

ARTICLE X
CONDITIONAL USES

SECTION 10.10 PURPOSE:

Certain land and structure uses, because of their particular characteristics require detailed consideration in order to determine whether they may be detrimental to the public welfare. Because of special characteristics of such uses the proposed conditions of operation, design, size and intensity of use, traffic volume and access, population density, processes and equipment employed, amount of public facilities and services required and other similar factors must be considered in relation to the intent and purpose of this Ordinance. Such uses are therefore designated as conditional uses and are intended for regulation by this Ordinance.

SECTION 10.20 AUTHORITY:

The Planning Commission, as hereinafter provided, shall have the authority to grant conditional use permits for conditional uses as permitted in the various district provisions of this Ordinance, subject to such conditions of design and operation, safeguards and time limitations as it may determine.

SECTION 10.30 APPLICATION AND FEE:

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission by filling in the official conditional use permit application form; submitting required data, exhibits and information; and depositing the required fee. Such application shall be accompanied by a fee established by the Township Board, except that no fee shall be required by any governmental body or agency. No part of such fee shall be returnable to the applicant; provided however that if the applicant requests a special meeting of the Planning Commission for the consideration of his application, an additional fee established by the Township Board will be required.

SECTION 10.40 DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION:

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; and accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses; and a statement and supporting data, exhibits, information and evidence regarding findings set forth in this Ordinance.

SECTION 10.50 PUBLIC HEARING:

The Planning Commission shall hold a public hearing, or hearings, upon any application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, within fifteen (15) days but not less than five (5) days next preceding the date of said hearing.

SECTION 10.60 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS:

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- 10.60.1 Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- 10.60.2 Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- 10.60.3 Will be served adequately by essential public facilities and service, such as: highways, streets, police and fire protection, drainage structures, refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 10.60.4 Will not be hazardous or disturbing to existing or future neighboring uses.
- 10.60.5 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 10.60.6 Will not create liquids and other waste of any kind that cannot be confined, treated, or purified so as to prevent pollution of air, water and soil resources.

SECTION 10.70 ADDITIONAL REQUIREMENTS FOR CERTAIN USES

SECTION 10.70.1 CHURCHES:

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be two (2) acres.
- C. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- D. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
- E. Off-street parking shall be prohibited within the required front yard setback area.

SECTION 10.70.2 RACE TRACKS, TRANSIENT AND TEMPORARY AMUSEMENT ENTERPRISES:

- 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.
- B. The premises shall be enclosed with a solid screen fence seven (7) feet in height.
- 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. The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the Township Building Inspector.
- E. Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.

SECTION 10.70.3 HOTEL, MOTEL:

- A. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
- B. When the front yard is used to provide access, a greenbelt shall be provided along the front property line, except at drive openings.
- C. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
- D. When adjacent to a Residential District, a chain link fence or masonry wall, four (4) to six (6) feet in height, shall be erected on the common property line, plus a greenbelt planted and continually maintained parallel to and inside of such fence or wall.
- E. No household or occupant (other than a caretaker or manager) shall occupy any room for longer than thirty (30) consecutive days.

SECTION 10.70.4 DRIVE-IN RESTAURANT, OR RESTAURANT HAVING A DRIVE-THRU WINDOW:

- A. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
- B. Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
- C. A six (6) foot high masonry obscuring wall, fence or planting strip shall be provided adjacent to Residential Districts.
- D. Parking may be located in the front yard in the case of fast-food or carry-out restaurants only.

SECTION 10.70.5 HOSPITALS:

- A. Minimum lot area shall be ten (10) 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. Minimum main and accessory building setback shall be one hundred (100) feet.
- D. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
- E. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

SECTION 10.70.6 OPEN AIR BUSINESS:

- A. Minimum lot area shall be ten thousand (10,000) square feet.
- B. Minimum lot width shall be one hundred (100) feet.
- C. Unless specifically waived by the Board of Appeals, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business. This shall not apply to produce stands for the sale of produce grown on-site.
- D. The Township Building Inspector may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open-air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized to do business in the State of Michigan, in an amount determined by the Township Building Inspector to be reasonably necessary to insure compliance hereunder. In fixing the amount of such Surety Bond, the Township Building Inspector shall take into account the size and scope of the proposed open-air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
- E. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- F. In the case of car sales lots:
 - 1. All areas subject to vehicular use shall be paved with a durable dust free surfacing, with appropriate bumper guards where needed.
 - 2. The use of pennants or flags, and the use of parking areas lighted at night, shall be carried out without creating a nuisance for nearby properties, as determined by the Planning Commission, who shall have the authority to require the termination of those uses not in conformance with this paragraph.

