

## ARTICLE 6

### SPECIAL PROVISIONS

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#### **Section 6.1 Intent.**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This Article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance. See Article 2 (Definitions) and Article 4 (Zoning District Regulations) for additional information related to the uses denoted within this Article.

#### **Section 6.2 Adult and Child Day-Care Facilities.**

- (a) Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (b) Adult group day-care home with greater than six (6) adults shall meet all of the State requirements.
- (c) Adult day-care centers are subject to the following conditions:
  - (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
  - (2) The drop-off and pick-up area shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- (d) Child group day-care homes with more than six (6) children are subject to the following:
  - (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
  - (2) Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

- (3) The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.
- (e) Child day-care centers are subject to the following conditions:
- (1) The property is maintained in a manner that is consistent with the character of the area.
  - (2) The drop-off and pick-up area shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  - (3) Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

**Section 6.3                    Adult and Child Foster Care Facilities.**

(a) Intent. It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(b) Adult Foster Care Facilities.

(1) Application of Regulations.

- A. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
- C. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

(2) Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 3.5 and the following additional standards:

- A. The property is maintained in a manner that is consistent with the character of the neighborhood.

- B. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.
- (3) Adult foster care congregate facilities shall be considered as a special land use subject to the requirements and standards of Section 3.5 and state requirements.
- A. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.
- (c) Child Foster Care Facilities.
- (1) Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
  - (2) Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section and the following standards:
    - A. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
    - B. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

**Section 6. 4            Adult Regulated Uses.**

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

- (a) Uses subject to these controls are as follows:
- (1) Adult Book and Supply Store
  - (2) Adult Cabaret
  - (3) Adult Live Stage Performing Theater
  - (4) Adult Motion Picture Theater
  - (5) Adult Physical Culture Establishment
  - (6) Body Piercing Establishment
  - (7) Burlesque Show
  - (8) Escort Agency
  - (9) Massage Parlor
  - (10) Nude Modeling Studio
  - (11) Tattoo Parlor
- (b) Building shall be setback eighty (80) feet from an existing or proposed right-of-way.
- (c) Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two streets measured from the road right of way lines.
- (d) A five (5) foot high completely obscuring wall compatible with the surrounding area shall be provided where abutting residential uses.
- (e) Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission, as detailed in Article 3.5, Special Land Uses, that the following conditions exist:
- (1) If the use is a use that is listed above in this Section, it shall be located in the Industrial District.
  - (2) The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
    - A. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - B. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- (b) That all applicable Federal and State laws and local ordinances will be observed.
- (c) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of

denial, except on the grounds of new evidence not previously available or proof of changed conditions.

**Section 6.5                    Airports, Airstrips, and Heliports.**

- (a) Satisfy all requirements of the Federal Aviation Administration (F.A.A.) and the Michigan Department of Transportation’s Airport Division.
- (b) The plans for such facility shall be given approval by the Federal Aviation Administration prior to submittal to the Planning Commission for their review and action.
- (c) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the F.A.A.
- (d) The area of the "clear zone" (FAA definition) shall be provided for within the land area under airstrip ownership, and in no instance shall the "clear zone" be above property zoned for single family residential use.

**Section 6.6                    Animal Rescues or Shelters.**

All animal rescues or shelters (also known as kennels) shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151 for Pet Shops, Dog Pounds, and Animal Shelters. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws). All such uses shall also comply with the following:

- (a) The minimum lot area shall be five (5) acres.
- (b) The owners of such uses shall be subject to an annual inspection by Sanilac County Animal Control.

**Section 6.7                    Artisan and Farmers Markets.**

- (a) The following are the types of vendors permitted at an artisan and/or farmers market:
  - (1) Farmers – raise agricultural products (i.e. fruits, vegetables, herbs, flowers or nursery crops from seed or purchased “starters”) that are personally cared for, cultivated, and harvested.

- (2) Agricultural Processors – farmers who choose to process their agricultural products for pre-packaged sale (i.e. milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soap and herbal preparations).
  - (3) Food Processors – sale of fresh food products which have been personally prepared (i.e. juice, baked goods, jams, etc.)
  - (4) Resellers – individuals who purchase produce from local farmers and then resell directly to the customer.
  - (5) Crafters – individuals who create craft objects made with their own hands and imagination from “raw” materials (i.e. wax, clay, wood, metal, leather, etc.)
- (b) The hours of operation, parking, dimensional requirements, signage, lighting, etc. shall be evaluated as a part of the special land use request.

**Section 6.8                      Automobile Filling Stations, Repair Garages, Service Stations and Dealerships.**

Automobile filling stations, repair garages, service stations, and dealerships shall comply with the following conditions:

- (a) The curb cuts for ingress to and egress from a filling or service station are not permitted at such locations as will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.
- (b) The minimum lot area shall be one acre, so arranged that ample space is available for motor vehicles which are required to wait.
- (c) The minimum dimension of any lot line adjacent to a public right-of-way shall be one hundred and forty (140) feet.
- (d) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (e) All activities related to automobile service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.

- (f) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (g) Unlicensed vehicles shall not be stored outside for more than thirty (30) days. Such storage shall not occur in front of the building front line.
- (h) Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- (i) A filling or service station shall have no more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles.
- (j) Where the filling or service station site abuts any residential district, the requirements for protective screening shall be provided as specified in Section 7.7.
- (k) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (l) All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.
- (m) No advertising signs may be placed on-site other than the permitted maximum wall and/or ground sign area per Article 9.
- (n) A convenience store or restaurant, with or without a drive-through (see Section 6.16) may be located within the station providing it complies with the provisions for an accessory use (see Section 5.2).

**Section 6.9 Automobile Washes or Car Wash Establishments.**

- (a) Coin-operated/Self-Service Establishments.
  - (1) All buildings shall have a front yard setback of not less than thirty (30) feet.
  - (2) All washing facilities shall be within an enclosed shelter.
  - (3) Vacuuming and drying areas may be located outside the building, but shall not be closer than fifteen (15) feet to any residential district.

