

ARTICLE 8

SPECIAL LAND USE SPECIFIC PROVISIONS

SECTION 801 SPECIAL LAND USES AND SPECIFIC PROVISIONS

The following provisions apply to certain uses of land permitted by Special Land Use as listed in zoning districts provided under Article 5. The review and approval process is as provided under Article 7 of the Ordinance. Some of the uses permitted by Special Land Use in Article 5 do not have specific standards and are considered generally under the review procedures and standards of approval provided under Article 7. The provisions provided for the following uses shall be applied in addition to any other applicable provisions, standards or regulations contained elsewhere in this Ordinance unless specifically noted.

SECTION 802 ADULT GROUP HOME

- A. It is the intent and purpose of this section to establish specific standards for group homes in order to ensure that the residential character of the neighborhood, as well as the expected personal enjoyment of property by owners of residential structures in the neighborhood, is protected and encouraged.

- B. Dimensional Standards
 - 1. The property petitioned for such use shall have a minimum area of one thousand five hundred (1,500) square feet per resident, but shall not be less than the minimum area required in the underlying district.

 - 2. A group home shall be located no closer than one thousand five hundred (1,500) feet to another group home.

- C. Performance Standards
 - 1. The property and structure shall be developed and maintained in a manner compatible and consistent with the character of the neighborhood in which it is located.

 - 2. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.

 - 3. The interior layout and provision for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents bedroom.

 - 4. The structure shall have an identified area designed to provide privacy for visiting family, friends and/or agents of the resident.

SECTION 803 ADULT USES

A. It is the intent and purpose of this section to ensure that adult uses, that may have serious objectionable operational characteristics, will not intervene or interfere with the stable and continuous growth of the community and surrounding areas because of their potentially disruptive effect and impacting the personal enjoyment of adjacent property by adjacent property owners and their patrons. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the residential neighborhoods or commercial centers. The location and the manner of which such uses are implemented could act to discourage economic investment in the immediate vicinity thereof, affect property values, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. The following provisions are established to prevent the concentration of such uses and the proximity of such uses to institutional and neighborhood uses.

B. Dimensional Standards

1. An adult use establishment shall be located, as measured horizontally between the nearest point of each property containing the use, no closer than one thousand (1,000) feet from:
 - a. any other adult use;
 - b. a public, private or parochial nursery, primary, secondary school, licensed child care facility, public owned park and/or playground, or common area intended for recreational use;
 - c. any residential district or use; or
 - d. an amusement center or similar facility, such as a billiard hall, theater, recreational retail, etc., that are frequented by persons under the age of eighteen (18).
2. An adult use establishment shall not exceed a gross floor area of three thousand (3,000) square feet and be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.

C. Performance Standards

1. The site and structure shall be designed, constructed and maintained so that display, decoration or signage depicting or describing activities or merchandise within the structure cannot be observed by a pedestrian, occupant of a vehicle, or from an adjacent land use. Such provisions are intended to protect minors from viewing material, message or depiction that is by law or reasonably assumed to be considered as not being age-appropriate.

2. No person shall reside or permit any person to reside within the same structure or premises of an adult use establishment.
3. Additional screening and buffering above and beyond those outlined in this Ordinance for non-residential land uses may be applied by the Planning Commission or City Council if it is found that such screening and buffering is necessary to meet the intent of this Section and this Ordinance.
4. The Planning Commission and City Council may consider other appropriate conditions, such as hours of operation, that may be appropriate pursuant to the intent and purpose of this section.

SECTION 804 AMUSEMENT CENTER

- A. It is the intent and purpose of this section to establish standards for a broad category of principal uses, such as arcades, billiard/pool halls, where persons, most often minors, congregate for purposes of recreation. Due to the potential of these uses to attract activities, such as loitering, vandalism and truancy, standards are set below to avoid or mitigate potential nuisances. It is not the intent of this section to regulate such uses that are accessory to a principal use, such as a pool table in a bar or skill machines in a restaurant.
- B. Dimensional Standards
 1. Amusement centers shall not be located closer than two hundred (200) feet from an adjacent property that is zoned for single-family residential purposes or from the property line of another amusement center or any school, public or private.
- C. Performance Standards
 1. All ingress and egress to the site shall be from a paved street.
 2. The amusement center shall have available access to a pedestrian sidewalk, as well provide accommodations for bicycle racks for non-motorists.
 3. No organized betting or gambling shall be allowed on the premises.
 4. Children under the age of sixteen (16) may not remain on the premises after 10:00 P.M. nor during normal school hours. The petitioner shall outline process and procedure for addressing truancy issues.
 5. The operator shall demonstrate the ability to prevent problems related to potential noise, litter, loitering, crowds or similar types of issues that could

potentially create a need for law enforcement. The petitioner shall outline process and procedure for addressing such operational issues.

SECTION 805 BED AND BREAKFAST

- A. It is the intent and purpose of this section to ensure that the commercial nature of a bed and breakfast is harmonious and compatible with a residential neighborhood in which it is located.
- B. Dimensional Standards
 - 1. A Bed and Breakfast shall not be permitted on any property where there exists more than one (1) other bed and breakfast use within five hundred (500) feet, measured between the closest lot lines.
- C. Performance Standards
 - 1. Each premise shall be principally occupied and operated by the owner of the premise.
 - 2. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests.
 - 3. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking. Parking spaces and street entry shall be paved.
 - 4. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
 - 5. The exterior appearance of the structure shall not be altered from its residential district character.
 - 6. Retail sales are not permitted beyond those activities serving overnight patrons. Meals shall not be served to the public at large but only to guests. No receptions, private parties or activities for which a fee is paid shall be permitted.