3. The entire premises shall be graded so that the surface water runoff does not drain across public right-of-way.
- G. In the case of a plant material nursery:
1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
 2. All loading activities and parking areas shall be provided on the same premises (off-street).
 3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.
- H. In the case of sales of cut trees intended to be displayed during the Christmas Season, a temporary permit shall be obtained from the Township Building Inspector which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31st, and no trees shall be stored or displayed nearer the street than the front property line, furthermore, that off-street parking shall be provided in accordance with this ordinance.

SECTION 10.70.7 RADIO, TELEVISION STATION, AND MICROWAVE TOWERS:

- A. Minimum lot sizes shall be three (3) acres, except in Residential Districts.
- B. The lot shall be so located that at least one property line abuts a major thoroughfare and the ingress and egress shall be directly upon said thoroughfare.
- C. The setbacks for each tower from adjacent rights-of-way and/or property lines shall not be less than one and one-half (1-1/2) times the height of each tower above the ground.
- D. Unless specifically waived by the Planning Commission, an open-air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.

SECTION 10.70.8 ANIMAL HOSPITALS:

- A. Minimum main and accessory building setback shall be one hundred (100) feet, from all lot lines.
- B. All principal use activities shall be conducted within a totally enclosed main building.

SECTION 10.70.9 AUTOMOBILE SERVICE STATIONS, PUBLIC GARAGES, FILLING STATIONS AND FILLING STATIONS IN CONJUNCTION WITH CONVENIENCE STORES:

- A. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the said date.
- B. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage and twelve thousand (12,000) square feet for a filling station.

- C. Minimum lot width shall be one hundred and twenty (120) feet for a public garage or automobile service station and one hundred (100) feet for a filling station.
- D. An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
- E. Ingress and egress drives shall a minimum of thirty (30) feet apart.
- F. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
- G. 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 Township Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- H. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
- I. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- J. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) 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.
- K. When adjoining residentially used or zoned property, a five (5) foot masonry wall or other suitable screening barriers shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls or barriers shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls or barriers may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Planning Commission.
- L. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall or other suitable screening barrier and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.
- M. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Planning Commission under such terms and conditions as may be imposed by said Planning Commission to insure adequate ingress and egress from said property and to insure adequate traffic safety.

- N. The lot shall be located so that it is at least five hundred (500) feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital or residential district boundary.
- O. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- P. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

SECTION 10.70.10 CONVALESCENT HOMES OR NURSING HOMES:

- A. Minimum lot size shall be three (3) acres.
- B. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said 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 include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

SECTION 10.70.11 KENNELS:

- A. All kennels shall be operated in conformance with all applicable County and State regulations.
- B. For dog kennels, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one (1) acre for each three (3) additional animals.
 - 1. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
 - 2. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirement of said body deemed necessary to insure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

SECTION 10.70.12 AIRPORTS, AIRCRAFT LANDING FIELDS:

- A. Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township Planning Commission for review or approval.
- B. The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

SECTION 10.70.13 GOLF COURSES, COUNTRY CLUBS:

- A. Minimum lot size shall be forty (40) acres.
- B. A shelter building with toilet facilities shall be provided which meets all requirements of the Lenawee County Health Department and the Township Building Code.
- C. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

SECTION 10.70.14 VEHICLE WASH ESTABLISHMENTS:

- A. Minimum lot size shall be ten thousand (10,000) square feet.
- B. All washing activities must be carried on within a building.
- C. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
- D. The building entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility.
- E. An adequate on-site area for waiting vehicles shall be provided to prevent the lining up of said vehicles on public streets.

SECTION 10.70.15 PRIVATE CLUBS, LODGES AND RENTAL HALL FACILITIES (NOT INCLUDING CONSERVATION OR GUN CLUBS):

- A. Retail sales to guests only may be permitted, but there shall be no external evidence of any commercial activity, however incidental, nor any access to any space used for commercial activity from other than within the building.
- B. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare, with at least one (1) property line.
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the same area.
- D. Public access to the principal business shall be located so as not to conflict with access to adjacent uses.
- E. Will not be hazardous or disturbing to existing or future neighboring uses and will not involve activities that will create excessive noise, smoke, fumes, glare or odors.
- F. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection and refuse disposal or that the persons responsible for the establishment shall be able to provide adequately any such service.
- G. All indoor and outdoor activities associated with a private club, lodge or rental hall shall be located no nearer than one hundred (100) feet to any property line.

- H. The Raisin Charter Township Planning Commission shall establish the hours of operation for such activity to the Township Board for approval. In establishing hours of operation, the Planning Commission shall consider:
1. The proximity of residential uses to the subject parcel.
 2. The potential for residential development in the general vicinity of the subject parcel (the potential for residential development results from the presence of residential zoning districts and through the policies set forth in the Raisin Charter Township Land Use Plan).
 3. The health, safety, welfare and morals of the general vicinity of the subject parcel and Raisin Charter Township as a whole.