- (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
  - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
  - (6) A five (5) foot completely obscuring wall shall be provided where abutting a residential district.
- (b) Full Service Establishments.
- (1) All buildings shall have a front yard setback of not less than sixty (60) feet.
  - (2) All washing facilities shall be within a completely enclosed building.
  - (3) Vacuuming and drying areas may be located outside the building but shall not be closer than fifteen (15) feet to any residential district.
  - (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
  - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
  - (6) A five (5) foot completely obscuring wall shall be provided where abutting a residential use.

**Section 6.10 Bed and Breakfast Accommodations.**

- (a) Bed and breakfast establishments must be located on no less than one (1) acre.
- (b) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- (c) The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- (d) Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- (e) One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.

- (f) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- (g) Signs are permitted in accordance with Article 9.
- (h) One (1) off street parking space shall be provided for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- (i) All Sanilac County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Department that on-site disposal facilities are adequate.
- (j) Comply with all State and County safety and fire regulations.

**Section 6.11 Cemeteries.**

- (a) Any building in connection with the cemetery and the premises shall be designed, constructed and landscaped according to a comprehensive and approved plan.
- (b) The use shall be in harmony with the general character of the district.
- (c) No buildings or structures, containing bodies or remains (other than subterranean graves), shall be located nearer than two hundred (200) feet to the property line.

**Section 6.12 Churches and Houses of Worship.**

- (a) Parking shall be provided in accordance with Article 10.

**Section 6.13 Commercial and Recreational Vehicles Storage Facilities.**

- (a) The minimum area shall be one (1) acre.
- (b) The storage area surface shall be constructed of gravel or paved finish surface.
- (c) All stored vehicles shall be licensed annually and kept in good repair.
- (d) Recreational vehicles and equipment, parked or stored, shall not have fixed connections to electrical, water, gas or sanitary facilities, and shall at no time be used for living or housekeeping purposes.

**Section 6.14 Community Waste Treatment Facilities.**

Community wastewater systems shall require a special use permit from the Township Board in accordance with the procedures and standards set forth in Article 3.5 Special Land Use Review. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers unless it is determined, in the sole discretion of the Township Board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

In addition to the requirements established by the Township, the Federal Government, the State of Michigan and/or Sanilac County, the following site development and use requirements shall apply:

- (a) Required standards and findings set forth in Section 3.5, Special Land Use shall be met.
- (b) All operations shall be completely enclosed by a fence not less than six (6) feet high.
- (c) All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet in width from the nearest dwelling located within a development project served by a community wastewater system and at least two hundred (200) feet from a property line shared with an adjacent property. Landscape buffering in accordance with Section 7.7 shall be placed to minimize the appearance of the installation and to help confine the odors therein. The Township Planning Commission and Township Board shall have the authority to review the design and treatment of all buffer strips.
- (d) The point of discharge of a community wastewater utility system shall follow State & County environmental regulations.
- (e) A community wastewater utility system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
- (f) The area devoted to a community wastewater utility system shall not be used to satisfy open space required by any other provisions of this Ordinance.

**Section 6.15 Container Warehouse Facilities.**

Container Warehouse Facilities are permitted as commercial and industrial districts, and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the storage of containers (i.e. pods) shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

- (2) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the container units.
- (3) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a container unit.
- (4) All storage shall be contained within a building.
- (5) The exterior design of the building is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sanilac Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (6) One (1) parking space shall be provided on-site for every peak hour employee.

**Section 6.16 Drive Through Facilities.**

All drive through windows for facilities including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services. The following shall also apply:

- (a) A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- (b) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- (c) A five (5) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting a residential use.

**Section 6.17 Extracting, Removing, Filling, Depositing and Dumping Operations**

(a) Intent and Purpose. It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction, removing, filling, depositing and dumping of minerals in locations where they have been naturally deposited, and to insure that activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public or private services and facilities affected by the land use, and, to insure that activities are consistent with the public health, safety and welfare of the Township.

(b) Use Restriction. Extraction, removal, filling, depositing and dumping operations shall be considered as a special land use in the Township. These operations in the Township shall be prohibited unless first authorized by the granting of a special land use permit by the Township Planning Commission in accordance with this section and Section 3.5, Special Land Uses. The following conditions shall apply to all such operations:

- (1) No hydraulic dredging.
- (2) Containment of soil and windblown fines.
- (3) No topsoil is to leave the site without an engineer's report determining the amount of topsoil on the site and the amount needed for reclamation.
- (4) Allow access to the entire property for inspection of the operations on a yearly basis.
- (5) Allow inspection by any Township representative with twenty-four (24) hours notice to determine the validity of any complaint.
- (6) No surface watercourse may be constructed or used without the permission of the Township as part of the operation without a report from the Township's Engineering Consultant demonstrating that there will be no offsite impacts.
- (7) The Township's Engineering Consultant shall recommend a bond amount for the reclamation of the site.
- (8) Provide a detailed plan and a timetable for the reclamation/restoration of the site.
- (9) File a site plan per the requirements of Section 3.6, Site Plan Review.
- (10) Operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. (Source: United States Code, Title 5, Section 6103).
- (11) Provide a letter to the Township with specific date for the start and completion of the operations once mining operations have commenced.
- (12) There shall be not more than one (1) entrance way from a public paved road to said lot for each six hundred sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.

- (13) Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (14) On said lot, all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- (15) Each operator shall be held responsible for all public roads, upon which trucks haul materials from the quarries, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of quarrying operations; and to keep the roads dust free and to clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- (16) Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (17) Such activities shall not be conducted as to cause the pollution by any material of any surface or sub-surface watercourse or water body outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- (18) Such activities shall not be conducted as to cause or threaten to cause the erosion by water of any land outside the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such activities shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such activities shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- (19) All fixed equipment and machinery shall be located at least one hundred (160) feet from any lot line and five hundred (500) feet from any zoning district that permits residential dwellings or that is currently used in a residential manner. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (160) feet from any lot line adjacent to the residential district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.