SECTION 806 PRIVATE ROAD

- A. It is the intent and purpose of this section to establish standards for private roads that are petitioned in order to provide access, road frontage and/or minimum lot width requirements for parcels given the parameters of the zoning district in which the parcels are located. It is the intent of this section to ensure the long-term viability of a

private road by setting forth requirements for location, construction and continual maintenance. Private roads are intended to provide access to lots created by simple land division, not for development of plats or site condominiums.

B. Dimensional Standards

1. A private road shall not extend more than six hundred and sixty (660) feet from the public road right-of-way from which it attains access to the top of the approved turn-around, or cul-de-sac.
2. A private road shall have a recorded easement of at least sixty-six (66) feet. A complete statement of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and drives shall be submitted with petition for special land use approval.
3. A seventy-five (75) foot radius right-of-way with fifty (50) foot radius drive surface shall be provided for cul-de-sacs.
4. The width of the private road shall have eighteen (18) foot of driving surface and three (3) foot shoulders.
5. The private road shall be constructed with a minimum of six (6) inches of sand meeting MDOT Class II standards and surfaced with six (6) inches of gravel, crushed limestone, stone, or concrete meeting MDOT Class 22A and 23A standards. If paved, a minimum, three (3) inches of asphalt is required in addition to the above standards.
6. Prior to construction, all removal of all organic or unstable material from the road bed shall be removed.

C. Performance Standards

1. A private road shall not serve more than four (4) parcels.
2. Any parcel having access onto the private road shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.
3. The connection between the public road right-of-way and the private road shall conform to the standards and specifications set forth by the City under separate rules and regulations regarding intersection with a public right-of-way.
4. All parcels that have access from a private road shall have their individual addresses posted on each property and also posted together at the entrance of the private road where it intersects with the public road.

5. The private road shall be adequately drained so as to prevent flooding or erosion. Ditches shall be located within the rights-of-way and drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies.
 - a. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course and all requirement of other City Ordinances, standards and requirements are adhered to.
 - b. Connection to county designated drains shall be approved by the Shiawassee County Drain Commissioner prior to the issuance of a permit. Connection to culverts and ditches within public road rights-of-way shall be approved by the City prior to the issuance of a permit.
6. The private road easement shall provide adequate space for ingress, egress, drainage, and installation and maintenance of public and private utilities.
7. A maintenance agreement must be provided for review and approval. Following any approval, such agreement shall be filed and recorded with the Shiawassee County Register of Deeds. All parcels accessing the private road shall be part of the agreement.
 - a. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road pursuant to the specifications provided for in this Ordinance and other applicable ordinances, including but not limited to the responsibility of removing snow, maintaining width and surface for ingress and egress of emergency vehicles, insuring adequate drainage, etc.
8. Prior to the granting of land divisions for parcels that are served by the private road or prior to use of the private road following construction, the applicant shall provide a certification letter from a professional engineer registered in the State of Michigan that the private road was constructed in compliance with the provisions of this Ordinance.

SECTION 807 CAMPGROUND

- A. It is the intent and purpose of this section to establish standards for publicly or privately owned and operated campgrounds providing temporary recreational quarters for campers on a daily, weekly or seasonal basis, while also preventing or mitigating potential impacts to the personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.
- B. Dimensional Standards

1. The minimum site area for a campground shall be twenty (20) acres.
2. A minimum setback of fifty (50) feet shall be established around the perimeter of the site for purposes of screening and buffering when adjacent to property zoned or utilized for residential purposes.
3. Each campsite shall contain a minimum of five hundred (500) square feet and have available a designated area for a grilling or campfire and a picnic table.
4. A common use area shall be provided the area of which shall be no less than two hundred (200) square feet per campsite.
5. Maximum density for campgrounds shall be fifteen (15) campsites per acre.

C. Performance Standards

1. A campground may have provisions for associated sales and services for campers, the size and intensity of such to be reviewed and approved by the Planning Commission and City Council in direct proportion to the number and type of campers intended to utilize the campground. No vehicle fueling station or propane filling station shall be permitted. Propane tank exchange is acceptable.
2. The campground shall be seasonal and only open for camping from one (1) week prior to Memorial Day and one (1) week following Labor Day. There shall be no permanent storage of tents, campers, travel trailers at the site.
3. At least one public telephone shall be provided in the facility.
4. No more than one permanent dwelling structure shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
5. Separate toilet and bathing facilities shall be provided for each gender and shall contain hot and cold water at a ratio of one (1) facility per twenty (20) campsites.

SECTION 808 CEMETERIES, CREMATORIES AND/OR MAUSOLEUMS

- A. It is the intent and purpose of this section to establish standards for the internment of the dead. Such standards recognize that the development of such use is for a substantial period of time, that there are potential impacts to the personal enjoyment of adjacent property, and therefore necessary to ensure that such facilities are compatible with surrounding land uses.

