

## **SPECIAL LAND USES**

### **PURPOSE**

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which is applicable to the Special Land Use under consideration.

### **APPLICATION AND REVIEW PROCEDURES**

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a Special Land Use approval shall consist of the following:
    - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 16.
    - b. A completed application form, as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the zoning administrator.
    - d. A legal description of the entire property which is the subject of the Special Land Use.
    - e. A statement with regard to compliance with the criteria required for approval in Section 19.03.A.1-5, and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f. Other materials as may be required by the Planning Commission.
- B. Public Hearing
1. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application.
  2. At least fifteen (15) days before the meeting one (1) notice of the public hearing for a Special Land Use shall be published in a newspaper that circulates in the Township and a letter shall be sent to property-owners and occupants of structures within three hundred (300) feet of the boundary of the property. The notices shall include:

- a. The property that is subject of the request
  - b. The nature and location of the request.
  - c. When and where the request shall be considered.
  - d. When and where the Ordinance, request and pertinent material may be examined.
  - e. When and where written comments shall be received concerning the request.
3. The application for a Special Land Use permit shall be submitted at least thirty (30) days prior to the next regular Planning Commission meeting.
  4. If the Special Land Use permit is denied by the Planning Commission, the reasons for such denial shall be stated in the minutes of the Planning Commission meeting and the applicant shall be provided a copy or a written explanation. The applicant may appeal the decision to the Zoning Board of Appeals, which must restrict their review to the Planning Commission record and use the same criteria as the Planning Commission as a basis for determination under this Section.
  5. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.

#### **BASIS OF DETERMINATION**

Prior to approval of a Special Land Use application, the Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  2. The Special Land Use shall not change the essential character of the surrounding area.
  3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
  4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
  5. The Special Land Use shall be in general agreement with the Township's adopted Master Land Use Plan.

- B. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.
- C. The Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the special land use complies with the conditions of approval.
- D. If, after the establishment of the Special Land Use, the actual use is found not to be in compliance with the approval granted by the Planning Commission, said use shall be corrected in sixty (60) days to eliminate any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 19.05 shall be initiated.

**APPROVAL TERM AND EXPIRATION**

- A. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant with the Iron County Register of Deeds after final approval and prior to the issuance of a zoning or building permit.
- B. A Special Land Use approval shall be valid for two (2) years from the date of approval, and the Planning Commission may grant up to a one (1) year extension, unless approval is revoked as provided in Section 19.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid, and any building permit shall be revoked.
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

**REVOCAION OF SPECIAL LAND USE APPROVAL**

The Planning Commission may revoke any Special Land Use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 19.02.B.

**SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Agricultural service establishments

- B. Airports (public and private).
- C. Amusement Parks, Fair Grounds and Flea Markets.
- D. Bed and breakfast establishments.
- E. Boat and canoe liveries and yards.
- F. Boat launches, public or private.
- G. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.
- H. Campgrounds, public or private.
- I. Cemeteries, publicly owned athletic fields, parks, except playgrounds, and similar uses.
- J. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- K. Commercial kennels.
- L. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- M. Concrete and asphalt plants.
- N. Confined feedlots and livestock holding facilities.
- O. Communication towers.
- P. Country clubs and golf courses.
- Q. Day care center.
- R. Drive-through establishments including banks, dry cleaners, pharmacies, and similar services with drive-through service but excluding drive-through restaurants.
- S. Drive-through restaurants.
- T. Equine boarding stable and training facility
- U. Elderly Housing
- V. Farm market.
- W. Funeral homes and mortuary establishments.
- X. Home-based businesses.
- Y. Hotels and motels.
- Z. Junk yards/salvage yards.
- AA. Marinas.
- BB. Migrant Agricultural labor housing.
- CC. Mini-storage.
- DD. Nursing or convalescent homes.
- EE. Open air businesses.
- FF. Open space development
- GG. Outdoor recreation development

- HH. Places of Religious Worship
- II. Raising of fur-bearing animals or game birds.
- JJ. Resorts
- KK. Schools; public, parochial, private, or charter.
- LL. Sexually-oriented businesses.
- MM. Shooting, rifle and handgun ranges.
- NN. Slaughter houses, meat packing plants, and stock yards.
- OO. State licensed residential care facilities; small and large group homes.
- PP. Truck and freight terminals.
- QQ. Vehicle body and repair shops.
- RR. Vehicle service stations.
- SS. Vehicle wash establishments, either self-serve or automatic.
- TT. Veterinary clinics and hospitals.
- UU. Wind energy conversion systems.