- (20) All areas within a quarry shall be rehabilitated progressively as they are worked out, so as to be non-hazardous. Further these areas shall be inconspicuously blended with the general surrounding ground form, so as to appear natural.
- (21) The applicant shall submit a plan for the use of the property during extracting, removing, filling, depositing and dumping operations at the time of application for the permit. The Planning Commission shall review and approve the plan. The plan shall provide the following information:
- A. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
  - B. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
  - C. Existing site improvements including, but not limited to buildings, drives, well, and drain fields;
  - D. Existing topography at contour intervals of five (5) feet;
  - E. Extent of future operations thereof;
  - F. Location and nature of structures and stationary equipment to be located on the site during such operations;
  - G. Location and description of soil types;
  - H. An estimate of the kind and amount of material to be withdrawn from or added to the site and the expected termination date of such operations;
  - I. Description of all operations to be conducted on the premises, including, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation;
  - J. Location and width of drives, sight distances; lane widening on public roads at intersections of same with drives;
  - K. Tree areas and other natural features to be retained;
  - L. Description of pollution and erosion control measures;
  - M. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and

- N. Map showing truck routes to and from the site.
- (22) The applicant shall file a plan for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review and approve the plan. The restoration plan shall provide the following information:
- A. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
  - B. Location and extent of all natural features to be retained during such operations;
  - C. Contour lines at intervals of five (5) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines;
  - D. Schedule and areas of progressive rehabilitation;
  - E. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
  - F. Sketch plan of the proposed use of the site when restored; and
  - G. Description of methods and materials to be used in restoring the site.
- (23) The applicant shall provide a bond in the name of the Township, in the form and amount acceptable to the Township Planning Commission, to guarantee restoration of the site and certification of conformance by the Township Engineer.
- (24) The applicant shall provide a bond when required by the Township Board, to maintain and replace public roads traversed by trucks associated with the mining operation.
- (25) The Township Planning Commission shall not approve a special land use permit for any such operation until the Commission has received the plans required in this Section, and until the required bond has been provided.
- (26) The applicant shall provide a date for completing the operation, such date to be based upon the estimated volume of material to be extracted and/or added and an average annual extraction/filling rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special land use permit, which shall be applied for and processed as provided in this Ordinance.

- (27) Travel routes for trucks entering and leaving the pit shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents shall not pass through residential areas.
- (28) Only equipment owned or leased by the operator and used in the operations of the facility shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- (29) Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit is issued.

(c) Exemption. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section. The following are examples of such exemptions:

- (1) For the regrading, moving, or leveling of earth or rock materials by a property owner solely upon his property. If more than one (1) acre of land is disturbed, a soil erosion permit may be required from the County.
- (2) The filling of land where it is low or is in need of fill to make the land buildable as long as the fill used does not contain any refuse and is in an area of less than two (2) acres in size and as long as it does not affect the drainage of adjoining properties.
- (3) For the excavation and removal of soil from an industrial and/or commercial site if the soil to be removed is the result of construction of a building, structure, or facility for which a Site Plan and Building Permit has been approved by the Township.
- (4) For the installation of public utilities or public roads.

(d) Application. An application shall be filed with the Zoning Administrator and shall include the following:

- (1) Site plan prepared in accordance with Section 3.6.
- (2) Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph shown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time when the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:

- A. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
  - B. All contiguous land, which is or has been used by the owner or leasehold applicant for mineral extraction and processing and storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
  - C. All lands within one-half (1/2) mile of the proposed mining area.
  - D. All private and public roads from which access to the property may be immediately gained.
  - E. Boundary of the entire planned extracting, filling, removing, filling, depositing and dumping area by courses and distance.
  - F. Site topography and natural features including location of watercourses within the planned mining area.
  - G. Means of vehicular access to the proposed operation.
- (3) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
- (4) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
- A. Property within a radius of one (1) mile around the site; and
  - B. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.
- (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
- A. Level of water table throughout the proposed mining areas;
  - B. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
  - C. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the

operation to the geographical extent reasonably expected to be affected;  
and,

D. Opinion whether the exposure of subterranean waters and the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public,

(6) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, and the anticipated noise and vibration levels.

(e) Review Procedure.

(1) The Township Clerk shall retain the original application for the file, and forward the copies to the members of the Planning Commission, The Township's Engineering and Planning consultants, the Sanilac County Department of Public Services and soil erosion control authority.

(2) The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.

(3) The Zoning Administrator shall request a report from Sanilac County regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.

(4) After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Section 3.5, Special Land Uses.

(5) Reasonable conditions may be required with the approval of the application for the special land use, to insure that public or private services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

(f) Requirements and Standards. The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in

the discretion of the Planning Commission, and if the application is approved, the applicant shall maintain such standards and requirements as a condition to continued operation and use:

- (1) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, or destruction of the air, water, natural resources, and public trust therein.
- (2) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
- (3) Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
- (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
- (5) The proposed special land use shall not unreasonably burden the capacity of public or private services and facilities.
- (6) The proposed special land use shall have immediate and direct access to a paved public road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- (7) The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
- (8) All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred sixty (260) feet from the center of the nearest street and two hundred (200) feet from the nearest property line and three hundred (300) feet from a zoning district which permits residential uses or land is in residential use.

- (9) The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12:00 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United State Code, Title 5, Section 6103.
  - (10) Taking into consideration that the Township is conditionally authorizing this special land use in residential districts and areas used for residential purposes, and that this special land use, is to some extent, inharmonious with child rearing and other residentially-related activities, and as an attempt to legislate a balance of interests between the mineral mine user and the owners and/or the occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.
  - (11) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the maximum requirements of this Ordinance.
  - (12) The total area (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres and forty (40%) percent of the entire parcel approved as a special land use.
  - (13) The activities of the proposed special land use shall not result in a demand for local services and/or facilities that are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
  - (14) The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Planning Commission at the time of application, and thereafter.
- (g) Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the Planning Commission as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the Planning Commission the same are deemed

consistent with the zoning district in which the site is situated. The Planning Commission or Township Board shall have the right to impose performance bonds to insure that the reclamation and restoration plans as submitted are implemented.