SECTION 10.70.16 PRIVATE STABLES:

- A. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be five (5) acres.
- B. An accessory building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- C. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

SECTION 10.70.17 CAMP GROUNDS, TRAVEL TRAILER PARKS:

- A. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire camp ground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.
- B. Each site on a lot designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets, unless designated as a primitive facility.
- C. Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
- D. Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
- E. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be permitted provided it meets the parking requirements of this ordinance.
- F. Each lot shall provide a vehicle parking area for site occupant and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).

- G. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
- H. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.
- I. Each travel trailer site shall have direct access to a roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with asphaltic concrete. Sites specifically designated for, and only use for, tent camping, need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in paragraph F.
- J. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Lenawee County health regulations.
- K. The development of the entire lot is subject to all applicable requirements of the Michigan Department of Natural Resources.
- L. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- M. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

SECTION 10.70.18 JUNK YARDS:

- A. Minimum lot size shall be five (5) acres.
- B. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred and fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
- C. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
- D. All structures and fencing and used material storage yards shall be set back not less than seventy-five (75) feet from any street or highway right-of-way.
- E. No junk materials contained within the fenced area shall be stacked or piled higher than the height of the fence and shall not be visible from the road right-of-way.

- F. No burning of material shall be permitted.
- G. All operations shall be in accordance with all applicable federal and state regulations.

SECTION 10.70.19 SHOPPING CENTER:

- A. No building or structure of less than 5,000 square feet shall be nearer than 50 feet to the right-of-way line of any street; all buildings or structures of more than 5,000 square feet shall be at least 150 feet from any street right-of-way line. No building or structure shall be nearer than 100 feet to the side and rear lines of the property on which it is located. All buildings shall also be subject to other setback requirements contained in this ordinance not inconsistent herewith.
- B. Minimum lot size shall be five (5) acres.
- C. Every parking area shall contain at least 6.5 parking spaces per each 1,000 square feet of gross leaseable area and shall contain adequate ingress and egress facilities.
- D. Every shopping center shall have a 25 foot planting area separating the parking and shopping district from all adjoining districts of a higher classification. These planting areas shall be landscaped with shrubs or evergreens of a height of 4 to 6 feet or more to act as a screening hedge; all unpaved areas shall be maintained in a parklike manner.
- E. Any lighting in such areas shall be adequately screened from any adjoining residences.
- F. All permitted activities including storage shall be conducted entirely within fully enclosed permanent buildings, except as follows:
 - 1. Parking of customers and employees' vehicles.
 - 2. Unloading and loading of commercial vehicles.
 - 3. The normal, temporary, exhibition and sale of Christmas trees, nursery and garden products and incidental or accessory items in approved areas.
 - 4. Recreational facilities such as hobbyhorses for children located in front of the store or shop and placed so as not to obstruct pedestrian or vehicular traffic, but excluding carnivals, fairs, or kiddielands.
- G. Any building which exceeds 25 feet in height shall have an additional setback of one (1) foot for each foot it exceeds 25 feet in height.
- H. At least one living tree shall be planted within every 10,000 square feet of paved parking area and also along marked driveways within the parking area at 20-foot intervals, each tree being in a planter or other suitable cultivated area; each tree must be a hardwood, nonconiferous variety at least six (6) feet in height and trees and planters must be maintained in an attractive and healthy condition.
- I. All loading and unloading areas and other work areas incident to any buildings on the premises shall be located as far from developed residential areas as possible.

- J. All waste and debris from the operations on the site shall be disposed of off the site and no burning or incineration shall be allowed on the site. Any and all debris around the exterior buildings on the site shall be picked up not less frequently than daily, including any such material that has extended beyond the boundaries of the site and onto adjoining properties and public rights of way.
- K. No tractor-trailer or trucks shall be stored away from loading docks except during the hours of 11:00 p.m. and 7:00 a.m. of the following day.

SECTION 10.70.20 PUBLIC STABLES AND RIDING ACADEMIES:

- A. That a site plan showing the proposed development of all structures, driveways, parking areas, screening facilities, and all accessory uses incidental thereto is first submitted by the applicant and approved by the Township Planning Commission.
- B. That the land area proposed to be used for such purposes shall contain at least twenty (20) acres.
- C. That all activities other than incidental uses shall be conducted within a fully enclosed building or, in the alternative, that outdoor activities shall be adequately screened from surrounding residential properties by plantings, solid fencing or other suitable materials approved by the Planning Commission.
- D. That any proposed lighting shall produce no glare or shining discernible at the boundaries of said parcel.
- E. That adequate off-street parking shall be provided to accommodate the peak demands on said parcel.
- F. That all activities of a public or quasi-public nature shall be conducted between the hours of 8:00 a.m. and 6:00 p.m.
- G. That additional restrictions as to building size, design, screening, parking, setbacks, lighting, landscaping, et cetera, may be required by the Township Planning Commission when necessary to protect the health, safety and general welfare of adjoining residence and neighborhoods; to encourage the use of lands in accordance with their character and adaptability and to limit improper use of land; to protect the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 10.70.21 SANITARY LANDFILLS AND SOLID WASTE DISPOSAL FACILITIES:

Prior to approval of the Planning Commission of a conditional use for a sanitary landfill facility, as herein defined, in any area of the Township, said Planning Commission shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance, or in any other Township ordinance controlling such operations. The following rules and regulations shall apply specifically to each landfill area, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulations shall apply.

