) feet
- B. Minimum lot area shall be three (3) acres.
- C. Off-street parking shall be designed in accordance with the provisions of Section 15.07 and 15.08.

- D. Parking lots shall be screened in accordance with the requirements of Section 15.10.
- E. The property shall have frontage on and direct access to a major thoroughfare.
- F. All exterior lighting shall comply with Section 15.13.

SECTION 16.17 CLUBS AND FRATERNAL ORGANIZATIONS

- A. Minimum lot width shall be one hundred fifty (150) feet.
- B. Such uses shall front upon and have direct access to a major thoroughfare.
- C. A minimum site size of three (3) acres shall be required.
- D. Only commercial uses ancillary to the club function shall be permitted.
- E. Land not utilized for buildings, parking, etc. shall be landscaped.
- F. All parking shall be designed in accordance with the requirements of Section 15.07 and 15.08.
- G. Landscape screening shall be provided in accordance with the requirements of Section 15.10.

SECTION 16.18 COLLEGES, UNIVERSITIES, AND OTHER INSTITUTIONS OF HIGHER LEARNING.

- A. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat
- B. All vehicular access to said site shall be from a major thoroughfare.
- C. No building shall be closer than eighty (80) feet to any property line.
- D. All parking shall be designed in accordance with the requirements of Section 15.07 and 15.08.
- E. Landscape screening shall be provided in accordance with the requirements of Section 15.10.

SECTION 16.19 CONGREGATE CARE FACILITY, ADULT FOSTER CARE FOR MORE THAN SIX (6) ADULTS OR HOUSING FOR THE ELDERLY.

- A. The building height shall not exceed a height of two and one-half (2.5) stories, or thirty-five (35) feet.
- B. No building shall be located closer than fifty (50) feet to any property line.
- C. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare.
- D. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility, shall be directly from a major thoroughfare.
- E. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the care facility. The fifteen hundred (1,500) square of land area shall provide for landscape setbacks, off-street parking, service drives, loading space, yard requirements and space request for accessory uses, but shall not include the area covered by the principal building.
- F. A Buffer Strip or Screen wall shall be provided for those yards abutting a residential use or district in accordance with Section 15.10.
- G. Off-street parking shall be provided and designed in accordance with Section 15.07 and 15.08 of this ordinance.

SECTION 16.20 CONVALESCENT HOMES, NURSING HOMES AND HOMES FOR THE AGED.

- A. Minimum lot size shall be three (3) acres and may provide for the following:
 - 1) Cottage type one-story dwellings and/or apartment type dwelling units.
 - 2) Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said major thoroughfare.
- C. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

- D. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall be landscaped and may not include off-street parking areas, driveways, and accessory uses or areas.
- E. A Buffer Strip or Screen wall shall be provided for those yards abutting a residential use or district in accordance with Section 15.10.
- F. Off-street parking shall be provided and designed in accordance with Section 15.07 and 15.08 of this ordinance.
- G. Minimum dwelling unit size shall be three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- H. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.

SECTION 16.21 COMBAT GAME AREAS AND SIMILAR LARGE SCALE RECREATION USES

Combat game areas in which participants use air guns or other similar devices which are intended only to "mark" participants and not injure them are permitted in the Residential Agricultural District subject to the following special standards:

- A. The site shall contain a minimum of forty (40) acres per game field.
- B. The site shall not be adjacent to any Residential District other than a RA, Residential Agriculture District. Property located across a public right of way would be considered adjacent for purposes of this provision.
- C. The site shall have direct access to a public road.
- D. 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 following standards shall apply:
 - 1) A three hundred (300) foot buffer zone around the perimeter of the property shall be provided in which no game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.

- 2) A four hundred fifty (450) foot buffer zone shall be established and clearly marked on the sides between the subject parcels and adjacent existing residences.
- 3) The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
- 4) All parking shall be provided in off-street parking lots designed in accordance with Sections 15.07 and 15.08.
- 5) A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and Township Building Code.
- 6) The use of the site shall not generate excessive noise, odors, dust or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
- 7) Signs shall be regulated by Section 15.17 of the ordinance.

SECTION 16.22 DRIVE-IN THEATER

- A. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any Residential District. There shall be at least one exit and one entrance to the lot which shall be directly onto said major thoroughfare. Access to any residential street shall not be provided.
- B. The premises shall be enclosed with a solid screen fence eight (8) feet in height. The solid screen fence shall be of a permanent material of metal, brick, or masonry.
- C. All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- D. Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.
- E. The theater screen shall not be placed closer than one hundred (100) feet from any public street right-of-way and shall be so constructed as to not be visible to a major thoroughfare or any Residential District.
- F. Such use shall be located on a parcel of at least twenty (20) acres in size.

- G. The projected internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, and other technical aspects.
- H. Ingress and egress drives shall be paved.
- I. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and Township Building Code.

SECTION 16.23 DRIVING RANGES

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. There must be maintained a minimum open green space of fifty (50) feet between the property line and any adjacent property. In addition, on those sides abutting a residential district, there shall be provided and maintained a landscaped greenbelt consisting of plant materials eight (8) feet in height or greater, or fencing six (6) feet in height or greater, sufficient to contain golf balls on the site.
- C. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and Township Building Code.