**Section 6.18 Funeral Homes and Mortuaries.**

The purpose of regulating a funeral home or mortuary is to assure adequate off-street parking and staging room for cars lined up for the funeral procession plus compatibility in the area. A funeral home is permitted subject to the following conditions:

- (a) The funeral home shall be a licensed facility by the State of Michigan.
- (b) A funeral home may contain a dwelling unit for the owner.
- (c) Signage shall meet the requirements of Article 9.
- (d) The lot area shall be adequate to accommodate an off-street assembly area for a funeral procession in addition to any required off-street parking area.
- (e) The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
- (f) Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares, and funeral processions or visitors entering or leaving the site.
- (g) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any residential district.

**Section 6.19 General, Building and Landscape Contractor's Offices and Yards.**

A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.

- (a) Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.

(c) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare. Storage shall be screened from the view of a public street and adjacent properties in accordance with the requirements of Section 7.

(d) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 3.6, Site Plan Review.

(e) The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

### **Section 6.20 General Hospitals and Mental Health Facilities.**

(a) All such hospitals shall be developed only on sites of at least five (5) acres in area.

(b) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear and side yards for all (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

(c) All ingress and egress to the off-street parking area for guests, employees, staff or other users of the facility, shall be directly from a major thoroughfare.

### **Section 6.21 Golf Courses.**

Golf courses and country clubs, including accessory uses including, but not limited to: clubhouses, driving ranges, pro shops, maintenance buildings, tennis courts, swimming pools, restaurants, caretaker residence, and other similar facilities, shall be subject to the following conditions:

(a) Minimum site area shall be forty (40) acres.

(b) The location of structures, including, but not limited to the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.

(c) All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to Section 7.7.

(d) All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently zoned or used for residential purposes.

(e) The caretaker's residence must meet the minimum requirements of the district that the golf course is located in.

**Section 6.22 Gun Clubs, Firing and Archery Ranges.**

(a) Enclosed within a building:

- (1) A minimum lot area of not less than ten (10) acres shall be maintained, unless the Planning Commission permits a smaller area.
- (2) The structure for the completely enclosed firing and archery range shall be bulletproof.
- (3) This structure shall be not less than five hundred (500) feet from any residential use or district, or highway right-of-way.
- (4) Adequate parking is maintained.
- (5) A license for such a range be obtained from the Township Board.
- (6) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (7) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.
- (8) There shall be continuous supervision by a responsible person when such range is in operation.

(b) Outdoor:

- (1) A minimum lot area of not less than forty (40) acres shall be maintained, unless the Planning Commission permits a smaller area.
- (2) The firing point shall be at least one-quarter (1/4) mile from the nearest residential use in any direction from the firing point.

- (3) The shooters shall fire away from any traveled highways.
- (4) Shooters shall fire into a thirty (30) foot high hill or suitable backstop to be approved by the Zoning Administrator and Sheriff's Department.
- (5) A six (6) foot chain link fence shall be provided and maintained to prevent persons from moving into the area and firing line.
- (6) A license for such range shall be obtained from the Township Board.
- (7) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (8) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Sheriff's Department.
- (9) There shall be continuous supervision by a responsible person when such range is in operation.
- (10) Shooters shall fire from a structure constructed to standards not less than those required as minimum safety standards by the National Rifle Association.
- (11) Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 6:00 a.m. nor later than 8:00 p.m.

**Section 6.23                    Housing for the Elderly and Nursing Homes/Convalescent Centers.**

- (a) Housing for the elderly shall comply with all Federal, State and County regulations and licensing requirements.
- (b) Nursing homes and convalescent centers shall comply with all Federal, State and County regulations and licensing requirements.

**Section 6.24                    Industrial or Commercial Waste Lagoon Ponds.**

- (a) In no instance shall a waste lagoon pond be closer than five hundred (500) feet to an existing or proposed street right-of-way or abutting residential district.
- (b) An eight (8) foot wall or fence shall be erected around the entire site and control gates shall be installed. In addition, an earth embankment in the form of a berm with a minimum height of eight (8) feet may be required at the discretion of the Planning Commission.

(c) All such ponds shall also comply with all applicable Federal, State and County regulations.

**Section 6.25 Industrial Park Standards.**

(a) The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres while the minimum lot size within an Industrial Park shall be five (5) acres.

(b) Outside Storage.

(1) The outside storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission.

(2) Outside storage shall be limited to the rear yard area.

(c) Off-Street Parking.

(1) No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line.

(d) Internal Roadway. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.

**Section 6.26 Incineration of Any Refuse, Industrial, Hazardous or Other Waste.**

Incineration of any refuse, industrial, hazardous or other waste shall comply with all State regulations and licensing requirements.

**Section 6.27 Intensive Livestock Operations.**

New livestock production facilities must follow and be in conformance with all Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

(a) Contact the Michigan Department of Agriculture (MDA), Right to Farm Program, Lansing Michigan.

(b) Provide the Township proof of MDA review and verification for conformance to appropriate GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

**Section 6.28 Kennels (Commercial).**

Commercial kennels include any establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration. The purpose of regulating kennels is to maintain adequate health standards, and to protect the general public:

(a) Also see Section 6.6, Animal Rescues or Shelters.

(b) All yard space used for pen areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

(c) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.

(d) The number of animals permitted will be determined as part of the special land use approval.

**Section 6.29 Kennels (Private).**

Private kennels include any building and/or land used for the temporary or permanent boarding, breeding, training or care of dogs or cats or other domestic animals belonging to the owner for the purposes of show, hunting or as pets, and subject to the following:

(a) The boarding, breeding, training or care of such animals shall be incidental to the principal use of the premises and shall not be for purposes of remuneration or sale.

(b) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.

(c) All dogs, cats, or other domestic animals shall be licensed per county regulations.

**Section 6.30 Livestock Auction Yards/Markets.**

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture, Lansing, Michigan. The following must be provided:

- (a) Copy/proof of required bonding.
- (b) Copy of the livestock dealer/broker license.
- (c) License must be kept current on a yearly basis.
- (d) All such facilities shall be located on a paved primary arterial road.

**Section 6.31 Manufactured Housing Park Development Standards.**

(a) General Site Development Standards.