A. Location:

1. All such operations shall be located on a state highway or county primary road, as defined by the County Road Commission of Lenawee, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas.

A stop sign shall be erected and maintained by the owner/operator at all egress roads and the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property which are within 150 feet of any residence.

2. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no disposal areas shall be permitted closer than 300 feet to any domicile, or within 300 feet of any residential districts. No such disposal areas shall be permitted closer than 100 feet to adjacent public right-of-way, property lines or lakes and streams. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance for adjoining land is not maintained.
3. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than 10 feet high, with screening, of a type to be decided on an individual basis, by the Planning Commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.
4. No such disposal area shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
5. Any sanitary landfill area, located within the boundaries of the Township, whether publicly or privately owned, shall be open in compliance with the Lenawee County Waste Management Plan. Hazardous materials, as defined in P.A. 64 of 1978 for the State of Michigan and defined by the Department of Natural Resources in its Hazardous Waste management Rules, Sections R299.630 through R299.6317 inclusive, containing Rules 301-317 exclusively, and dated February 5, 1981.
6. Greater isolation distances may be required by the Planning Commission if the sanitary landfill area being proposed, is adjacent to special quiet zones, as designated by local or state government.

B. Sight Barriers and Fencing:

1. Sight barriers shall be provided along all setback lines of the sites which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of the following: A berm of at least 10 feet in height and plantings of evergreen trees, not more than 10 feet apart, or shrubbery not more than 5 feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least 2-year transplants at the time of planting, and shall grow to not less than 10 feet in height, and shall be sufficiently spaced to provide effective sight barriers when 10 feet in height. Trees or shrubs which die must be replaced.

The requirements for screening by means of a berm and plantings may be reduced or eliminated by the Planning Commission if the particular site and terrain of the subject property (with screening of a reduced height), will afford adequate sight barriers for adjoining property owners, residents or passersby.

2. The sanitary landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open. The entrance to the sanitary landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open.

C. Nuisance Abatement:

1. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any condition.
2. Rodent traps, if needed, shall be placed every 100 yards, around the perimeter of the sanitary landfill area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
3. Any security lighting deemed necessary by the owner/operator shall be of the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.
4. Every sanitary landfill facility, which accepts refuse, shall have adequate water supply and facilities for quick delivery of water to any part of the property, for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire, continuously, for at least 10 hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.
5. All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
6. In winter operations, snow and ice shall be removed before any material, either refuse or earth cover, is placed on the fill. A supply of unfrozen earth cover material shall be maintained and available, either in protected stockpiles or in a natural bank protected from, or not subject to freezing. Frozen cover materials shall not be placed on the fill.

7. Prior to the commencement of the construction of any landfill within the Township the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, watercourse and private, residential, agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a mile radius of the exterior boundaries of the property acquired for the construction of the landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of the principal user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk, for the purpose of future reference, should there at some later date be suspected groundwater contamination. In addition, copies of the quarterly monitoring test well results shall be delivered to the Township Clerk promptly upon receipt by the owner/operator.

D. Time Limits:

All operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting the dumping at other times shall be placed in a conspicuous location at the entrance.

Keys for admittance to the disposal area shall be given to the Township Clerk.

Disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.

E. Liability Insurance:

All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while any open or un-rehabilitated area exists. Such insurance shall be in the amount of not less than \$1,000,000 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk, and shall be maintained in effect for a period of not less than twenty years following final closure and termination of sanitary landfill activities. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provisions that this section shall include the provision that the insurer shall notify the Township Clerk thirty (30) days prior to the cancellation of the insurance for any reason.