SECTION 16.24 COMMERCIAL FEEDLOTS AND RAISING OF FUR BEARING ANIMALS

- A. The raising of any fur bearing animals including mink and rabbit, shall be permitted upon special approval in the Residential Agricultural District when located on a continuous parcel of land twenty (20) acres or more in area with all buildings and outdoor runs setback one hundred (100) feet or more from all property lines; with the exception of raising mink which shall be conducted on a continuous parcel of land forty (40) acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four (4) feet in height and setback from all property lines a minimum distance of four hundred (400) feet.
- B. Feed lots shall be permitted upon special approval in the Residential Agricultural District subject to the following conditions:
 - 1) The raising of fowl including emu or their by-products shall be conducted within an adequately fenced area or an enclosed building. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted. All buildings and

structures shall be subject to the minimum setback requirements of the district in which they are located.

- 2) Any pen, corral, or structure where barnyard animals including alpaca are maintained as a feed lot, or where swine are raised shall be located a minimum of two hundred (200) feet from the nearest RSF, R-1 or R-2 Residential District. A feedlot shall not be located closer than two hundred (200) feet from a residence.

SECTION 16.25 GAS OR ELECTRICAL TRANSMISSION LINES

High-pressure gas transmission lines and high voltage electric transmission tower lines shall be permitted in any district subject to the following regulations:

A. General Regulations

- 1) All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.
- 2) The loss of any active agricultural use on property shown as Prime or Unique Farmland on the Soil Conservation Service's Important Farmland Map of St. Clair County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Planning Commission.
- 3) Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- 4) Noncompliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.
- 5) Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Planning Commission.
- 6) The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address, and telephone

number of its employee who is responsible for receiving complaints and communications from the Township.

- 7) The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

B. Requirements for High Voltage Electric Transmission lines of 120 kV or Greater:

- 1) High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500) feet to occupied residences. Existing 345 kV lines shall not be energized at a higher voltage level when located closer than five hundred (500) feet to occupied residences.
- 2) Corridor width shall be a minimum of two (2) times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
- 3) Where operating voltages will exceed 345 kV, the Township shall evaluate an area one quarter (1/4) mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed one hundred (100) in any two (2) mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
- 4) The electric field strength for all voltage levels shall not exceed 0.8 kV per meter, as measured at the edge of the corridor right-of-way.
- 5) No such line or system shall cause radio or television interference within residential dwellings in the Township, and if such happens it will be considered a public nuisance, subject to abatement.
- 6) "Danger No Trespassing" signs shall be placed at all road crossings and the Planning Commission may require fencing at those road crossings which it determines are in need of additional protective measures.
- 7) Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
- 8) Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>SOUND LEVEL</u>	<u>ADJACENT USE</u>	<u>WHERE MEASURED</u>
40dBA	Open Space/Recreational	Common Property Line
40dBA	Residential	Common Property Line
40dBA	Agricultural	Common Property Line
60dBA	Commercial	Common Property Line
75dBA	Industrial	Common Property Line

The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

- 9) During the construction or repair of any facilities approved hereunder, the following shall be required:
 - a) All internal roads shall be kept dust free by chemical treatment.
 - b) Any damage to public or private roads, fences, structures, or facilities shall be repaired immediately.
 - c) No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - d) All construction operations shall be confined to daylight hours – Monday through Saturday – unless permitted in writing by the Planning Commission.

- 10) At the time a request is made for approval under this section, the person, partnership, corporation, or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and facilities proposed for installation. The Planning Commission may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities and an agreement to indemnify, defend, and hold harmless the Township from any claims arising out of the construction or operation of a project approved herein.

- 11) When such lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five (5) days notice, shall be

required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.

- 12) If any court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission. Dismantling and restoration will be completed at no cost to Clyde Township and shall be carried out in accordance with guidelines for construction as provided in paragraph b.9, above.
- 13) The Township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high voltage electricity, and such reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
- 14) After the construction of the line is completed and before regular operation has begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.

SECTION 16.26 GOLF COURSES WHICH MAY OR MAY NOT BE OPERATED FOR PROFIT

- A. Minimum site size shall be sixty-five (65) acres for a nine (9) hole course and one hundred eighty (180) acres for an eighteen (18) hole course.
- B. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.
- C. The site shall be so planned as to provide all access directly onto or from a major thoroughfare.
- D. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- E. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or

accessory buildings and structures shall not be less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.

- F. Whenever a swimming pool is to be provided said pool shall be provided with a protective fence size six (6) feet in height and entry shall be by means of a controlled gate.
- G. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

SECTION 16.27 GUN CLUBS AND SHOOTING RANGE REGULATIONS

Gun clubs, whether operated for profit or not, may be permitted in RA, Residential Agricultural and LM, Limited Manufacturing Districts only, after review by the Township Board as a use permitted subject to special conditions provided the following conditions are met:

- A. All such facilities must be situated on a parcel of land not less than forty (40) acres in area and having a minimum of one thousand three hundred twenty (1,320) foot road frontage,
- B. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals no greater than fifty (50) feet apart.
- C. Design and operation of such facility shall also be in accordance with specification and practices outlined in the "Current National Rifle Association Standards."
- D. All federal, state, county, and township codes and ordinances in regard to firearms shall be strictly adhered to.
- E. In no instance shall a firearm be discharged closer than one thousand (1,000) feet to an existing residence.
- F. In no instance shall a firearm be discharged on any range in any gun club without the presence of a range officer of the gun club for supervision.
- G. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Article 17 and clearly indicating

all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.