- (1) No manufactured housing park shall be constructed within the limits of Sanilac Township unless the owner and/or operator hold a valid construction permit issued by the Michigan Department of Labor and Economic Growth in accordance with the provisions of Public Act 96 of 1987, as amended, and a copy of said permit is given to the Township.
- (2) A permit and Certificate of Occupancy shall be obtained from the County Building Department for each manufactured home connected to the Township water, sanitary sewer, and electrical, and the placement of the home. Skirting shall be installed within thirty (30) days after the Certificate of Occupancy is issued, weather permitting.
- (3) A permit shall be obtained from the County Building Department for construction of a canopy, awning, sunroom, carport, or other accessory or year-round enclosure detached or attached to a manufactured home.
- (4) Fees for the all of the above-mentioned permits and Professional Reviews shall be set by the Township Board.
- (5) Each road access point to a manufactured housing park from a Country or State highway shall have prior written approval of the Sanilac County Department of Public Services having jurisdiction within the Township.
- (6) It shall be the duty of the Building Inspector or assistant to personally inspect all of the development, construction, or installation of the facilities in the mobile home park for which a State permit has been issued. The Township Building Inspector is hereby granted the power and authority to enter upon the premises of

any manufactured housing park at any reasonable time for the purpose herein set forth and for the purpose of enforcing any provisions of this Ordinance.

- (7) It shall be the duty of the owner and operator of each manufactured housing park to enforce the following regulations:
- A. The keeping of all domestic pets shall be in compliance with Township Ordinances.
  - B. The operation, maintenance and supervision of the manufactured housing park shall be by a responsible person who shall be available at all times in case of emergencies.
  - C. It shall be the duty of each manufactured housing park owner and operator to report to the Sanilac County Health Inspector and Township Supervisor, the existence of any known unsanitary conditions prevailing within the boundaries of the manufactured housing park.
  - D. It shall be the further duty of the manufactured housing park owner or operator, in order to safeguard against the hazards of a fire, to prohibit the parking of any manufactured home or trailer, not possessing two (2) exits, within any manufactured housing park. One such exit may be of the emergency type, provided that it is capable of being easily operated by small children, and provided approval has been granted by the Township or State Fire Marshall.
- (8) School officials of the affected districts shall be notified of the proposed development.

(b) Lot and Stand Conditions.

- (1) The manufactured housing park shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under Public Act 96 of 1987, as amended.
- (2) For irregular shaped manufactured home lots the access point to the lot must be of sufficient width to accommodate the required on site parking and must be at least twenty (20) feet.
- (3) No manufactured home shall be located closer than fifty (50) feet to the right-of-way of a public thoroughfare, nor closer than eighty (80) feet to a railroad right-

of-way, nor closer than ten (10) feet to any dedicated easement or road right-of-way within a manufactured housing park.

- (4) The manufactured home foundation shall be of concrete piers, slabs or runners to be designed and constructed in conformance with the standards established in Public Act 96 of 1987, as amended.
- (5) All manufactured homes shall be anchored with only those systems which are approved by Public Act 96 of 1987, as amended.
- (6) If provided, patios and bases of storage sheds shall be constructed of four (4) inch thick concrete.

(c) Accessory Structures and Enclosures.

- (1) Storage Areas - No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any manufactured home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the manufactured home development.
- (2) Canopies and awnings may be attached to any manufactured home and said accessory structures shall conform to all area, height, and placement regulations applicable to the manufactured home itself, except it may occupy a portion of the side yard provided it is located no closer than ten (10) feet to another manufactured home.
- (3) Canopies and awnings may be enclosed with screens for summer recreation or sunroom purposes, or they may be enclosed with glass for climatic reasons, but no enclosure shall be used for permanent living purposes.
- (4) If any permanent living area is added to a manufactured home, such addition shall conform in every way to the placement regulations of the principal structure.
- (5) Manufactured homes shall be skirted and must meet the standards of Public Act 96 of 1987, as amended.
- (6) There shall be no storage underneath any manufactured home of any item except for the hitch and wheels and tires of that manufactured home, and each manufactured home lot should be maintained in the manner that it was originally constructed.

(d) Roads, Parking and Walks.

- (1) Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the manufactured home site, and other important facilities on the property. The street system shall provide convenient circulation

by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with a turn around capability.

- (2) The roads shall be of adequate widths to accommodate the contemplated traffic load but shall not be less than twenty-one (21) feet in width.
  - (3) Curbing shall be required, provided however, the Planning Commission may approve plans without curbs, where such plans show other adequate means for the control of surface drainage. Protection of the edges of the pavement and protection to the roadway shoulder shall be provided to prevent erosion along the shoulder and berm of the roadway.
  - (4) All roads and parking areas shall be constructed of concrete, blacktop, or other similar hard surface material in conformance with standards set in Public Act 96 of 1987, as amended.
  - (5) Hard-surfaced off-street parking spaces shall be provided on manufactured home site in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided as required by Public Act 96 of 1987, as amended.
  - (6) For the protection of the park residents and the easy passage of fire apparatus there shall be no parking on any road in the manufactured housing park unless they meet the standards established in Public Act 96 of 1987, as amended.
  - (7) The manufactured housing park primary walk system, if provided, including walks along main drives and secondary streets shall meet requirements of Public Act 96 of 1987, as amended.
  - (8) Recreational Vehicle Storage - The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured housing park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured housing development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.
- (e) Utilities and Trash Disposal.
- (1) Fire hydrants of a size and with a pressure approved by the Port Sanilac Fire Department shall be placed along each street within the manufactured housing park within ten (10) feet of a roadway and at intervals not exceeding five hundred (500) feet so that no mobile home shall be more than two hundred fifty (250) feet from a hydrant.

- (2) Running water from a public or a State-tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost.
- (3) Plumbing fixtures shall be connected into a public sanitary sewer or Township approved facilities.
- (4) All electric lines, from supply poles and leading to each manufactured home stand, shall be underground and shall conform to Public Act 96 of 1987, as amended.
- (5) Street lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be in conformance with Public Act 96 of 1987, as amended.
- (6) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and shall be approved by the State Health Department and the Township of Sanilac. Manufactured housing parks shall provide for removal of rubbish as required in Public Act 96 of 1987, as amended.

(f) Recreation and Open Space.