F. Closure of Disposal Areas:

Reclamation or rehabilitation of sanitary landfill areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with facility's operations. Substantial

completion of reclamation and rehabilitation shall be effected within two years after the termination of the waste disposal facility. Inactivity for 12 consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division. Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401, et seq., of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

G. Submission of Operational and Closure Plans:

1. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
 - b. The number of acres and the location of the same, proposed to be operated upon within the following 12-month period after commencement of operations.
 - c. The type of sanitary landfill proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
 - d. A survey by a registered surveyor, showing the location of the principal disposal site and the distance of any proposed operations, and the boundaries of the site.
 - e. A map disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including the proposed uses being contemplated for the future use of the land, and other such matters as may evidence the bona fide nature of the rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed waste disposal area.
 - f. A map disclosing the location of all lakes, streams, creeks, watercourses and public, private, residential, agricultural and commercial water wells from which the samples will be taken for analysis, as stipulated in C(7) of this Section.
 - g. A written agreement, signed by the owner/operator of the proposed disposal area, agreeing to abide by the following plan for solutions to groundwater contamination, should such contamination occur as a result, or suspected result of his disposal operations.

H. Submittal of Waste Reduction Plan:

The developer shall submit a planned program for implementation on a County-wide basis for:

1. recycling
2. composting
3. household hazardous waste reduction
4. education

The program shall contain a description of integration efforts with other groups participating in similar efforts in the County. The program must also address household hazardous waste collection by indicating:

- a. intended site/method for disposal
 - b. intended site/method for collection
5. projected volume and types of waste to be managed
 6. A program for incorporating any programs operating by Lenawee County.

I. A Trust Fund for the Mitigation of Landfill Problems:

1. A trust fund shall be established at a convenient bank, within Lenawee County, chosen by the Township Board. The operator shall agree to pay \$.10 per cubic yard of waste disposed of, into this trust fund, for the life of the sanitary landfill. Expenditures from the trust fund are to be approved by a committee consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Funds may be used but are not limited to off-site litter control, groundwater and surface water monitoring and payments to adjacent property owners, and others, at the discretion of the committee, for damages proven to have been caused as a result of the sanitary landfill or its operations. The trust fund shall exist and earn interest for 20 years following closure, and at the time the funds remaining shall be paid to the owner/operator or its successors or assigns.
2. The mitigation of environmental degradation shall be accomplished by limiting the amount of new leachate produced; steps shall be taken which restrict the movement of existing pollutants in the water. When domestic, agricultural or commercial wells lie in the path of a contaminated plume, one of the following possible solutions to the problems of public health, hazard and environmental degradation shall, at the discretion of the Township Board be required of the owner/operator of the landfill:
 - a. Immediate purging of the groundwater. Studies must be conducted, at the expense of the owner/operator of the waste disposal area, to determine the extent of the groundwater contamination, cleanup required, and the timetable by which the cleanup will proceed.
 - i. Locating uncontaminated groundwater.
 - ii. Providing bottled water. This shall be a temporary measure, designed to prevent health hazards until another system can be prepared. This service should be terminated once a permanent water supply system becomes operational.

iii. Hooking into an existing municipal water supply system.

Owner/operator of a sanitary landfill reasonably suspected of contamination of the groundwater for residence, farms, or businesses, shall guarantee the cost of the construction of the extension of a municipal water line to the affected area, and the cost of the hookup to this water supply. The Township shall pay for any oversizing of the line to permit the extension of service to areas not affected by the leachate. The owner/operator of the sanitary landfill may make an unrestricted cash payment to the Township to carry out its responsibility to the residents in obtaining for them uncontaminated water. This option shall be at the discretion of the proper authority. If the water is available to the residents of the affected area, the Township or the proper authority will assume sole responsibility for establishing water rates, assessments and connection charges, and for the granting of waivers of any of these charges to residents whose water supply is endangered by the leachate and for policies governing the system operation and waiver policy.

If the Township does not agree to make water available to its residents, the entire issue shall revert back to the landfill owner/operator's responsibility. The Township shall assume no responsibility or liability for any injuries or property damage resulting from the sanitary landfill operations.

- J. Financial Guarantee shall be given to the Township, insuring the proper closure and rehabilitation of the solid waste disposal area. The amount of the guarantee shall not be less than \$5,000 per acre of disposal area, but not less than \$20,000 nor more than \$200,000 for the area proposed to be licensed by the State, or which has previously been operated upon during any preceding period and which has not been reclaimed or rehabilitated. All such financial guarantees shall be reviewed annually on or about the anniversary date of the sanitary landfill construction permit, for adjustment in compliance of the foregoing requirements by the Township Building Inspector of the Township or other such official as may be designated by the Township Board. In this regard, the amount of the financial guarantee may be increased or decreased, based upon the cost of living index, promulgated by the U.S. Department of Labor, using the effective date of this ordinance amendment as the base period for the \$5,000 per acre amount. Such financial guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit or a corporate bond of a licensed insurance company, eligible to insure disposal facilities in Michigan. The corporate bond, if it is used, shall be a performance bond which shall be filed with the Township Clerk governing all portions of the sanitary landfill operation required to be maintained in accordance with these regulations, guaranteeing the satisfactory performance of these regulations. The bond shall not be cancelable for nonpayment of premium on disposal areas already worked, and shall continue in force for one year after closure and reclamation of the sanitary landfill facility.