- H. Any other provision which the Township Board deems necessary to assure the health, safety, and general welfare of the inhabitants of Clyde Township and adjacent communities.
- I. All ingress and egress from said parcel must be directly from a public road
- J. Parking shall be required in accordance with the requirements of Section 15.07.
- K. All new gun clubs, shooting, and archery ranges and any additions to such uses shall be designed by an engineer or architect licensed by the state of Michigan.
- L. Operations shall not begin before 8:00 a.m., nor continue beyond 9:00 p.m. Noise levels at the property lines shall not exceed 40dBA. Sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Department of Standards.

SECTION 16.28 GREENHOUSES (INCLUDING FACILITIES FOR SALE TO THE PUBLIC)

- A. The parking area shall be designed so as not to disrupt abutting residential development with noise or headlights.
- B. There shall be side yard setbacks of at least fifty (50) feet on either side of the greenhouse.
- C. All loading and parking shall be provided in accordance with Section 15.07.
- D. The storage or display of any materials shall conform to all building setback requirements of a structure.

SECTION 16.29 HOME BASED BUSINESS

Home Based Businesses shall be permitted as special land uses in the RA and RSF Districts. Limited business uses primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, subject to the following:

- A. Only owner/operated types of businesses shall be allowed.

- B. All such uses shall be completely enclosed within a building and shall be designed and operated by the owner/operator as a use accessory to his or her permitted residential use.
- C. There shall be no open storage of equipment, vehicles, materials or wastes.
- D. The product manufactured on-site shall not be sold primarily at retail on site, rather, the product shall be distributed elsewhere by the owner/operator.
- E. The number of employees shall be disclosed and agreed upon as part of the special land use permit.
- F. The building used for production or servicing shall not exceed the total floor area of the permitted residence.
- G. All areas for employee and customer parking shall be designed and arranged so as to be screened from public view.
- H. The owner/operator shall have restroom facilities available for all employees within 500 feet of their usual working place.
- I. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.

The Planning Commission may waive the requirement for a paved driveway and parking area for a home based business use upon making the following findings:

- A. The home based business use has no more than six (6) full time equivalent employees.
- B. The home based business use does not require the delivery or pick up of merchandise or materials in trucks or trailers with more than two axles.
- C. The uses of a gravel driveway and parking area would not create excessive noise, dust or other negative impacts that might affect adjacent structures.

SECTION 16.30 HOME OCCUPATION

Home Occupations shall be permitted by right in the RA, RSF, R-1, R-2 and MH Districts.

- A. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation.

- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the dwelling unit, (exclusive of areas of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches) shall be used for purposes of the home occupation, but in no event more than five hundred (500) square feet of floor area.
- C. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding six (6) square feet in area, non-illuminated, and shall contain only the name and occupation of the resident of the dwelling.
- D. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
- E. No more than one (1) home occupation per dwelling unit shall be permitted.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
- H. Such home occupation shall be carried on entirely within the principal dwelling and exclusively by the inhabitants thereof.

SECTION 16.31 HOSPITALS

- A. Minimum lot area shall be twenty (20) acres.
- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- C. The building height of a hospital shall be no more than four (4) stories or forty five (45) feet.

- D. Minimum main and accessory building setback shall be one hundred (100) feet from any property line.

SECTION 16.32 JUNK YARDS

- A. Minimum lot size shall be twenty (20) acres.
- B. The setback from the front property line to the area upon which junk materials are stored shall be not less than fifty (50) feet and shall be provided with a greenbelt buffer. See Section 15.10 for greenbelt buffer requirements.
- C. Junkyards shall be screened from the roadway and from any adjoining property by an obscuring fence or wall eight (8) feet in height. Said fence or wall shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. A solid masonry wall of decorative concrete block, brick or stone at least eight (8) feet in height, shall be required when adjacent to a street or highway. A ten (10) foot wide (minimum) landscaped greenbelt shall be maintained between the required wall and road right of way or easement. Planting requirements for Greenbelt (E) in Section 15.10 shall be provided.
- D. All activities and materials shall be kept within the enclosed area formed by the obscuring fence. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.
- E. All structures, off street parking and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
- F. All roads, driveways, and parking lots used by the general public shall be paved, and loading and unloading areas within any junk yard shall be paved, watered, or environmentally approved dust control measures so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.
- G. A roadway shall be provided, graded, and maintained from the street to the rear of property to permit emergency vehicle access.
- H. Display of merchandise outside of the required wall or fenced enclosure is prohibited.