B. Dimensional Standards

1. The minimum development site for cemeteries, crematories, and/or mausoleums shall be ten (10) acres.
2. No more than five (5) percent of the site area may be occupied by enclosed structures.
3. All burial plots and all structures shall be set back no less than twenty (20) feet from a street right-of-way or property line.
4. Adequate stacking and travel lanes shall be provided on the site and shall be located at least fifty (50) feet from any lot line.
5. A ten (10) foot buffer containing screening plant materials is to be retained or provided adjacent to all interior lot lines.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Adequate off-street vehicle stacking shall be provided for funeral processions to discourage parking and idling in the public road right-of-way.
3. All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Shiawassee County Health Department and the State of Michigan.

SECTION 809 CHURCHES AND RELIGIOUS INSTITUTIONS

A. It is the intent and purpose of this section to establish standards for the development of property and structures for purposes of assembly of patrons for religious purposes because such assembly can involve a significant number of vehicles and pedestrians.

B. Dimensional Standards

1. All structures for purposes of assembly, education or gathering shall be set back no less that forty (40) feet from any side or rear yard.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. In the event that education facilities and/or programs are offered, student and participant drop-off shall occur on site and be located in designated areas exclusive of travel lanes.

SECTION 810 COMMERCIAL RECREATION (OUTDOOR)

- A. It is the intent and purpose of this section to establish standards for outdoor commercial recreational uses. These uses can exhibit characteristics, such as noise, traffic and hours of operation that could impact the personal enjoyment of adjacent properties and established use unless certain standards and conditions are considered. Such uses include, but are not limited to miniature golf courses, driving ranges, amphitheaters, survival games, batting cages, and animal, automobile, motorcycle, golf cart racing.
- B. Dimensional Standards
1. The minimum site area for such uses shall be no less than two (2) acres. The Planning Commission and City Council shall have the ability to require additional site area upon finding that the minimum acreage can not appropriately accommodate the intended use without causing negative impacts to the use and personal enjoyment of adjacent property.
 2. Side and rear yards shall be at least thirty (30) feet. The first ten (10) feet of such yards shall be kept free of off-street parking and shall be landscaped.
 3. No spectator seating shall be located within twenty (20) feet of any lot line.
 4. Where parking areas are located less than thirty (30) feet from land zoned or used for residential purposes, a minimum five (5) foot wall, fence or solid landscaping area shall be provided between the parking area and residential property lines.
 5. Racing tracks and drive-in theaters shall be enclosed and the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction painted or otherwise finished neatly, attractively and inconspicuously. Such fence does not eliminate the need for vegetative buffers and berming to reduce the impact of noise, dust and wind-blown debris depending on the type of use.
 6. Not more than seventy five (75%) of the land area shall be covered by recreational uses.
 7. All such recreational uses shall be located at least five-hundred (500) feet from any other similar use.
 8. Adequate trash receptacles shall be provided as needed throughout the site. No temporary sanitary facility or trash receptacle shall be located within fifty (50) feet of any property utilized for residential purposes.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Accessory uses, such as refreshment stands, limited retail selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms are permitted and shall be proportional to the activities and number of patrons anticipated.
3. Outside storage shall be screened and buffered dependent upon the present and anticipated future use of adjacent property.
4. Sites shall be periodically cleared of debris so that litter does not accumulate or be distributed to adjacent properties.
5. Central loudspeakers and paging systems are prohibited where audible from residentially zoned or used property. The petition shall identify all noise generators to be implemented as part of the development and provide relative information concerning the intensity, duration and distance of travel for the generated sounds.
6. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours per day shall be from 7:00 A.M. to 10:00 P.M.

SECTION 811 COMMERCIAL RECREATION (INDOOR)

A. It is the intent and purpose of this section to establish standards for indoor commercial recreational uses. These uses can exhibit characteristics, such as noise, traffic and hours of operation that could impact the personal enjoyment of adjacent properties and established use unless certain standards and conditions are considered. Such uses include, but are not limited to bowling alleys; ice or roller blade rinks; indoor sporting activities (such as tennis, soccer, etc); and athletic clubs; etc.

B. Dimensional Standards

1. Minimum site area for such uses shall be no less than one (1) acre.
2. Front, side and rear yards shall be at least thirty (30) feet unless a greater setback is required by the underlying zoning district.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.

2. Accessory uses, such as refreshment stands, food service, and retail shops selling or renting items related to the above uses are permitted proportional to the anticipated number of patrons and intensity of use.
3. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours per day shall be from 6:00 A.M. to 1:00 A.M.