- (1) The front yard and the side yard adjacent to a public thoroughfare shall be landscaped and the entire manufacturing housing park shall be maintained in a clean, presentable condition at all times.
- (2) A greenbelt planting strip not less than ten (10) feet in width shall be placed or located along the perimeter of the manufactured housing park. Such a greenbelt shall be so constructed as not to cause or constitute a traffic hazard and plantings shall be at least twenty (20) feet back from an intersection.
- (3) Open space shall be in conformance with Public Act 96 of 1987, as amended.
- (4) Manufactured home lot line fences, when provided, shall be uniform in height thirty six (36) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home and shall be provided with two (2) gates.
- (5) Models may be placed on lots in the manufactured housing park, if they are installed in accordance with Public Act 96 of 1987, as amended, and a temporary Certificate of Occupancy is issued. These models are to be used primarily for sales in the park and shall not be occupied as living units. Also, they shall not have any bright or flashing lights on the units.

**Section 6.32 Motels and Hotels.**

- (a) No guest shall rent a unit at a motel or hotel for more than thirty (30) consecutive days within any calendar year.
- (b) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
- (c) A minimum fifty (50) foot front yard setback shall be maintained.

**Section 6.33 Outdoor Display and Sales.**

(a) General Standards.

- (1) An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.
- (2) The exterior of the premises shall be kept clean, orderly and maintained.
- (3) The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.
- (4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
- (5) See Section 6.35 for the outdoor display and sale of vehicles.

(c) Standards Within C District.

- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

(d) Building Materials, Nursery Stock and Garden Supplies.

- (1) Outdoor sales areas shall not be located within the required front setback, except for sales of living nursery stock. Ornamental displays associated with the sale of nursery stock shall be permitted; however, in no case shall the outdoor storage or sale of bulk materials, including, but not limited to topsoil, mulch or gravel, whether packaged or not, be permitted within the front yard setback.

- (2) Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 7.7.

### **Section 6.34 Outdoor Recreational Facilities.**

(a) Active Recreation. All active outdoor recreational facilities for adults or children, including, but not limited to paint ball, 3-D archery, motor cross and other similar uses are subject to the following:

- (1) No less than one (1) acre of land are required to accommodate any active outdoor recreational facility (except motor cross) with no less than a twenty (20) foot open space along all parcel perimeters. Motor cross facilities shall require no less than five (5) acres, one hundred fifty (150) feet of frontage and no less than one hundred (100) feet of open space along all parcel perimeters.

(b) Passive Recreation. All passive outdoor recreational facilities for adults or children, including, but not limited to amusement parks, carnivals, miniature golf courses, drive-in theaters and other similar uses except public parks are subject to the following:

- (1) Children's amusement parks must be fenced on all sides with a four (4) foot wall or fence.
- (2) Drive-in theaters shall have a solid fence around the site and all lighting shall be shielded from adjacent parcels.

### **Section 6.35 Outdoor Sales of Automobiles or Vehicles.**

Outdoor sales of new and used automobiles, boats, mobile homes, lawn care and construction machinery and other vehicles, shall be subject to the following requirements:

(a) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.

(b) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.

(c) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.

(d) Inoperative vehicles or discarded or salvaged materials shall not be stored outside.

- (e) Vehicle sales shall not be permitted on the premises of any automobile service station, automotive wash or automobile or vehicle repair garage.
- (f) No banners or flags are permitted except as permitted in Article 9.
- (g) A landscaped greenbelt measuring a minimum of ten (10) feet in width shall be provided. No vehicles or merchandise shall be displayed within the required greenbelt.
- (h) There shall be no broadcast of continuous music and/or announcements over any loudspeaker or public address system.
- (i) The automobile sales agency must be located on a site having frontage of no less than one hundred and fifty (150) feet and area of no less than thirty-five thousand (35,000) square feet.

**Section 6.36 Ponds.**

- (a) A pond shall not be created, built, or used until a plan is submitted, and a permit shall have been obtained from Zoning Administrator and a permit fee and any inspection fees shall have been paid in an amount as set by the Township Board of Trustees.
- (b) No pond shall be located closer than twenty (20) feet from the side and rear lot lines, nor closer than one hundred fifty (150) feet from the front right-of-way line, nor closer than fifty (50) feet from the principal structure, nor closer than one hundred (100) feet from any septic tank and/or septic field.
- (c) Material excavated from the pond site shall be disposed of on the site with the proper grading to allow no alteration in the runoff to adjoining lots or parcels.
- (d) No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line.
- (e) A pond shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.
- (f) The side slopes of the pond shall not be greater than one (1) foot vertical to four (4) feet horizontal to a water depth of five (5) feet.
- (g) The pond shall have a minimum depth of ten (10) feet in the middle of the pond.
- (h) The plan shall be a scale drawing that must provide sufficient information and details concerning the following:
  - (1) The size and dimensions of the proposed pond including at least one cross section of the pond.

- (2) The proposed location of the pond and its relationship to all existing dwellings within eight hundred (800) feet, existing or proposed building on the subject parcel, existing septic system and drainfield on the subject parcel and adjacent parcels, utility lines including gas, electric, telephone and cable, property line of the subject parcel with verification by a mortgage survey, and dimensions from all property lines and the street right-of-way.
- (3) Proposed site grading and finished elevations shall be illustrated on the site plan in sufficient detail to determine the direction of storm water runoff and the drainage system to receive the runoff.
- (4) Material to be excavated shall be used on the subject parcel and graded to conform to the natural landscape.

### **Section 6.37 Regulation of Animals.**

- (a) Class I Animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- (b) Class II Animals may be maintained in the AR district only. While horses and equine type animals are considered Class II, commercial riding stables are regulated under Section 6.38, herein.
- (c) The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils, or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be *suggestions for good neighbor practices*.