SECTION 16.33 KENNELS, COMMERCIAL

A Commercial kennel is defined as any lot or premises on which five (5) or more dogs or similar domestic pets, are either permanently or temporarily boarded. A commercial kennel shall also include

any breeding operation with five (5) or more such animals over one year of age. Commercial kennels are permitted in the RA District subject to the following requirements:

A. General Requirements

1. The minimum lot size shall be five (5) acres.
2. The site shall abut either a public road or an internal industrial park street.
3. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
4. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.
5. Between the hours of 10:00 p.m. and 6:00 a.m. all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in Section 16.33 (7).
6. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Section and Ordinance violated.
7. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property, and limited to:
 - a. Leashed animals under the direct supervision of their owners or commercial kennel staff;
 - b. Small "play groups" of animals pre-selected for compatibility, supervised by kennel staff.

B. Exterior Standards

1. In the RA district, dog kennel buildings shall be considered accessory buildings to a single family residence and shall be subject to all regulations of Article 5 and Section 15.06, including maximum allowable floor area.

2. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line, and shall not be located in any required front, rear, or side yard setback area.
3. A dog kennel shall have at least the following two levels of outdoor exercise:
 - a. Individual outdoor pens separated by privacy panels to prevent the dogs from seeing one another.
 - b. A yard completely enclosed by an obscuring fence not less than four (4) feet high.
 - c. A second yard enclosed by a 5' chain link fence is optional.
 - d. Unsupervised outdoor dog runs and pens are not permitted.

C. Interior Standards

1. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.
2. All kennel buildings shall be fitted with sound-proofing on walls, windows, and doors.
3. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.
4. All kennels shall have an isolation pen for dogs that bark uncontrollably, in order to reduce their influence on other dogs.
5. Privacy panels are required between pens
6. A variety of pen sizes shall be provided to accommodate both individuals and "families" or groups of compatible dogs.

SECTION 16.34 LANDING STRIP (PRIVATE)

- A. Minimum parcel size and lot dimension configuration must be adequate to permit a runway easement of at least two hundred (200) feet by two thousand (2,000) feet.
- B. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to the landing strip.
- C. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles.

- D. The Planning Commission may approve the use if it finds that the use will not jeopardize the health, safety and welfare of the occupants of adjacent properties.

SECTION 16.35 LUMBER, BUILDING MATERIAL, PLANNING MILLS, AND STORAGE YARDS.

- A. The open storage of material shall be setback at least fifty (50) feet from any public road right-of-way.
- B. Open storage shall be screened on all sides by an opaque fence of at least eight (8) feet in height and all outdoor stored material shall not be piled or stored so as to exceed the height of the opaque.
- C. Lumber yards and planing mills shall be located in the interior of the district so that no property line shall form the exterior boundary of a Residential District.
- E. An emergency access road shall be provided and maintained to the rear of the property for access by fire and emergency vehicles.

SECTION 16.36 MINI WAREHOUSE – SELF-STORAGE FACILITY

- A. The minimum size of the site devoted to such use shall not be less than ten (10) acres.
- B. Building setbacks shall be as follows: front yard not less than thirty-five (35) feet; side and rear yard not less than ten (10) feet.
- C. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
- D. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
- E. A Buffer Strip shall be provided around the perimeter of the development in accordance with Section 15.10. The Planning Commission may also require a screen wall or obscuring fence at their discretion.
- F. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.

- G. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- H. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Section 15.08.
- I. All ingress and egress from this site shall be directly onto a collector or major thoroughfare.
- J. Building height shall not exceed one (1) story fifteen (15) feet, except that a caretaker or resident manager's unit may be allowed a building height to two (2) stories twenty-five (25) feet.
- K. No single storage building shall exceed five thousand (5,000) square feet.
- L. All storage on the property shall be kept within an enclosed building.

SECTION 16.37 MORTUARY ESTABLISHMENTS

- A. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
- B. Such assembly area will be in addition to required off-street parking.
- C. A caretakers residence may be provided within the main building of the mortuary establishment.

SECTION 16.38 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

- A. No building shall exceed two hundred (200) feet in length.
- B. Dual paved access throughout a multiple-family site is required for emergency vehicle access. No dead-end street shall be more than three hundred (300) feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead-end streets. Entrances to private roadways shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.
- C. All main access drives in a multiple site shall be free of on-street parking. The minimum width of pavement on an access drive shall be twenty-four (24) feet.
- D. Parking within the required side and rear yards shall be permitted, except that parking lots or access drives adjacent to single-family districts shall be located a minimum of ten (10) feet from the property line.

- E. No building shall be located closer than twenty-five (25) feet from internal access roads nor shall the longer dimension of a building be located closer than twenty (20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
- F. All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road or an approved paved area. Private roadways dedicated as fire lanes shall be posted with signs indicating " fire lane, no parking."
- G. No entrance to a dwelling unit or building shall be more than one hundred fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
- H. When abutting a limited access freeway and/or railroad rights-of-way, a visual and noise buffer composed of one of the following must be provided:
 - 1) An eight-foot high earth berm with dense evergreen and deciduous plantings in a minimum of two rows to create a visual buffer consistent with the requirements of an extensive landform buffer (A-1) in Section 15.10.
 - 2) An eleven (11) foot masonry wall shall be erected as a noise buffer.
 - 3) A dwelling unit shall not be constructed within two hundred (200) feet of a freeway or railroad right-of-way and a greenbelt buffer shall be provided to screen the road / railroad.
- I. Any community building located on a multiple site shall have one parking space per each ten dwellings units.
- J. Internal site sidewalks shall be provided and located five (5) feet from and parallel to curbed access drives (twelve (12) feet from uncurbed drives), and also located to provide convenient access to community buildings and parking areas from dwelling units. The width of sidewalks shall be a minimum of five (5) feet wide.
- K. Street and yard lights, attached to standards approved by the Township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to building, trees, walks, steps, and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.