A. Agricultural Service Establishments

1. Uses shall include, but are not limited to, grain elevators for storage, drying and sales, bulk feed and fertilizer outlets and distribution centers, seed dealership outlets and distribution centers, crop truck and cartage facilities, agricultural products, production and processing operations and auctions for livestock.
2. Minimum lot size shall be five (5) acres.
3. Minimum frontage shall be three hundred (300) feet.
4. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of Section 17.01.
5. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line.
6. All buildings shall be set back a minimum of seventy-five (75) feet from any lot line.
7. All agricultural service activities shall be located at least three hundred (300) feet from any residential district and one hundred (100) feet from the property line of an adjacent residential use.
8. The lot shall be located so at least one (1) side abuts a County Road and shall access shall be from that road.
9. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

B. Airports (public and private)

1. The minimum lot size shall be twenty (20) acres.
2. The use shall be located at least one-half (1/2) mile from a residential district.

3. All structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines and two hundred fifty (250) feet from the property line of a residential use.

C. Amusement Parks, Fair Grounds and Flea Markets.

1. The minimum lot size shall be twenty (20) acres.
2. The lot shall be located so at least one (1) side abuts a primary road or State designated highway and all access shall be from that road(s).
3. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
4. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
5. The main and accessory buildings shall not be located nearer than two-hundred (200) feet to any residential dwelling located on adjacent property.
6. Maximum building coverage shall be twenty-five percent (25%).
7. Any amusement enterprises located within five hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
8. The Planning Commission may require the entire premises to be surrounded by a six (6) foot cyclone fence at or near the boundary property lines.
9. No entrances or exits shall be from a gravel road or residential road.
10. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening which complies with the landscaping provisions of Section 17.01 shall be provided adjacent to Residential Districts.

D. Bed and breakfast establishments.

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Dickinson-Iron County Health Department.
2. The establishment shall be located on property with direct access to a public road.
3. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within six hundred and sixty (660) feet, measured between the closest property lines.
4. Such uses shall only be established in a single-family dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a maximum of nine (9) guest rooms in any case.
7. Exterior refuse storage facilities beyond what is normally expected for a single family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.

8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size, or six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.
  9. The establishment shall contain the principal residence of the operator.
  10. Accessory retail or service uses to a Bed and Breakfast Establishment shall not be permitted.
  11. Interior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.
  12. All guest rooms must have interior access to common areas (e.g., dining sitting, restrooms, etc.)
- E. Boat and canoe liveries and yards.
1. No outside sales shall take place within a required setback.
  2. All accessory structures shall be set back a minimum of one hundred (100) feet from the ordinary high water mark of a watercourse.
  3. All repair services shall be conducted within a completely enclosed structure.
  4. All storage, parking, vehicle maneuvering areas, and drive entrances shall be located to minimize negative effects on adjacent properties.
  5. All storage of watercraft shall be located in the rear yard and completely screened on all sides.
- F. Boat launches, public or private.
1. No building, structure, dock, or parking area which is part of a boat launch site shall be located nearer than thirty five (35) feet to any Residential District.
  2. All accessory structures shall be set back a minimum of one hundred (100) feet from the ordinary high water mark of a watercourse.
  3. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
  4. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- G. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.
1. Minimum lot size shall be ten (10) acres.
  2. The lot shall be located so that at least one (1) side abuts a primary road as determined by the Board of County Road Commissioners of the County of Iron or State designated highway and all access shall be from that road(s).
  3. No storage shall take place closer than two hundred (200) feet from any property line, or five hundred (500) feet from any Residential District, or a greater distance if required by applicable State or Federal regulations.