For all sanitary landfill areas, the minimum financial guarantee shall be at least \$20,000, provided to the Township, if less than five acres are required to be covered by the financial guarantee at any time. The bond shall be filed with the Township before the permit is issued, and on or before the first of each year, thereafter.

A recommendation by the Planning Commission and approval by the Township Board shall be based upon the criteria set forth within said ordinance and shall be based, in addition, on a consideration of the following:

1. The most advantageous use of the land, resources and property.
2. The character of the area in question and its particular suitability, if any, for the particular use.
3. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
4. The protection and preservation of the general health, safety and welfare of the Township.
5. The scarcity or value of waste disposal areas as compared with the effect upon adjacent communities near the proposed operation.

SECTION 10.70.22 GRAVEL PITS, QUARRIES, AND EARTH REMOVAL:

Prior to the approval by the Planning Commission of a conditional use permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, said board shall be satisfied the following conditions and limitations are, or shall be, strictly complied with in addition to any other requirements contained in the Township zoning ordinance or in any other township ordinance controlling such operations:

A. Location:

1. All such operations shall be located on a primary road, as defined by the Lenawee County Road Commission, for ingress and egress thereto or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations and for the purpose of routing traffic around residential areas and preventing the breaking up of existing road which are not "all weather" roads.
2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operations shall be permitted closer than 150 feet to interior boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties.

However, if the adjoining property is also used for such mining and excavation operation then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the board, and adequate lateral support as set forth is at all times maintained.

3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the

grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

4. The permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Natural Resources or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

B. Sight Barriers:

1. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours of evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees, or shrubs.
 - b. Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers within 6 feet in height.
 - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than 6 feet and maintained in good repair.

C. Nuisance Abatement:

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

3. Hours - The operation shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. and no operations shall be allowed on Sundays.
4. Fencing - All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

D. Reclamation of Mined Areas:

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of 1 acre or more. Substantial completion of reclamation and rehabilitation shall be effected within 1 year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. The following standards shall control reclamation and rehabilitation:
 - a. All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and noncombustible solids to insure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ii. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the water line in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water except where streets, beaches, or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planing of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under

the requirement of the zoning district in which they will be located under such plan, may be retained.

3. A performance bond or cash shall be furnished the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than 1 vertical to 3 horizontal for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the Township Building Inspector and the Township Planning Commission. In no event shall such financial guarantee be less than \$3,000 in amount.

E. Submission of Operational and Reclamation Plans:

1. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets and whether or not the same are "all weather" roads, additional road, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
 - b. The number of acres and the location of the same propose, to be operated upon within the following 12 months' period after commencement of operations.
 - c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation of activities are to be conducted closer than 150 feet from the boundaries of the site. Said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Building Inspector. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within Ordinance to the boundaries of the site.
 - f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and

rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

F. Liability Insurance:

All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

G. Variances:

The Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

SECTION 10.70.23 BED AND BREAKFAST FACILITIES:

- A. The minimum lot size shall be 22,000 sq. ft. with a minimum frontage of 100 feet on a public street.
- B. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of adoption of this ordinance.
- C. The minimum size of a rental room shall be 125 sq. ft.
- D. The minimum size for manager/owner living quarters shall be four-hundred fifty (450) sq. ft.
- E. A common room or area for guest relaxation is required.
- F. For those facilities which are not owner occupied, a manager must reside on the premises and have an equity interest in the facility.
- G. One off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
- H. Bathrooms must be furnished for guest rooms at a ratio of not less than one bathroom per two rental rooms.
- I. The premises (including corner lots) may be permitted one advertising sign not exceeding six (6) sq. ft. in area.
- J. Approval by the Township Building Inspector is required prior to occupancy of the facility. Thereafter, the Township Building Inspector shall conduct an annual compliance inspection.

- K. Approval of the Lenawee County Health Department is required if other than a continental breakfast is served.
- L. The maximum stay at a bed and breakfast facility shall be thirty (30) continuous days.
- M. A site plan shall be submitted in accordance with Section 9.90.
- N. The use of the facility shall not, in the judgement of the Township Planning Commission and the Township Board, be detrimental to adjacent land uses and the immediate neighborhood.

SECTION 10.70.24 GUN AND CONSERVATION CLUBS:

- A. The minimum site size shall be 50 acres.
- B. Outdoor target ranges and areas where firearms may be discharged shall have a minimum setback of 600' from any residentially, commercially, or industrially zoned property.
- C. Retail sales to guests only may be permitted, but there shall be no externally visible evidence of any commercial activity, however incidental, nor any access to any space used for commercial activity from other than within the building.
- D. Hours of operation of the outdoor target range(s) shall be approved by the Township Planning Commission.