- L. To facilitate fire protection during site preparation and construction of buildings, the following shall be required:
- 1) Water mains and fire hydrants shall be installed prior to construction of the building foundation.
 - 2) Prior to construction of multiple residential buildings and other large structures, a paved or gravel roadbed capable of supporting access for heavy fire fighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.
 - 3) Free access from the street to fire hydrants and to outside connections or standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
 - 4) The contractor shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris caused by his construction. If debris is stored in a pile, it shall be located at a distance well away from the structure.
 - 5) Special attention should be given to temporary storage buildings and field offices because of combustible loading and generally poor housekeeping. Temporary buildings shall not be grouped together, and a reasonable separation shall be provided to minimize the fire exposure probability.

SECTION 16.39 MUNICIPAL BUILDINGS

Municipal administration buildings used predominately for the general conduct of government. Such buildings include, but not limited to, Township halls and other headquarters of government where the governing body regularly meets, subject to the following conditions:

- A. All vehicular access to the site shall be from a major thoroughfare.
- B. Pedestrian sidewalks and walkways shall be provided after review and recommendations by the Planning Commission to the Township Board.
- C. All loading and unloading shall be located in the rear yard, and be so designated as to avoid undue interference with public use of off-street parking areas.
- D. The principal buildings on the site shall be set back from abutting properties zoned for residential use and public rights-of-way not less than seventy-five (75) feet.

- E. Buildings of greater than the maximum height allowed in Article 14, Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

SECTION 16.40 PRIVATE NON-COMMERCIAL RECREATION AREAS; INSTITUTIONAL OR COMMUNITY RECREATION CENTER; NON-PROFIT SWIMMING POOL CLUBS

- A. 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 (1) property line abutting a major thoroughfare, and the site shall be so planned as to provide all vehicular access onto a major thoroughfare or a collector road.
- B. Front, side, and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting Residential Districts.
- C. Off-street parking shall be provided in accordance with the provisions of Section 15.07. The Planning Commission after review may recommend to the Township Board modifications of the off-street requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for confirming the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be reviewed by the Planning Commission on a as used basis and recommendations made to the Township Board.
- D. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

SECTION 16.41 RACE TRACKS (INCLUDING MIDGET AUTO, KARTING, HORSE, AND SNOW MOBILE)

Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only in the LM Districts when located adjacent to

a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposed on all sides, and shall be subject to the following conditions and such other controls as deemed necessary by the Township Board to promote health, safety and general welfare.

- A. The minimum lot size shall be twenty (20) acres.
- B. All parking shall be dust free and be provided as off-street parking within the boundaries of the development.
- C. All access to the parking areas shall be provided only to a dust free major thoroughfare.
- D. All sides of the development not abutting a major thoroughfare shall be provided with a greenbelt, twenty (20) foot wide in accordance with Section 15.10 so as to obscure from view all activities within the development.

SECTION 16.42 RADIO AND TELEVISION TOWERS, BROADCASTING AND RECORDING STUDIOS

- A. Commercial and public radio and television towers shall have setbacks for each tower from adjacent right-of-way and/or property lines of not less than one (1) times the height of each tower above the ground. An open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.
- B. Residential radio towers, citizens band radios, ham operations, and/or all-citizens residential radios, and attendant facilities shall be permitted in RA, RSF, and R-1 and R-2 Residential Districts only if said uses comply with the area maximum height requirements when attached to the roof of any principal residence. Freestanding towers shall be located centrally on the lot with a dimension of not less than one (1) times the height of the attendant tower as measured from the base to all points of each property line.
- C. In the case of recording studios:
 - 1) All structures and parking areas shall be located fifty (50) feet from any adjacent residential district.
 - 2) There shall be maintained between the side property line and any structure or parking area an obscuring greenbelt buffer within the fifty (50) foot setback.

SECTION 16.43 REGULATED USES

In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within one thousand (1,000) feet of each other which would create such adverse effects), or to prevent the deterioration or blighting of a nearby residential neighborhood.

The regulation of the uses herein, including sexually oriented businesses, is intended to promote the health safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects 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 or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the 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.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatres, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Djvu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Dj Vu of Nashville, Inc. et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683

(10th Cir. 1998); Connection Distrib. Co. v. Reno, 154 F.3d 281 (6th Cir. 1998); Sundance Assocs. v. Reno, 139 F.3d 804 (10th Cir. 1998); American Library Association v. Reno, 33 F.3d 78 (D.C. Cir. 1994); American Target Advertising, Inc. v. Giani, 199 F.3d 1241 (10th Cir. 2000); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); ILO Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); Currence v. Cincinnati, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and findings on secondary effects detailed in papers including but not limited to, "Stripclubs According to Strippers: Exposing Workplace Sexual Violence", by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View", by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Clyde Township is seeking to abate and prevent in the future.