4. Accessory buildings, if any, shall be approved by the Planning Commission in connection with the Special Land Use approval.
  5. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, Federal or State requirements may be imposed.
  6. Outdoor storage of empty tanks for sale or lease to the public shall be permitted only in the L-1 District.
  7. The site shall be designed to permit easy access by emergency vehicles.
  8. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
- H. Campgrounds, public or private.
1. Campsites shall not be located closer than fifty (50) feet of any property line.
  2. Minimum lot area shall be ten (10) acres.
  3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
    - a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.
    - b. No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission
  4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
  5. Each camp site shall have a minimum square footage of one thousand five hundred (1,500) square feet.
  6. Common area at the ratio of one thousand (1,000) square feet for each campsite shall be provided.
- I. Cemeteries, publicly-owned athletic fields, parks, and similar uses.
1. All uses have a minimum area of five (5) acres and a minimum frontage of two hundred (200) feet.
  2. The use shall be located on property with direct access to a public road.
  3. Any outdoor activity areas shall be set back one hundred (100) feet from any Residential District.
  4. Buildings, including buildings for storage of equipment, shall be set back two hundred (200) feet from an existing Residential District.
  5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
- J. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
1. Minimum lot size shall be five (5) acres.

2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. Ingress and egress to the lot shall be from a primary road.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

K. Commercial kennels.

1. The minimum lot size shall be two (2) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of one hundred (100) feet from any adjoining property.
3. A screened/landscaped area shall be provided between all buildings or areas in which the animals are kept or exercised, and any adjacent residential use.
4. Animal waste shall be managed to prevent odors and other nuisances.
5. A kennel permit shall be obtained from the Iron County, Michigan Animal Control.

L. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources (not including oil or gas).

1. No soil, sand, gravel, or other earth material shall be removed from any land within the Township without Special Land Use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township.
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects.
  - c. When the earth removal involves less than five hundred (500) cubic yards.
  - d. When the earth removal is for construction of a swimming pool.
2. In addition to the information required for site plan review, the application for Commercial Extraction and Processing of Soil, Sand, Gravel, or Other Mineral Resources, shall include the following:
  - a. A written legal description of all of the lands proposed for the use.
  - b. Twelve (12) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
    - (1) A north arrow, scale, and date.
    - (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place.

- (3) The location, width, and grade of all easements or rights-of-way on or abutting the lands.
  - (4) The location and nature of all structures on the lands.
  - (5) The location and direction of all water courses and flood control channels that may be affected by the mineral removal operations.
  - (6) Existing elevations of the lands at intervals of not more than five (5) feet.
  - (7) Typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands, and the water table.
  - (8) Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.).
  - (9) Proposed fencing, gates, parking areas, and signs.
  - (10) Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
  - (11) A map showing access routes between the subject lands and the nearest County paved road.
  - (12) Areas to be used for ponding.
  - (13) Proposed method of managing overburden (e.g., seeding, grading, erosion and sedimentation control, etc.)
  - (14) Estimated depth of intended mine excavation.
- c. A narrative description and explanation of the proposed extraction operations and activities, including:
- (1) The date of commencement.
  - (2) Proposed hours and days of operation.
  - (3) Estimate of type and quantity of mineral materials to be removed.
  - (4) Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof.
  - (5) A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
  - (6) Description of size of trucks and daily volume of traffic entering and leaving the site.
- d. A site rehabilitation plan including the following:
- (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing;
  - (2) A plan showing:
    - (a) Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;

- (b) Water courses, ponds, or lakes, if any;
    - (c) Landscaping and plantings;
    - (d) Areas of cut and fill; and
    - (e) All of the components of the proposed end-use(s);
  - (3) A description of the proposed methods or features that will ensure that the end-use is feasible, and can comply with all applicable requirements of this Ordinance.
- e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for, and consequences of, such extraction if it is believed the extraction may have very serious consequences on groundwater, drainage, water bodies, flood plains, or other natural features.
- f. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
  - (1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - (2) Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
  - (3) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - (4) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - (5) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- 3. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District.
- 4. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the excavation pit is located.
- 5. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public roads, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road

shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public road.