SECTION 812 COMMUNICATION TOWERS

- A. It is the intent and purpose of this section to establish standards for the implementation of communication towers, including but not limited to, wireless (cellular) communication towers, television broadcasting and receiving towers, and radio broadcasting and receiving towers. These standards aim to prevent the over development and concentration of such towers, mitigate the impact on adjacent land uses and to prevent such structures from remaining in the community following technological obsolescence.
- B. Dimensional Standards
 1. The parcel in which the communication tower is proposed to be located shall have a minimum lot area of two (2) acres.
 2. From residentially planned, zoned or utilized property, a communication tower shall be setback one-half ($\frac{1}{2}$) the height of the tower. From non-residentially planned, zoned or utilized property, a communication tower shall meet principal structure setbacks of the underlying zoning district.
 3. The base of the communication tower and wire/cable supports shall be fenced with a minimum six (6) foot chain link fence.
 4. All communication towers shall be located at least two hundred (200) feet from any single family detached dwelling.
 5. Minimum spacing between communication towers of a similar nature shall be one (1) mile, including from those towers located in other jurisdictions.
 6. Heights of communication towers shall not exceed three hundred (300) feet from grade unless such height increase can be substantiated as necessary for the intended operation and in support of a larger network.
 7. An access drive servicing the proposed communication tower and accessory facilities shall be a minimum of twelve (12) feet wide and be constructed and

maintained in a manner similar to the standards set forth herein for private roads.

C. Performance Standards

1. The petitioner shall demonstrate the need for the communication tower and how such facility participates in a greater network. The petitioner shall also describe co-location opportunities in the vicinity of the proposed communication towers.
2. All communication towers constructed shall be engineered and constructed to accommodate additional users of similar technologically.
3. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
4. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
5. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
6. Accessory structures are limited to uses associated with operation of the tower.
7. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
8. Existing on-site vegetation shall be preserved to the maximum extent practicable.
9. A maintenance plan and any applicable maintenance agreement shall be presented with the petition for approval. Such plan shall be designed to ensure the long term, continuous maintenance of the facilities petitioned.
10. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
11. The tower and antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility.
12. The petitioned communication tower shall be evaluated for cost of removal and an appropriate security posted to ensure the possible future removal of the communication tower upon abandoning of the use for which it was originally intended.

SECTION 813 ADULT CONGREGATE CONVALESCENT

A. It is the intent and purpose of this section to establish standards for adult congregate convalescent facilities (including but not limited to assisted-living facilities, nursing homes and convalescent centers) while mitigating potential impacts to the use and personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.

B. Dimensional Standards

1. A minimum lot size of no less than two (2) acres.
2. No principal structure shall be closer than forty (40) feet to any lot line unless a greater setback is required by the underlying zoning district.
3. No more than fifty (50) percent of the site area shall be covered by principal and accessory structures.
4. Parking areas shall not be located within twenty (20) feet of any property zoned or used for residential purposes.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Recreational facilities shall be provided appropriate to the needs of the resident population.
3. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
4. The interior layout and provision for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents bedroom.
5. The structure shall have an identified area designed to provide privacy for visiting family, friends and/or agents of the resident.
6. Appropriate areas shall be provided for access by emergency vehicles.

SECTION 814 ACCESSORY APARTMENT

A. It is the intent and purpose of this section to establish standards for the permitting of accessory apartments in single-family neighborhoods for use by extended family as a means of providing care for either the occupant of the accessory apartment or the

principal structure who may be elderly or by some other reason require daily assistance and care. The accessory apartments shall be an addition to or conversion of a portion of the principal residential structure on the property and shall not include self-contained, mobile travel trailers or mobile homes.

B. Dimensional Standards

1. The accessory apartment shall meet all applicable codes for a multiple family dwelling unit under this Ordinance.

C. Performance Standards

1. Separate sale or ownership of the accessory apartment, by whatever means of land transfer, from the primary dwelling on a lot or parcel is prohibited.
2. The property owner or tenant of the entire property may reside in either the accessory apartment or the principal dwelling unit. Under no circumstance shall a non-relative occupy the accessory apartment, nor shall there be paid rent for use of the accessory apartment.
3. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities shall be required.
4. Dwellings modified in conjunction with an accessory apartment shall retain the appearance of a single family detached dwelling.
5. For the tenure of the current property owner, a legally recorded deed restriction shall be filed with the Shiawassee County Register of Deeds that the person occupying said structure is related and that one of the subject persons requires daily assistance from the other person.
6. The City Council may impose any other reasonable conditions deemed necessary to protect the use and personal enjoyment of adjacent properties, cohesiveness of the neighborhood, and to protect the value of other properties.

SECTION 815 GOLF COURSES AND COUNTRY CLUBS

- A. It is the intent and purpose of this section to establish standards for the development and use of golf courses and country clubs, as well as their associated accessory uses (driving ranges, dining halls, associated retail sales and service, maintenance structures and outdoor storage, etc.) to mitigate potential impacts to the use and personal enjoyment of adjacent property. These potential impacts can include noise, traffic, trespass, and hazards.

B. Dimensional Standards

1. Minimum site shall be ten (10) acres for a nine (9) hole course.
2. Minimum site shall be twenty (20) acres for an eighteen (18) hole course.
3. All principal or accessory buildings and parking areas shall be not less than one hundred (100) feet from any lot line of a residentially zoned or utilized property.
4. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation, fencing or other device to minimize projectiles onto adjoining properties.

C. Performance Standards

1. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
2. Major accessory uses such as a dining area and bar shall be housed in a single building within the club house. Minor accessory uses strictly related to the operation of the golf course itself such as a maintenance structure or retail sales and services may be located in separate structures.
3. All ingress and egress to the site shall be from a paved street.
4. No outdoor loudspeaker or call system shall be audible to adjoining property.
5. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman, or caretaker.
6. Toilet facilities for use by patrons shall be conveniently located. Such facilities shall be approved by the Shiawassee County Health Department.