**SUGGESTED STOCKING DENSITIES FOR  
CLASS II ANIMALS ON PARCELS OF  
10 ACRES OR LESS IN THE AGRICULTURE DISTRICTS**

<b>Animal</b>	<b>Number of Animals</b>	<b>Area</b>
Beef Cattle	1	1.5 acres
*Beef Cattle with Calf	1	1.5 acres
Dairy Cow	1	1.5 acres
Pigs	1	1.5 acres
Sheep, Goats, Alpaca	1	1.5 acres
Llama	1	1.5 acres
Horses/Equine Type Animals	1	1.5 acres

\* One (1) beef cattle with calf is considered one (1) animal until the calf is fully grown.

- (1) There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class II animals should be located at least, at least fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AR who plan to raise Class II livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(d) Class III Animals may be maintained in the AR District only. The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils or agricultural productivity. For those individuals living

on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be suggestions for good neighbor practices.

**SUGGESTED STOCKING DENSITIES FOR  
CLASS III ANIMALS ON PARCELS OF  
10 ACRES OR LESS IN THE AR, AGRICULTURAL RESIDENTIAL DISTRICT**

<b>Animal</b>	<b>Number of Animals</b>	<b>Area</b>
Geese, Ducks, Turkeys	125	1 acre
Chickens (Broiler Hens, Layers)	250	1 acre
Rabbits	250	1 acre

- (1) There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class III animals should be located, at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AR District who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(f) Conformance to Law. In reference to the above provisions, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of the Michigan Right to Farm Act are investigated by and can be reported to the Michigan Department of Agriculture.

**Section 6.38                    Riding Stables, Commercial**

- (a)     A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than four hundred and ninety five (495) feet.
  
- (b)     A commercial stable shall provide an area of not less than two (2) acres for each horse stabled and used as a part of such commercial stable use, but shall not be less than (a) above.
  
- (c)     All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.
  
- (d)     All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

Any permit after being issued for such uses shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.

**Section 6.39                    Roadside Produce Stands and Markets.**

Because roadside stands and markets are seasonal in character and utilized on a temporary basis, roadside markets that sell produce that has been purchased for resale shall be permitted by the Zoning Administrator subject to the following requirements:

- (a)     The sale of products shall not take place in the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that off-street parking and adequate ingress and egress has been provided.
  
- (b)     Upon discontinuance of the temporary use, any temporary structures shall be removed from the roadside.
  
- (c)     All requirements of a temporary permit shall be met.

**Section 6.40                    Rooming and Boarding Houses.**

- (a)     The portion of the owner-occupied, single-family dwelling or accessory building used as a rooming or boarding house shall not exceed a total of one thousand (1,000) square feet in area, with or without separate kitchen facilities for not more than six (6) individuals other than family, for an extended period of time, for compensation.

## **Section 6.41 Salvage Yards.**

- (a) The area of the storage yard shall not exceed one-half (1/2) the area of the building utilized for dismantling.
- (b) The storage yard shall be completely enclosed with a wall, fence, berm, landscaping or combination thereof at least six (6) feet high, and must obscure all items stored and/or outside machinery (cranes and wreckers).
- (c) Nothing shall be stored within four (4) feet of the fence.
- (d) An office sales outlet area which can be entered from the outside shall be provided, and include a sales area free of normal parts storage. Storage may be located behind a service counter. This office may be of modular construction, but must have a foundation.
- (e) Operating hours shall be limited to 7 AM to 7 PM, Monday through Saturday.
- (f) Normal sanitary facilities and a lunch room area shall be provided for the employees.
- (g) Screening by berm, shrubs, or fencing (walls) shall be provided wherever nearby property within one thousand (1,000) feet would normally look into the storage yard.
- (h) Metal crushers may be operated during regular business hours, but must meet Township performance standards.
- (i) A permanent performance bond or deposit in addition to other bonds including, but not limited to construction or landscape bonds, equivalent to the cost of the fencing and \$0.10/square foot of yard space is required as a performance bond since this type of operation could become a nuisance (yearly evidence of the bond shall be evidenced to the Clerk).
- (j) All dismantling operations will be done within a totally enclosed building. Individual parts may be removed from vehicles in the front, side or rear yard.
- (k) There shall be no incineration of refuse.
- (l) There shall be no parking, storage or standing of inoperative vehicles in the front yard.
- (m) Storage of vehicles shall be on inflated tires, supports, or stands and not set on the ground.
- (n) Vehicular storage shall be in neat, organized rows with accessible aisles, and vehicles shall be uniformly perpendicular or parallel with access aisles.
- (o) Vehicles shall be stored no more than one (1) level high unless in racks, and no higher than the screening fence.

- (p) If screening slats are used in a chain link fence, they must be wooden rather than metal.
- (q) Any other specific requirements to assure the requested usage will not produce a detrimental effect on the surrounding area and the Township as a whole may be required.
- (r) Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground.
- (s) The surrounding owners of real estate, within fifteen (1500) feet of the perimeter of the parcel of land upon which such erection is intended must be notified of public hearing.

**Section 6.42                    Seasonal and Transient Display of Products or Materials Intended for Sale.**

The sale of seasonal items including, but not limited to Christmas trees, flowers and plants, pumpkins and other such seasonal items, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall require a permit from the Zoning Administrator subject to the following standards and conditions:

- (a) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Section 7.7 and Article 10 or create a traffic or safety hazard.
- (b) All such sales shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.
- (c) Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- (d) Signs shall conform to the provisions of the district in which the seasonal use is located.

**Section 6.43                    Self-Storage Facilities.**

(a) Requirements and Conditions. Self Storage Facilities are permitted as a special land use and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (2) Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.

- (3) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- (4) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- (5) Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building.
- (6) The exterior design of the storage units is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sanilac Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (7) A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission as well as the following:
  - A. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.
  - B. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission.
  - C. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.

(b) Waiver. Where the Planning Commission determines that compliance with all of the above standards is unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following apply:

- (1) That architectural or structural integrity and quality are not undermined.
- (2) That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

**Section 6.44 Slaughterhouses.**

- (a) The physical plant structure, pens, stockyard or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
- (b) A minimum six (6) foot high chain link fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.