6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. Access to the site shall be located at least one hundred (100) feet from any driveway or two hundred and fifty (250) feet from street intersections.
8. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations. However, the Planning Commission may permit some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material. Such fence shall be at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
9. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening including berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Township as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
  - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator. Further, the performance bond shall be refunded only if the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
  - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the special use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

M. Concrete and asphalt plants.

1. All structures and storage areas associated with the use shall be set back a minimum of one thousand three hundred twenty (1,320) feet from any residential district and two hundred fifty (250) feet from the property line of any Residential use.
2. All outdoor storage of vehicles, equipment, or materials associated with the facility shall be entirely enclosed by a fence that is no less than six (6) feet in height.
3. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
4. Routes of supply vehicles or material handling vehicles shall be arranged to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.
5. The Planning Commission may require that ingress and egress to the facility must be from a primary road, as determined by the Board of County Road Commissioners of the County of Iron.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

N. Confined feedlots and livestock housing facilities

1. Minimum lot size shall be twenty (20) acres.
2. Confined feedlots shall adhere to the generally accepted agricultural management practices (GAAMPS) promulgated by the State Department of Agriculture with respect to buffer areas, manure management, odor management, etc.

O. Communication Towers.

1. A television, radio, cellular or wireless communication tower shall meet these required standards:
2. A security fence at least six (6) feet in height, but not higher than ten (10) feet, shall be constructed around the tower and any other related appurtenances.
3. The tower base shall be setback from all lot lines a minimum distance equal to one-half ( $\frac{1}{2}$ ) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
4. Where possible, joint use (co-location) of tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall:
  - a. Agree to permit future users to share the tower facility, and
  - b. Demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
5. No new tower shall be erected within a three (3) mile radius of an existing radio, television, or cellular wireless transmission tower; unless located on the same

site or tower with another user or where the Planning Commission finds, based on evidence presented by the applicant, that such location is necessary.

6. No signs, except for warning, or other cautionary signs shall be permitted on the site.
7. A condition of every approval of a communication tower shall be adequate provisions for removal of all or part of the facility by users and owners. The application shall include a performance guarantee to be posted at the time of receiving a building permit for the facility to ensure its removal if it is ever abandoned, or is no longer in use. In this regard, the guarantee shall, at the election of the applicant, be in the form of cash, or surety bond establishing a promise of the applicant to remove the facility in a timely fashion.
8. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
9. No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
10. The planning commission may require a ten (10) foot wide buffer of planted material that effectively screens the view of the tower compound.

P. Country Clubs and Golf Courses.

1. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrian and vehicular traffic safety.
2. Development features shall be shown on the site plan, including the main and accessory buildings, structures and parking areas, and these areas shall be located to minimize adverse effects upon adjacent property.
3. Buildings and parking areas shall be not less than one hundred (100) feet from any property line or abutting Residential Districts; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may reduce this requirement where additional screening is provided.
4. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from abutting Residential Districts and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
5. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting Residential Districts.
6. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer

strip. The Planning Commission shall use Section 17.01 when determining screening is needed.

7. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
8. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Section 17.01.
9. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.
10. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
11. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
12. No building shall be erected to a height greater than that permitted in the district in which it is located.
13. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%) of the site.
14. No outdoor loudspeaker or call system shall be audible on adjoining property.
15. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
16. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
17. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Dickinson-Iron County Health Department.
18. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
19. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.

- c. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
  - d. A chemical storage area must be designated within an accessory building.
  - e. The area must provide secondary containment to prevent the spread of spills.
  - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
  - g. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building.
  - h. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
  - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
  - j. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State statutes and administrative directives.
20. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.

Q. Day Care Center

- 1. Facilities shall be located with direct access to a paved public road.
- 2. A facility shall not exceed sixteen hours of operation in a twenty four (24) hour period .
- 3. Playground equipment shall not be located in required front or side yards.
- 4. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
- 5. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) vehicles in addition to the parking normally required for employees.
- 6. Activities associated with child care shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
- 7. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

R. Drive-through establishments including financial institutions, dry cleaner, pharmacies, and similar service, but excluding drive through restaurants.