SECTION 10.70.25 COMMUNICATION TOWERS:

- A. The following site and developmental requirements shall apply:
 - 1. A minimum site of one (1) acre shall be required. A minimum thirty (30) foot wide easement shall be required to provide access to the communication tower.
 - 2. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
 - 3. The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.
- B. The following special performance standards shall apply to communication towers:
 - 1. Communication towers must be set back from all property lines a distance equal to its height.
 - 2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Section 4.5 (Area, Yard, Height, and Bulk Requirements).
 - 3. One accessory structure shall be permitted per antenna attached to the tower. Each accessory structure shall not exceed six hundred (600) square feet of gross building area.

4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
5. The plans of the tower shall be certified by a registered structural engineer.
6. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
7. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
8. Communications 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 airport or ½ (one-half) mile of a helipad.
9. No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
10. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
11. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
12. Towers with antennae shall be designed to withstand a uniform wind loading.
13. All signals and remote control conductors shall be buried underground unless a compelling demonstration can be made that such a requirement is unfeasible.
14. Towers shall be located so that they do not interfere with reception in nearby residential areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
16. The base of the tower shall occupy no more than five hundred (500) square feet.
17. Height of the tower shall not exceed three hundred (300) feet from grade.
18. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
19. Existing on-site vegetation shall be preserved to the maximum extent practicable.
20. 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.

21. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
 22. Where the property adjoins any residentially-zoned property or residential land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.
 23. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the colocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 1. All new and modified communication towers shall be designed and constructed so as to accommodate colocation.
 2. A conditional use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
- C. The following information shall be submitted to the Township Supervisor and Fire Chief prior to Township approval to construct a communication tower:
1. Site plan in accordance with Section 9.90.
 2. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.
 3. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. A tower shall be deemed to be abandoned when it is out of service for a period of at least three hundred sixty-five (365) days. The provider will be afforded an opportunity to address the Planning Commission as to whether the communications tower has been abandoned. In this regard, the Township Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, 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 community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
 4. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

**RAISIN CHARTER TOWNSHIP
LENAWEE COUNTY, MICHIGAN
ARTICLE 10
SPECIAL LAND USE**

SECTION 10.70.27 SOLAR FARMS

A. PURPOSE: To provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities.

This Article is intended to:

1. Protect Township areas from any potentially adverse effects, such as visual or noise impacts, of solar farm facilities, and related structures or devices so that the public health, safety, and welfare will not be jeopardized.
2. Provide for a land use that will provide an energy source with low associated environmental impacts.
3. Provide for the removal of abandoned or noncompliant solar farm facilities, and related structure or devices.
4. Allow as a Special Land Use for solar farm facilities, and related structures or devices in the Township districts zoned for Agricultural (A-1) and Industrial (I-1).

B. DEFINITIONS: In addition to Ordinance Article II definitions, the following terms and phrases shall have the meanings set forth below:

AC Power (Alternating Current): An electrical current whose magnitude and direction varies. It is considered the “standard” electrical power.

Attached System: A solar system in which solar panels are mounted directly on the building, typically the roof.

DC Power (Direct Current): An electrical current whose magnitude and direction stay constant. The photovoltaic cells on solar panels capture energy from sunlight in the form of DC and must be converted to AC by an inverter.

Detached Systems: Also known as a Ground Mounted Systems or Freestanding, a solar system that is not attached directly to a building, but is supported by a structure that is built on the ground.

Distributed Generation: As opposed to centralized generation, distributed generation refers to a number of small power-generating modules located at or near the point of energy consumption.

Gigawatt: A unit of power equal to one billion watts.

Grid: The infrastructure of power lines, transformers and substations that delivers electric power to buildings. The utility grid is owned and managed by electric utility companies.

Installer: A contractor that installs solar systems.

Interconnection: A link between utility company power distribution and local power generation that enables power to move in either direction.

Inverter: A device that converts DC power captured by the photovoltaic cells on solar panels into AC power.

Kilowatt: A unit of power equal to one thousand watts.

Megawatt: A unit of power equal to one million watts.

Net Metering: A policy whereby utility customers with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as “net excess generation”).

On/Off Grid System: A solar energy system that is interconnected with the utility grid is an on-grid or grid-tied system, while a system not interconnected is an off-grid system.

Permitting: The process by which a local unit of government allows for certain development, changes, and activities in their jurisdiction.

Photovoltaic (PV): A method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.

Solar Collection Devices-General: Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

Solar Collection Devices-Small Freestanding: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating up to but not exceeding 20kW.

Solar Collection Devices-Medium Freestanding: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating of greater than 20kW, but do not occupy more than 10 acres of land.

Solar Collection Devices-Large Freestanding: An array of freestanding (not attached to a principal or accessory structure) utility-scale solar collection materials that have a manufacturer’s rating of greater than 20kW and occupy more than 10 acres of land.