**Section 6.45 Sludge Processing and Similar Resource Recovery Operations.**

- (a) The facility shall be one thousand (1,000) feet from the perimeter of the parcel.
- (b) Sludge processing and similar resource recovery operations shall not include hazardous materials.
- (c) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970, shall be prepared.
- (d) Any residue resulting from the operation shall be removed from the site or disposed of in an approved disposal site.
- (e) Any stocks shall meet the height requirements of the U.S. Environmental Protection Agency guidelines for Good Engineering Practice (EPA 450/2-78 046).
- (f) A market analysis report indicating the economic feasibility of the proposed use shall be submitted.
- (g) A site operational plan describing the methodology of transfer of material from vehicles to the operation, methods of mitigating spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the operation cease for a period exceeding six (6) months.
- (h) There shall be no unlicensed or non-manifested carriers on the site at any time.
- (i) All facilities for any rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1-1/2) times the volume of the amount to be stored.
- (j) Security methods including fencing for the operation shall be submitted with the required site plan.
- (k) Fire and explosive hazard control shall be outlined and submitted with the required site plan.

(l) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.

(m) The township may require a bond to cover clean up of site if abandoned.

**Section 6.46                      Transient and Temporary Amusement Establishments.**

(a) The purpose of this Section is to ensure the safety and general welfare of the public, it being necessary to limit the number, size and place of various transient and temporary amusement enterprises including, but not limited to carnivals, fairs, circuses, outdoor socials, benefits and other-fund raising affairs.

(b) The Township Board may permit transient and temporary amusements to be set up in any District.

(c) Transient and temporary amusement establishments may be permitted:

(1) When engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.

(2) When such use and occupancy is temporary and/or seasonal only.

(3) When such use and occupancy is not detrimental to adjacent surrounding property.

(4) When such use and occupancy is not disturbing to the public peace and tranquility.

(5) When such use and occupancy will not create undue traffic hazard and congestion.

(d) Permits for such uses may be granted for periods not to exceed eight (8) days consecutively, and may be renewable for not more than eight (8) days.

**Section 6.47                      Travel Trailer Parks and Campgrounds.**

(a) Each specific camp site shall be identified by a number, shall be graded so that surface water will run off and not pond, shall be of sufficient size to allow for the parking of the recreational vehicle or recreational trailer and motor vehicle used for towing, with a separate space for picnic table and privacy between sites. Sites may be pull-through type or back-in type with space for motor vehicle located in front or at the side of the recreational vehicle.

- (b) The minimum size for travel trailer parks and campgrounds shall be twenty (20) acres.
- (c) Rustic campgrounds shall provide either a facility with toilets or porta johns.

**Section 6.48 Veterinary Hospitals or Clinics.**

- (a) Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:
  - (1) Front Yard: No less than 25 feet, unless specific district require more.
  - (2) Side Yards: Each side twenty (20) feet, unless specific district requires more.
  - (3) Rear Yard: Thirty five (35) feet unless the specific district requires more.

**Section 6.49 Wireless Communication Facilities.**

- (a) In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (3) below, and if approved, constructed and maintained in accordance with he standards and conditions of this Section.
  - (1) Attached wireless communication facilities within AR, C, I districts where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
  - (2) Colocation of an attached wireless communication facility which has been pre-approved for such colocation as part of an earlier approval by the Planning Commission.
  - (3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  - (4) Monopole wireless communication support structures in the AR, C, and I districts.
  - (5) All wireless communication support structures established within a public right-of-way having an existing width of more than two hundred four (204) feet.

- (6) All wireless communication facilities which are located attached or sited on property which is owned, leased, or controlled by the Sanilac Township Board.

(b) If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (1) above and is required to be established outside of a district identified in paragraph (1) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special land use approval only subject to the requirements set forth in paragraph (3), and subject further to the special land use approval procedures of Section 3.6 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:

- (1) At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Wireless communication facilities shall be of a design including, but not limited to a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the colocation requirements of paragraph (c)(14).
- (3) In AR district, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained with this Section:
  - A. Municipally owned sites.
  - B. Other governmentally owned sites.
  - C. Religious or other institutional sites.
  - D. Public parks and other large permanent open space areas when compatible.
  - E. Public or private school sites.
  - F. Other sites.

(c) General Requirements. All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

- (1) All applications for the required permit to place construct or modify any part or component of a wireless communication facility shall include the following:
  - A. A site plan prepared in accordance with Section 3.6, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
  - B. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
    - i. Proximity to an interstate highway or major thoroughfare.
    - ii. Areas of population concentration.
    - iii. Concentration of commercial, industrial and/or other business centers.
    - iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
    - v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
    - vi. Other specifically identified reason(s) creating need for the facility.
  - C. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
  - D. The existing form of technology being used and any changes proposed to that technology.
  - E. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.

- F. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- G. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- H. A map showing existing and known proposed wireless communication facilities within Sanilac Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communication facility.
- I. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- J. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
  - i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
  - ii. Whether property owner approvals exist or have been requested and obtained.
  - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if

not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

- K. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria including, but not limited to applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
  - L. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)(16) above. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Sanilac County Register of Deeds, 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 payment of any costs and attorney's fees incurred by the Township in securing approval.
  - M. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.
  - N. Evidence of site plan approval from the Federal Aviation Administration, if required.
  - O. The name, address and telephone 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.
- (2) The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally

compatible with the natural environment, as well as the environment as altered by development.

- (3) The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be two-hundred fifty (250) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (4) The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
- (5) Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. See paragraph (c)(1)(J).
- (6) There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
- (7) The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
- (8) The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the

maximum height requirement; and (3) the colocation requirements of subparagraph (c)(14).

- (9) Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms to all district requirements for accessory buildings, including yard setbacks and building height.
- (10) The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (11) Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (12) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- (13) If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Sanilac Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.
- (14) Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support

structure and to accept attached wireless communication facilities mounted at varying heights.

(15) A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly colocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:

A. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.

B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.

C. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.

D. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

(16) Colocation shall be deemed to be “feasible” for the purposes of this Section where all of the following are met:

A. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.

B. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

- C. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
  - D. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this subsection.
- (17) If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- (18) If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Sanilac Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
- (19) Review of an application for colocation, and review of an application for a permit for use of a facility permitted under subparagraph (a)(2), above, shall be expedited by Sanilac Township.
- (20) When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of

operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

(d) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.

(e) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.

(f) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.