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor

does it interfere with internal circulation of vehicles. A minimum of five (5) stacking spaces for each service station shall be provided.

2. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
5. Access driveways shall be at least fifty (50) feet from any adjacent property line.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

S. Drive-through restaurants.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
4. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
5. Access driveways shall be at least fifty (50) feet from any adjacent property line.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
7. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides.
8. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
9. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
10. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

T. Equine boarding stable and training facility.

1. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse, not including young equines below weaning age or six (6) months of age, whichever is greater.

2. Animal holding areas shall be a minimum of one hundred (100) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be a minimum of four (4) feet in height and constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties,
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort and welfare of the general public.
6. Parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area. No living quarters shall be located in any arena building or boarding stable.

U. Elderly Housing

1. Parking shall be provided at the rate of one (1) space per unit. Should units revert to general occupancy, then two (2) parking spaces per unit shall be provided.
2. Minimum lot size shall be one (1) acre with a minimum of two thousand, four hundred (2,400) square feet of lot area per dwelling unit.
3. All units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
4. A covered drop-off and pick-area shall be provided on-site in close proximity to the main entrance.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public or private street(s).
6. Maximum height shall not exceed three (3) stories or fifty (50) feet.

V. Farm market

1. Minimum lot size shall be five (5) acres.
2. Any farm products sold shall be grown or produced on the farm.

3. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
4. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
5. All parking shall be out of the public right of way. A minimum of ten (10) parking spaces shall be provided for the market. Facilities providing entertainment functions shall provide a minimum (100) spaces for off-street parking.
6. The access drive which shall be wide enough to accommodate two vehicles side-by-side. Two access drives may be required by the Township where a facility is large enough to need additional access points.
7. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
8. Suitable containers for rubbish shall be placed on the premises for public use.
9. Storage structures shall be permitted.
10. Farm markets shall be located no closer than three-hundred (300) feet from any lot line which abuts a residential zone or dwelling unit.

W. Funeral homes and mortuary establishments.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public road.
4. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
5. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

X. Home-based Business

1. Home-based businesses shall not include vehicle repair or maintenance, junk yards or scrapping operations, septic system pumping services, and uses which must meet special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems, and other such systems.
2. With the Special Land Use application and associated site plan, the following information shall be included:
  - a. Type of business.
  - b. Hours of operation.
  - c. Number of employees.
  - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.

- e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
  - f. Anticipated traffic levels (customer, delivery vehicles, etc.).
  - g. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or TV receivers off the premises or causes fluctuations in line voltage off premises.
3. The parcel containing such home-based business shall be a minimum of three (3) acres and shall contain a single family dwelling.
  4. The home-based business shall be owned and operated by the owner of the dwelling located on the property.
  5. No more than three (3) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.
  6. Any need for parking generated by the conduct of such home business shall be provided off the road.
  7. The home-based business may be conducted entirely within one approved accessory building of up to three percent (3%) of the total land area of the parcel, not exceeding five thousand (5,000) square feet in area. All activities shall be conducted within such building and no outdoor storage of materials shall be permitted.
  8. Parking of commercial grade vehicles shall be screened from public view and neighboring properties. The number of commercial grade vehicles shall be limited to five (5) vehicles.
  9. The accessory building in which the home-based business is conducted shall have a minimum front setback of fifty (50 feet) and shall not be closer than one hundred (100) feet to any side or rear property line.
  10. The home based business shall not result in the alteration of the dwelling, nor the construction of an accessory building, which is not customary to dwellings and residential accessory buildings.
  11. One non-illuminated sign may be permitted for the home-based business, not exceeding six (6) square feet in area and not higher than four (4) feet above grade.
  12. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building.
- Y. Hotels and motels.
1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
  2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
  3. Ingress and egress shall be from a paved primary road.
  4. Minimum floor area of each guest unit shall be two hundred and fifty (250) square feet.
  5. Maximum building height shall not exceed the height limits of the district.