A. Regulated Uses:

- 1) Adult physical culture establishment
- 2) Adult book or supply store.
- 3) Adult motion picture theater.
- 4) Adult Model Studio
- 5) Adult mini-motion picture theater.
- 6) Adult drive-in motion picture theater.
- 7) Arcades.
- 8) Group "A" cabaret.
- 9) Pawnshops.
- 10) Pool or billiard halls.
- 11) Public lodging halls.
- 12) Secondhand stores.

B. Any of the regulated uses listed in Section A above are permitted if:

- 1) The use is located within a zoning district where the use is specifically permitted and the use meets the dimensional requirements and applicable provisions of the Zoning Ordinance.
- 2) The establishment of such use will not result in more than two such uses within a one thousand (1,000) foot radius, measured to the nearest lot line of the proposed use.

- 3) The use located more than five hundred (500) feet of any of the following uses, measured to the nearest lot line of the proposed use:
 - a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - b. Coin-operated amusement centers.
 - c. Teenage discos or dance halls.
 - d. Ice or roller skating rinks.
 - e. Any public park.
 - f. Any church.
 - g. Any public or private school having a curriculum including preschool, kindergarten or any one or more of the grades, one (1) through twelve (12).
 - h. Residential or Residential Agricultural District
 - 4) All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
 - 5) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.
- C. Application to establish any of the above regulated uses shall be made to the Township Board who shall not approve any such request if there is already in existence two (2) or more such regulated uses within a one thousand (1,000) foot radius of the property line of the site of the proposed regulated use.
- D. Appeals. The board of Zoning Appeals, upon appeal from the Township Board may waive the locational requirements of any required uses if after public hearing, all the findings required in Section c, 1 through 4, can be made and after receiving a report and recommendation from the Township Board and Planning Commission. The owners and occupiers of all property within five hundred (500) feet of the proposed use shall be notified a minimum of thirty (30) days prior to the Zoning Board of Appeals hearing on the matter. Said notice shall include a postcard addressed to the Township, containing spaces for stating approval or disapproval of the proposed regulated use and including space for commentary. The total number of postcards returned prior to the hearing will

be tallied. The votes yea and nay will also be tallied. These votes will be considered as evidence, in the Zoning Board of Appeals Decision.

- 1) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties and that the spirit and intent of this Ordinance will be observed.
 - 2) That the proposed use will not enlarge or encourage the development of a "skid row" area.
 - 3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal.
 - 4) That all applicable regulations of the Ordinance will be observed.
- E. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of ninety (90) days from the date of said order of denial, except on the grounds of new evidence found valid by the Board of Zoning Appeals.
- F. The expansion of an approved regulated use shall be subject to Township Board approval in accordance with the provisions of this Section. Further, if an established regulated use is discontinued for more than thirty (30) days, the use may not be reestablished without applying for and receiving approval in accordance with the provisions of this Section.
- G. Nothing in this Section shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure, the uses of which make it subject to the controls of this Section which is damaged by fire, collapse, explosion or act of God.

SECTION 16.44 RIDING ACADEMIES AND STABLES, COMMERCIAL.

Commercial riding academies, boarding stables and breeding farms as licensed by the Michigan Department of Agriculture may be permitted in the RA district subject to the following:

- A. The minimum lot size shall be twenty (20) acres.
- B. All buildings, corrals, or other enclosures for animals shall be set back at least 250 feet from any property line abutting a residential use.

- C. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
- D. Adequate off-street parking shall be provided for customers in the ratio of one space for every horse-boarding stall. All parking areas shall be screened from the view of an abutting residential use in accordance with Section 15.10.
- E. All areas for stockpiling manure shall be screened from view, shall not be located closer than 200 feet to any property line, and shall not be allowed to become a nuisance.
- F. Such facilities must comply with the applicable Generally Accepted Agricultural and Management Practices (GAAMP's) for manure management and utilization and care of farm animals adopted under the Michigan Right to Farm Act, Act 93 of 1981.

SECTION 16.45 ROADSIDE STAND

- A. The gross floor area of the temporary building shall be not less than fifty (50) square feet but not more than two hundred fifty (250) square feet.
- B. Suitable containers for rubbish shall be placed on the premises for public use.
- C. The temporary building shall be located not less than twenty-five (25) feet from the public right-of-way. Its height shall be no more than one (1) story.

SECTION 16.46 SMALL AIRCRAFT AIRPORTS AND LANDING FIELDS; COMMERCIAL AIRPORTS

- A. Minimum area required for small aircraft airports and landing fields, and commercial airports, and/or facilities improvements shall not be less than one hundred sixty (160) acres.
- B. The area shall have its principal means of access to a paved public street and said pavement cover shall extend to the principal urbanized areas being served by said airport/landing field.
- C. The Township Board shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.

SECTION 16.47 TECHNICAL SCHOOLS

- A. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition more detrimental to the surrounding area.
- B. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is properly screened with a five (5) foot masonry wall. The material being stored shall not be stacked higher than the screening wall.
- C. In the case of vehicle mechanics programs, outdoor storage of vehicles for repair shall comply with the standards of 16.00 subsection 6.