SECTION 816 GROUP DAY CARE HOMES / DAY CARE CENTERS

- A. It is the intent and purpose of this section to establish standards for group day care homes and day care centers to meet the necessary demands of the community for adult and child care while also preventing or mitigating potential impacts to the use and personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.

B. Dimensional Standards

1. A group day care home or day care center shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
 - a. Another licensed group day care home or day care center.
 - b. A licensed group home.
 - c. A licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the State of Michigan Department of Corrections.
2. Appropriate fencing for the safety attendees of the group day care home and the day care center shall be maintained and outdoor recreation areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.

C. Performance Standards

1. The property is to be maintained in a manner that is consistent with the visible characteristics of the neighborhood.
2. Hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 P.M. and 6:00 A.M. shall be limited so that the drop-off and pick-up of attendees is not disruptive to neighboring residents.
3. A readily identifiable drop-off and pick-up area shall be provided off of a public street and shall be of sufficient size so as to not create congestion on the site or within a public right-of-way.
4. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
5. All ingress and egress to the site shall be from a paved street.

SECTION 817

JUNK AND SCRAP YARD

- A. It is the intent and purpose of this section to establish standards for use of property for the purposes of storing, separating and selling junk and scrap without causing impact to the use and personal enjoyment of adjacent property. The term junk and scrap yard shall not include general trash, rubbish and debris nor be considered a transfer station for such uses.

B. Dimensional Standards

1. The minimum lot or parcel size for junkyards shall be ten (10) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site all sides of the area used to store material. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. All enclosed areas shall be set back at least fifty (50) feet from any lot line and appropriately landscaped.

C. Performance Standards

1. Junk and scrap yards shall not be located adjacent to residentially zoned properties, schools, day care facilities, churches, hospitals, or convalescent or nursing homes.
2. Ingress and egress to the facility shall be only from a paved street. Access to an unpaved road may be utilized if found that such access point will further minimize impacts on other properties.
3. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time idles or parks on a public right-of-way awaiting entrance to the site.
4. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berming, except that movable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
5. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
6. All vehicular travel areas and loading areas within any junk yard shall be paved or gravel that is oiled, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

SECTION 818 RECYCLING FACILITY

- A. It is the intent and purpose of this section to establish standards for the use of property for purposes of collecting materials for recycling. The two (2) types of recycling facilities addressed in this Section are “small collection” and “large collection”. Definitions for the two (2) types are provided under Article 2.

B. Dimensional Standards

1. Small collection facilities shall not occupy more than five hundred (500) square feet and, if applicable, encumber no more than five (5) parking spaces in an existing parking lot.
2. The minimum lot area for large collection facilities shall be no less than twenty (20,000) square feet.
3. No area used for the storage, disposal or placement of recyclable materials shall be located closer than thirty (30) feet of a property zoned or utilized for residential purposes, or if greater, the same setback for a principal structure pursuant to the zoning district where located.

C. Performance Standards

1. Ingress and egress shall be only from a paved street.
2. All areas subject to vehicular use shall be paved. For those areas utilized for storage, gravel surfacing may be utilized depending upon the nature of the business, storage and the anticipated intensity of the use.
3. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 12 of this Ordinance.
4. Small collection facilities shall only accept glass, metals, plastic containers, papers or other similar items. Large collection facilities shall accept items as accepted by small collection facilities, but also larger items, such as appliances, furniture, yard waste and other similar material. Acceptance of vehicles, construction equipment, agricultural equipment for scrap is not permitted.
5. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured and maintained in good condition. Containers are to be fabricated of material that is water proof and rust proof, covered and secured when the site is not attended, and be of a capacity sufficient to accommodate materials accepted.
6. All areas shall be kept free of litter, debris and other undesirable material.
7. The operations of large collection facilities shall be screened from view from a public street by a fence.

8. Hours of operation shall be only between the hours of 9:00 A.M. and 7:00 P.M.
9. Small collection facilities are not to employ power-driven processing equipment. A large collection facility may employ power-driven processing equipment, but only for the purpose of effectively storing the material, such as compaction, shredding and baling. Such power-driven processing equipment must be proved by the petitioner to not create a negative impact on the use and enjoyment of adjacent property.

SECTION 819

MINI-STORAGE FACILITY

- A. It is the intent and purpose of this section to establish standards for the use of property for self storage facilities, including mini-storage units accessible by vehicle and climate controlled storage within a structure. The intent of the standards is to prevent and mitigate possible impacts of these uses on adjacent properties from congestion, traffic and noise.
- B. Dimensional Standards
 1. The minimum lot size shall be one (1) acre.
 2. A mini-storage unit shall not exceed ten (10) feet in width or twenty (25) feet in depth.
 3. There shall be a minimum of thirty five (35) feet of travel area if the driveway is two-way between storage units for parking, loading and fire lane purposes.
 4. When adjoining a residential district, a six (6) foot high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.
 5. A ten (10) foot landscaped strip shall be required adjacent to any public streets.
- C. Performance Standards
 1. All ingress and egress to the site shall be from a paved street.
 2. All mini-storage units shall have defined travel lanes and loading areas. All travel lanes and loading areas are to be paved. Outdoor storage areas for recreation vehicles, vehicles and boats may be graveled.
 3. No retail, wholesale, fabrication, manufacturing or service activities may be conducted from the storage units by the lessors or lessees.