Solar Farms (Large Photovoltaic Solar Farm Facilities): A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, or any other various solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar Farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as Accessory Structures or Uses.

Solar Photovoltaic System: The total components and subsystems that, in combination, convert solar energy suitable for connection to utilization load.

Time-of-Use (TOU) Rates: A utility billing system in which the price of electricity depends upon the hour of day at which it is used. Rates are higher during the afternoon when electric demand is at its peak. Rates are lower during the night when electric demand is off peak.

C. REQUIREMENTS FOR DEVELOPMENT AND DESIGN STANDARDS

1. **Site Plan:** In addition to those requirements of Article IX, Section 9.90 of the Zoning Ordinance, and the Site Plan Review Application, all applications for a special land use permit for a Solar Farm shall be subject to Special Land Use standards in Agricultural (A-1) and Industrial (I-1) zoned areas.
2. **Minimum Lot Size:** Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
3. **Height Restrictions:** All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
4. **Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of fifteen (15) feet from a side or rear property line and a minimum of thirty (30) feet from any road or highway right-of-way.
5. **Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
6. **Safety/Access:** A security fence (height and material to be established through the special land use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.
7. **Sound Pressure Level:** No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.

8. **Landscaping:** The perimeter of large photovoltaic solar farm facilities shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large photovoltaic solar farm facilities from any public street and/or adjacent residential structures, subject to the following requirements:
- a. The large photovoltaic solar farm facilities shall be exempt from the landscape requirements of Article 9, Section 9.80.
 - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - c. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - d. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use Permit may be subject to revocation.
9. **Local, State and Federal Permits:** Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Raisin Charter Township, and comply with standards of the State of Michigan adopted codes.
10. **Electrical Interconnections:** All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
11. **Signage:** No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large photovoltaic solar farm facilities. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
12. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant shall perform decommissioning and removal of the large photovoltaic solar farm facilities and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit.

The decommissioning plan shall state how the large photovoltaic solar farm facilities will be decommissioned, provide the estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources will be deposited. Any large photovoltaic solar farm facilities that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.

Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. All access roads or driveways shall be removed, cleared, and graded by the applicant, unless the property owner(s) requests, in writing, a desire to maintain any access road or driveways. The Township or County will not be assumed to take ownership of any access road or driveways. The ground must be restored to its original topography or mutually agreed variation of the original topography within three hundred sixty-five (365) days of abandonment or decommissioning.

The decommissioning plan shall also include an agreement between the applicant and the Township that:

- A. Prior to the issuance of the permit, the applicant shall furnish to the Township a performance guarantee in an amount equal to or greater than the estimated cost of decommissioning. The guarantee shall be in the form of either a surety bond or cash deposit into an escrow account with an escrow agent acceptable to the Township.
 - B. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within three hundred sixty-five (365) days of the end of project life or facility abandonment.
 - C. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - D. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not exceed reasonable anticipated decommissioning costs.
13. **Inspection:** The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any large photovoltaic solar farm facilities is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large photovoltaic solar farm facilities to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

14. **Maintenance and Repair:** Each large photovoltaic solar farm facility must be kept and maintained in good repair and condition at all times. If the Township Building Official determines that a large photovoltaic solar farm facility fails to meet the requirements of this ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Building Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the applicant shall immediately shut down the large photovoltaic solar facility and not operate, start or restart the large photovoltaic solar facility until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the large photovoltaic solar farm facility neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
15. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a large photovoltaic solar farm facility shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate State or County agency a description of the routes to be used by construction and delivery vehicles; and road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all State or County requirements regarding the use and/or repair of the roads.

D. ADDITIONAL SPECIAL LAND USE CRITERIA

The following topics shall be addressed in a Special Land Use application for such large photovoltaic solar farm facilities in addition to Section C, Requirements for the Development and Design Standards.

1. **Project description and rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possibly future expansions.
2. **Analysis of onsite traffic:** Estimated construction jobs, estimated permanent jobs associated with the development.
3. **Visual impacts:** Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings given to tree plantings and setback requirements.
4. **Wildlife:** Review potential impact on wildlife on the site.
5. **Environmental analysis:** Identify impact analysis on the water quality and water supply in the area, and dust from project activities.
6. **Waste:** Identify solid waste or hazardous waste generated by the project.
7. **Lighting:** Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.

8. **Transportation plan:** Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb driveway and parking lots used for occupied offices that are located on site.
 9. **Public safety:** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
 10. **Sound limitations and review:** Identify noise levels at the property line of the project boundary when completed.
 11. **Telecommunications interference:** Identify electromagnetic fields and communications interference generated by the project.
- E. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.
- F. EFFECTIVE DATE:** This Ordinance shall become effective fifteen (15) days after its publication following final adoption or as required by law.
- G. REPEAL:** All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.