SECTION 16.48 TOURIST ORIENTED RETAIL ESTABLISHMENTS

Such as, but not limited to, cider mills, antique dealers, woodworking, quilt shops and craft stores.

- A. All parking spaces shall be provided with bumper stops and be provided as off-street parking within the boundaries of the development.
- B. All structures and parking areas shall maintain a fifty (50) foot setback from adjoining residential districts.
- C. A greenbelt buffer in accordance with the provisions of Section 15.10 shall be established in the fifty (50) foot setback between the use and any residential district.
- D. The parking area shall be designed so as to not cause any detrimental effects to nearby residential development such as from noise or headlights.

SECTION 16.49 TRUCK TERMINAL

- A. Permitted in the LM District only, See Section 12.03.
- B. Minimum area required for a truck terminal shall not be less than ten (10) acres.
- C. Shall have direct access solely to a major thoroughfare.
- D. Parking shall be provided in accordance with Sections 15.07 and 15.08.
- E. Loading shall be designed in accordance with Section 15.09.

SECTION 16.50 WELDING SHOP

- A. Outdoor storage of goods or materials shall be prohibited.
- B. Permitted in the LM District only, see Section 12.03.

SECTION 16.51 WIRELESS COMMUNICATION TOWERS

Wireless Communication Antennas shall be permitted as Special Land Uses in the RA (Residential Agricultural), RSF (Residential Suburban Farms), R-1 and R-2 (Single-Family), MHP (Mobile Home Park), MF (Multiple-Family), C-1 (Local Commercial), C-2 (General Commercial), LM (Limited Manufacturing), and upon any publicly-owned land within the boundaries of the Township, and subject further to the following conditions:

- A. Operational requirements necessitate locating within the zoning district, and co-location on or joint use of any existing tower or antenna is not feasible.
- B. The minimum setback to any exterior property line for the wireless communication tower or antenna shall be equal to the height of the tower. The Planning Commission may reduce the required setback of a tower or antenna from an exterior property line which is not adjacent to residentially zoned property or a public right-of way or a private street, as provided in subsection R below.
- C. The tower or antenna shall not be unreasonably injurious to the safety or aesthetics of any nearby properties, and the design and appearance of the tower or antenna shall minimize distraction, maximize aesthetic appearance, and insure compatibility with any existing structure(s) and other surrounding structures and properties. Monopole towers and "stealth" designs shall be favored over lattice tower designs.
- D. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the township, co-location, or the provision of more than one antenna on a single tower at a single location, shall be strongly encouraged. In this regard, an applicant seeking to establish a new tower or antenna shall provide information regarding feasibility of co-location at existing sites. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
- E. Should a new antenna co-locate on an existing wireless tower or existing electric transmission tower, Special Land Use Approval shall not be necessary and Site Plan Approval for a new antenna and any related equipment building, may be granted administratively, pursuant to the provisions of Section 17.01 of this ordinance. Where a new antenna is co-located on a structure other than an existing wireless tower or electric transmission tower, Special Land Use Approval shall not

be necessary and Site Plan Approval for a new antenna and any related equipment building may be granted by the Planning Commission pursuant to the provisions of this ordinance.

F. Co-location shall be deemed to be "feasible" for the purposes of this section where all of the following are met:

- 1) The applicant will undertake to pay fair market rent or other market compensation for co-location.
- 2) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
- 3) The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment(s) in relation to the structure, antennas, and the like.
- 4) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- 5) The fees, costs, or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.

G. In furtherance of the Township's objective of strongly encouraging co-location, where feasible, should it be necessary to erect a new tower or antenna, the applicant shall provide a letter of intent to lease excess space on a facility and commit itself to:

- 1) Respond to any requests for information from another potential shared use applicant;
- 2) Negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practicable, and
- 3) Make no more than a reasonable charge, based upon fair market value, for a shared use lease.

H. A condition of every approval of a wireless communication antenna shall be adequate provision for the removal of all or part of the facility by users and/or owners upon the determination that the antenna has not been used for 180 days or

more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official.

- I. To insure proper removal of the tower and/or antenna when it is abandoned, any application for a new antenna shall include a description of security to be posted at the time of receiving a Building Permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: (i) cash; (ii) bank letter of credit; or (iii) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and the owner of the property to remove the facility in a timely manner with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
- J. All tower bases and related equipment shall be screened from view from any major arterial and any adjoining residential areas by a buffer strip designed in accordance with Section 15.10, Landscape and Screening Requirements. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- K. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers shall be discouraged, unless absolutely necessary for structural reasons.
- L. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to insure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's or architect's rendering of how the tower will appear in the area proposed, taking into account existing buildings and natural features.
- M. The maximum height of any new wireless communication tower or antenna shall as determined by the Planning Commission through the granting of Special Land Use Approval. The height permitted shall be the minimum height necessary to meet the applicant's engineering requirements for the site being considered, but in no instance shall exceed a maximum height of 200 feet. It is understood that the height of a wireless communication tower or antenna may exceed the maximum permitted height specified in Schedule of Regulations found in Article 14 of this ordinance. Should co-location be proposed upon an existing structure, thereby qualifying for administrative approval, the height proposed may be approved by the administrative official approving the site plan.
- N. Cell Tower Site Access