4. Storage of goods shall be limited to personal or business property. No business or enterprise shall be operated from the facility, or commercial distribution allowed requiring the regular delivery or pick-up of goods.
5. All personal and business storage shall be within an enclosed structure. There shall be no outside storage of household or similar items. Vehicles, recreational vehicles, and boats may be stored in a defined area dedicated for such use.
6. No storage of hazardous, toxic, corrosive, flammable or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

SECTION 820 MOTEL AND HOTEL

- A. It is the intent and purpose of this Section to establish standards for motels and hotels due to their potential to create noise, traffic and other impacts on adjacent properties due the transient nature of their customers.
- B. Dimensional Standards
 1. The minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet, provided that there shall be at least eight hundred (800) square feet of lot area for each room.
 2. The maximum lot coverage of all structures, including accessory structures, shall not exceed thirty-five (35) percent of the site area.
 3. The front twenty-five (25) feet of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking. Off-street parking shall be setback twenty (20) feet from the property line of any residentially zoned or used property.
 4. The minimum floor area of each heated and air conditioned guest unit shall be two hundred and fifty (250) square feet.
- C. Performance Standards
 1. All ingress and egress to the site shall be from a paved street.
 2. All parking associated with the petitioned use shall be contained in an off-street parking lot that is paved.
 3. Accessory uses may include meeting rooms, ballroom, dining area, bar, recreational use and gift shops.

4. No kitchen or cooking facilities shall be provided in guest units. Small refrigerators are permitted. All guest units shall have a full bath.
5. No guest shall establish permanent residence at the motel.

SECTION 821 OPEN AIR BUSINESS

- A. It is the intent and purpose of this section to establish standards for the use of property for open air businesses, such as landscaping supplies, agricultural equipment, lumber yards, home and garden centers, mobile home sales and flea markets.
- B. Dimensional Standards
 1. Minimum lot area for open air businesses shall be twenty thousand (20,000) square feet.
 2. No loading and unloading activities shall be permitted within fifty (50) feet of the lot line of a property zoned or utilized for residential purposes.
 3. All structures shall have a front yard setback of fifty (50) feet unless such petitioned use utilizes an existing structure.
 4. No more than two (2) driveways onto a street shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
 5. Not more than fifty (50) percent of the lot shall be covered by structures and outdoor display of materials and goods.
- C. Performance Standards
 1. All areas subject to vehicular use shall be paved. For those areas utilized for display, the Planning Commission and City Council may allow for an alternative surface to be placed depending upon the nature of the business, product to be displayed and the anticipated intensity of the use.
 2. Storage yards associated with home and garden centers, lumber yards and landscaping supply shall be screened appropriately to obscure the view from public streets.
 3. Storage or display of goods and materials shall not occur in the required setbacks with the exception of the front yard.
 4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.

5. All repair, assembly, disassembly or maintenance of vehicles, equipment or other items to be displayed shall occur within an enclosed structure.

SECTION 822 PRIVATE SCHOOL

- A. It is the intent and purpose of this section to establish standards for the development of private parochial or charter schools to mitigate potential impacts on adjacent properties. Schools, whether private or public, can become activity centers for the community and can impact the local community, such as with noise and congestion.
- B. Dimensional Standards
 1. The minimum lot or parcel size for schools shall be one (1) acre.
 2. No more than forty (40) percent of the site area shall be covered by structures.
 3. No more than sixty (60) percent of the site shall be covered with impervious surface.
 4. Service structures and facilities shall not be located within one hundred (100) feet of a residentially zoned property.
 5. Parking areas and travel lanes shall not be located within thirty (30) feet of a residentially zoned property.
 6. No parking shall be allowed within the twenty five (25) feet of the right-of-way.
 7. The principal structure shall be no closer than fifty (50) feet from any lot line or right-of-way.
- C. Performance Standards
 1. All ingress and egress to the site shall be from a paved street.
 2. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
 3. Appropriate buffering and screening shall be necessary where improvements, such as structures and recreation areas, are within close proximity to residential development.

SECTION 823 VEHICLE FUELING STATION/VEHICLE WASH

- A. It is the intent and purpose of this section to develop standards for the siting and use of vehicle fueling stations and vehicle washes to mitigate potential impacts on adjacent property. The use of property for such purposes can include characteristics, such as noise, fumes, traffic and lighting that can potentially impact the use and personal enjoyment of adjacent property.
- B. Dimensional Standards
 - 1. In addition to the minimum lot size of the district, vehicle fueling stations shall have an additional one thousand (1,000) square feet of lot area for each pump over four (4).
 - 2. All structures, fueling pumps and/or wash bays shall be located not less than thirty (30) feet from any lot line or street right-of-way. Accessory facilities, such as pay phones, vacuums, or air pumps shall meet the same setback.
 - 3. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
 - 4. No more than two (2) ingress/points at no less than forty (40) feet at their closest edge shall be permitted.
- C. Performance Standards
 - 1. Sales of new and used vehicles of any type is not permitted.
 - 2. Convenience retail within a fully enclosed structure is permitted in conjunction with the operation of a fueling station. Retail items shall not be displayed outside unless directly related to the operation of a vehicle. Propane exchange cages are permitted adjacent to the principal structure.
 - 3. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.

SECTION 824 VEHICLE REPAIR AND SERVICE

- A. It is the intent and purpose of this section to address those uses that involve the maintenance, service and repair of automobiles and recreational vehicles. These uses, although typical in a community, potentially can impact the use and personal enjoyment of adjacent properties depending on the intensity of use, the type of repair and service offered, and the layout of the intended development in relation to adjacent properties.

B. Dimensional Standards

1. In addition to the minimum lot size of the district, automobile repair and service stations shall have an additional one thousand (1,000) additional square feet of lot area for each additional bay over two (2).
2. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.
3. No more than two (2) driveways onto a paved street shall be permitted.

C. Performance Standards

1. Ingress and egress to the development shall be only from a paved street.
2. No aboveground outdoor storage/dispensing tanks are permitted on the site without leak-proof secondary containment sufficient to accommodate one hundred and ten (110) percent of the volume of the tank.
3. Depending on the intensity of the use, its proximity to other uses and the types of repairs and vehicles being repaired, greater screening and buffering standards to mitigate the impact of the petitioned use may be required.
4. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
5. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than fourteen (14) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
6. Vehicle travel lanes and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage. Identified storage areas may be gravel at the discretion of the Planning Commission and City Council depending upon the intensity of the use anticipated..
7. Vehicle service and repair facilities without the distribution or sale of gasoline may also offer the sale of vehicles in conjunction with a special land use for vehicle sales and rental.
8. No public address system shall be audible from any abutting residential parcel.
9. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and

secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground and infiltrating into the groundwater system.

SECTION 825 VEHICLE SALES AND RENTAL

- A. It is the intent and purpose of this section to address those uses that involve the sale, rent and display of motorized vehicles, such as automobiles, trucks, tractors and recreational vehicles. These uses potentially can impact adjacent properties depending on the intensity of use, the type of sales offered, and the layout of the intended development in relation to adjacent properties, lighting and advertising. If the petitioned use also includes service and repair, the standards set forth in other sections regarding vehicle service and repair shall also be met.
- B. Dimensional Standards
1. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.
 2. No more than two (2) driveways onto a paved street shall be permitted.
- C. Performance Standards
1. Ingress and egress to the development shall be only from a paved street.
 2. Depending on the intensity of the use, its proximity to other uses and the types of vehicles being sold, greater screening and buffering standards to mitigate the impact of the petitioned use may be required.
 3. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.
 4. No public address system shall be audible from any abutting residential parcel.
 5. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground and infiltrating into the groundwater system.

SECTION 826 VETERINARIAN CLINIC

- A. It is the intent and purpose of this section to establish standards for the use of property as veterinarian clinics, both large and small. Due to treatment and housing of

animals, veterinarian clinics have the potential to impact the use and personal enjoyment of adjacent properties and these standards are intended to mitigate those potential impacts.

B. Dimensional Standards

1. Structures where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located closer than one hundred (100) feet to any adjacent residentially zoned or used property or any structure used by the general public.

C. Performance Standards

1. Between the hours of 10:00 P.M. and 7:00 A.M., no animals shall be permitted occupy a run, paddock or other open area and must be housed in a fully enclosed structure with appropriate sound proofing and waste disposal.
2. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

SECTION 827 KENNEL, COMMERCIAL

A. It is the intent and purpose of this section to establish standards for operation of commercial kennels that because of the nature of their business may have the potential to impact the use and personal enjoyment of adjacent property.

B. Dimensional Standards

1. Structures, enclosures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.

C. Performance Standards

1. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions.
2. Kennel facilities shall be constructed with: masonry or comparable sound-proofing material; mechanical ventilation shall be provided in all areas; wall, floors, and ground surfaces shall be covered with non-absorbent tile; and floor drains are to be directly connected to public sanitary sewer system or approved on-site system.
3. The kennel shall meet the following operating standards:

- a. animal odors and habitual barking noise shall not be detectable beyond the lot lines of the property in which the kennel is located;
- b. dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses;
- c. the premises shall be kept in a clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor; and
- d. such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e. fencing, sound-proofing, sanitary requirements, buffering).

SECTION 828 PLANNED SHOPPING CENTER

- A. It is the intent and purpose of this section to establish standards for Planned Shopping Centers, which due to the intensity of use and clustering of services, could have the potential to impact the use and personal enjoyment of the adjacent properties due to traffic, congestion and noise.
- B. Dimensional Standards
 - 1. A landscaping strip of no less than ten (10) feet in width is required along all sides of the site abutting a residentially zoned or used lot and/or an institutional use and along all public rights-of-way.
 - 2. Irrespective of setbacks established by the zoning district in which the proposed use is located, no structure shall be located closer to any property line of the shopping center than a distance equal to twice its height.
- C. Performance Standards
 - 1. Ingress and egress to the development shall be only from a paved street.
 - 2. Uses permitted in the Planned Shopping Center include those permitted by right in the underlying district. Other uses are not permitted or, if listed as such, obtain a separate Special Land Use approval in order to operate.
 - 3. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.
 - 4. Must be served by existing or programmed essential public service facilities such as public water, sanitary sewer, and adequate storm drainage facilities.