- 1) All trees and brush shall be kept cleared for a minimum width of eighteen (18) feet for the full length of all cell tower site access drives.
 - 2) All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material approved by the Township, for a minimum width of sixteen (16) feet for the full length of the driveway.
 - 3) An appropriate area shall be provided for maintenance vehicles to turn around to exit the site. The site shall also have at least two off-street parking spaces. The turnaround area may be incorporated as part of the parking area for service personnel. The site shall also have at least two off-street parking spaces.
 - 4) The owner/lessee shall post a two foot by three foot sign facing the driveway with emergency procedures and contact information.
 - 5) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- O. Prior to and as a condition of granting Special Land Use Approval for a new wireless communication tower, it shall be necessary for the applicant to demonstrate that it is not feasible to (a) locate the tower on any publicly-owned land within the Township upon which the public entity reasonably anticipates the need or desirability of a future wireless communication tower for public purposes; or (b) locate the tower on publicly-owned land not owned by the Township where such location would minimize the impact on other properties by providing a setback larger than the minimum requirements of the ordinance, while meeting all of the other requirements contained in this Section; or (c) locate the tower on property zoned for non-residential uses (C-1, C-2, LM) in order to minimize the potential impact on residential properties within the Township.
- P. Applicants who erect a new wireless communication tower shall design the tower and site to accommodate future co-location of at least two (2) additional antennae and associated accessory buildings, and shall make the tower available for use by public service agencies, provided that public service agency equipment mounted on the tower does not adversely affect any existing equipment and mounting the public service agency equipment is technologically feasible.
- Q. If the Planning Commission determines that the applicant has adequately demonstrated that it is not feasible to locate a new wireless communication tower in any of the zoning districts or publicly-owned areas noted in paragraph (O) above,

Special Land Use Approval may be granted by the Planning Commission for a new wireless communication tower in the RA, RSF, R-1, R-2, MHP and MF Districts provided that Applicant has demonstrated compliance with each standard set forth in this Section and with each of the following requirements:

- 1) The applicant shall furnish maps which note the location of all wireless communication tower locations within the Township and within six (6) miles of the Township boundaries which have the capacity to accommodate additional wireless antennae systems. The map shall also contain the locations of any other existing structures capable of supporting a wireless antenna system.
- 2) Minimum spacing between tower locations (including those in other municipalities) shall be two miles in order to prevent a concentration of towers in one area.
- 3) The map(s) provided by the applicant shall also contain the locations of any publicly owned sites within the primary search area together with any developed sites containing non-residential land uses. Eligible sites must consist of at least three (3) acres of land and be of such size and shape that they could host a tower location with minimal impact on the surrounding areas. Publicly owned sites and larger non-residential uses, such as churches, schools or other nonresidential uses permitted within residential districts, are preferred. Sites which are part of a recorded subdivision or condominium development shall only be considered when located within a common open area of at least three (3) acres set aside for residents of the development or for use by a public utility. The Planning Commission may modify the minimum site size in instances where a determination is made that there is sufficient area and adequate access to the subject site. In no case shall the parcel area be less than .75 acres.

- R. New wireless communication towers must be setback a distance of at least one (1) foot for each one (1) foot of overall tower and antennae height. The setback is measured from the base of the tower to the nearest property line or unit boundary line, in the case of a site condominium development. The applicant shall seek to provide a greater setback to exterior property lines which abut lands developed or potentially developed for any residential living units on adjoining properties. The minimum setback distance may be reduced, but not less than the minimum setback required in the zoning district, when it is clearly demonstrated by applicant that the adjacent property is unbuildable; surface areas occupied by lakes, streams or ponds having other riparian owners/users shall not be considered as unbuildable areas. Antennae located on electric transmission towers, existing wireless communication towers, or other tall structures shall be considered to have complied

with the setback and height requirements. The setback to adjacent properties which are zoned for non-residential uses, and not including any setbacks from a public right-of-way or public or private street, may be reduced to one-half (1/2) the height of the tower.

- S. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or one-half mile radius of a helipad.
- T. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- U. Accessory structures shall not exceed 600 square feet of gross building area and are subject to the setback requirements of the zoning district. Such structures shall be limited to uses associated with the operation of the tower.
- V. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- W. Metal towers shall be constructed of, or treated with, corrosive resistant material. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulation and standards. Tower with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- X. Costs for testing and verification of compliance of the various requirements of this Ordinance shall be borne by the owner of the tower.
- Y. Towers shall not be artificially lighted, it being the intent of the Township to encourage the use of towers of such height that does not require lighting which may adversely affect nearby properties. However, if required by the FAA or otherwise required by law, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract up so as to limit ground scatter to a maximum of 75 candela or such other higher standard as may be required by law. The owners or lessee will, when requested by the Township, demonstrate that they are in compliance with this regulation.

- Z. Structures shall be subject to any State or Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State and Federal standards are adopted in the future, the antenna shall be made to conform to extent required by such standard or the Special Use approval will be subject to revocation by the Township.