SECTION 829 HOME BASED BUSINESS

- A. It is the intent and purpose of this section to establish standards for service type businesses that are operated from an owner occupied residence and are beyond the scope and intensity of a typical home occupation. Such increase in intensity and scope may include additional employees who live outside the home and the use of an accessory structure for the storage of equipment and materials. The standards are intended to protect the essential character of the neighborhood and adjacent properties from the petitioned non-residential activities, while also allowing for entrepreneurial start-up activities. It is fully intended for home based businesses to ultimately grow out of the residential site and to develop elsewhere within the City.
- B. Dimensional Standards
1. The minimum lot size is one (1) acre.
 2. The nonresidential use shall only be permitted in a dwelling unit and/or one (1) existing accessory structure. The use shall occupy no more than one (1) existing accessory building that is in addition to the residential dwelling unit on the same lot.
 3. The use shall occupy no more than twenty five percent (25%) or eight hundred (800) square feet (whichever is less) of the floor area of the dwelling unit, but may occupy all of the accessory structure.
 4. Irrespective of setbacks of the underlying district, no accessory structure or area of land utilized for or a home based business shall be permitted within twenty (25) feet of any adjoining lot line.
 5. No more than two (2) employees may be permitted on the premises other than members of the immediate family residing on the premises;
- C. Performance Standards
1. The dwelling on the site shall be occupied by the owner of the business.
 2. The home based business shall only be incidental to the primary residential use. All activities shall be carried on within an enclosed structure and shall not require, or result in, any permanent interior or exterior alterations to the dwelling or property upon which the dwelling is located.
 3. A home based business shall not include on-premise sales activities or manufacturing. The Planning Commission shall make determination as to whether proposed use fits the intent and purpose of the Ordinance.
 4. No equipment or process shall be used that creates noise, vibration, glare, vermin, animal waste, fumes, odors or electrical interference detectable to the

normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

5. No storage or display of goods within the dwelling unit or accessory structure shall be visible from adjacent property. The use shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.
6. The outdoor storage of goods and/or materials are prohibited, with the exception of large equipment, which at the discretion of the Planning Commission may be located within a buffered and screened area.
7. No traffic shall be generated by the use in significantly greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the use shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway, if it is of sufficient size.

SECTION 830 CONTRACTOR'S ESTABLISHMENT WITH OUTSIDE STORAGE

- A. It is the intent and purpose of this Section to establish standards for the use of property for contractor's establishments with outside storage, such as excavation, asphalt and concrete, plumbing and similar operations.
- B. Dimensional Standards
 1. Minimum lot area shall be two (2) acres.
 2. No loading and unloading activities shall be permitted within thirty-five (35) feet of the lot line of a property zoned for residential purposes.
 3. Irrespective of the setbacks set forth in the underlying district, all structures shall have a front yard setback of fifty (50) feet unless such petitioned use utilizes an existing structure.
 4. No more than two (2) driveways onto a street shall be permitted per site.
 5. Not more than fifty (50) percent of the lot shall be covered by structures and outdoor storage of material and equipment.
- C. Performance Standards
 1. All areas subject to vehicular use shall be paved. For those areas utilized for

storage, gravel surfacing may be utilized depending upon the nature of the business, storage and the anticipated intensity of the use.

2. Storage or display of material and equipment shall not occur in the required front yard setback.
3. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 12 of this Ordinance.
4. All repair, assembly, disassembly or maintenance of vehicles, equipment or other items shall occur within an enclosed structure.

SECTION 831 GREENHOUSE AND NURSERY

- A. It is the intent and purpose of this section to establish standards for nursery and greenhouses for the purpose of growing or maintaining products for retail and/or wholesale sales of product on or off-site. The standards are intended to prevent or mitigate potential negative impacts in residential or nonresidential use areas.
- B. Dimensional Standards
 1. Minimum lot area shall be one (1) acre.
 2. The storage or materials display areas shall meet all the yard setback requirements applicable to a principal structure in the underlying zoning district.
- C. Performance Standards
 1. All loading activities and parking areas shall be provided on the same premises.
 2. The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
 3. No public address systems shall be audible from any adjacent parcel containing a residential dwelling or residential zoned. Moreover, there shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

SECTION 832 CENTRAL BUSINESS MIXED-USE

- A. It is the intent and purpose of this section to establish standards for the mixed-use of property in the central business area of the City to permit residential opportunities in conjunction with non-residential operations, such as retail and office. Such residential opportunities, include apartments, studios, lofts and condominium units and other similar dwelling units on the second floor of structures having first-floor non-residential use.

- B. Dimensional Standards
 - 1. Dwelling units shall meet all applicable floor areas as outlined in Section 520.B.

- C. Performance Standards
 - 1. Principal ingress and egress to dwelling units shall be exclusive from primary ingress and egress to non-residential use occupying the same building.
 - 2. Dwelling units shall not occupy a structure, or be accessible from another structure, that contains an adult use as regulated herein.
 - 3. Each dwelling unit shall have an appropriate amount of allocated off-street parking spaces available. On-street parking shall not be utilized for calculation purposes in meeting the minimum requirements for allocated parking.

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