Z. Junk yards/salvage yards.

1. The property shall be a minimum of six (6) acres.
2. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials.
3. The Planning Commission may require that ingress and egress to the facility must be from a primary road, as determined by the Board of County Road Commissioners of the County of Iron.
4. No portion of the storage area shall be located within one thousand (1,000) feet of any Residential District, one hundred (100) feet of any other property line, or within one hundred feet of any public road right-of-way line, nor shall it be located within one thousand (1,000) feet of any body of water.
5. Any outdoor storage area shall be completely enclosed by a fence, wall, or dense evergreen planting strip at least six (6) feet, but no more than eight (8) feet, in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The screen enclosure shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or roads. The fence, wall and/or landscaping shall be continuously maintained in good condition.
6. Stored materials shall not be placed outside the required fenced or screened area and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. Materials stacked higher than eight (8) feet shall be set back a minimum of fifty (50) feet from the perimeter fence; unless otherwise specifically permitted by the Planning Commission.
7. The fence or wall enclosing the storage area shall meet the applicable building setback requirements in the front yard.
8. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
9. Conditions within the storage area shall minimize the hazards of fire, environmental contamination and other threats to health and safety.
10. All portions of the storage area shall be accessible to emergency vehicles.
11. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
12. All batteries shall be removed from any vehicle, and all radiators, oil sumps, and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.

13. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with asphalt or Portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to the hours of 6:00 a.m. and 7:00 p.m.
15. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions may include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

AA. Marinas

1. Minimum lot size shall be one (1) acre.
2. Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any residential property line.
3. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
4. Accessory uses shall occupy no more than four hundred (400) square feet of building area.
5. Screening may be required by the Planning Commission to reduce the impact on adjacent properties.
6. Adequate secondary containment shall be employed if any petroleum or other such products are sold on the premises.
7. A permit to erect, maintain, or operate a marina shall be secured from the State of Michigan in conjunction with any other approvals.

BB. Migrant Agricultural Labor Housing

1. Farm size shall be a minimum of twenty (20) acres in size.
2. Seasonal housing shall only be used for persons and their families directly employed by the owner of the farm dwelling.
3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of seasonal housing shall apply where any dwelling is used to house one or more seasonal workers.
4. Seasonal housing shall be located at least one hundred (100) feet from any public road, at least two hundred (200) feet from any other property line and four hundred (400) feet from any dwelling on adjacent property.
5. No newly constructed seasonal housing unit shall have more than one story nor accommodate more than one family. No migrant housing structure shall be closer than thirty (30) feet to another structure.

6. To ensure adequate access for emergency vehicles and personnel, no seasonal housing unit shall be located closer than thirty (30) feet to a driveway or private road and no closer than ten (10) feet to any other building or structure.
7. All construction shall conform to the building codes adopted by the Township and other Ordinances where such regulations impose greater standards than state and federal regulations.
8. Any seasonal housing that is not occupied by seasonal workers during five (5) consecutive seasons shall be removed by the owner within six (6) months.

CC. Mini-storage

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a primary road.
3. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
4. The Planning Commission may require a six (6) foot, solid fence of a material acceptable to enclose the area occupied by the use. The fence may be required to be set back at least thirty (30) feet from the front property line.
5. The Planning Commission may require the front yard, up to the fence, be landscaped in accordance with Section 17.01.
6. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened.
7. Minimum side and rear yards as specified for the District shall be maintained.
8. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
9. Traffic direction and parking shall be designated by signs or painting.
10. The Planning Commission may require that the lot area used for parking and access be a paved surface and shall be drained so as to properly dispose of all surface water.
11. Where the site abuts a Residential District, screening that complies with Section 17.01 shall be provided along that property line.

DD. Nursing or convalescent homes

1. Minimum lot size shall be three (3) acres with at least two hundred (200) feet of frontage.
2. The lot location shall be such that at least one (1) property line abuts a primary road. The ingress and egress for off-street parking areas for guests and patients shall be directly from that primary road.
3. Main buildings shall be set back at least seventy-five (75) feet from all property lines.

4. The facility shall be designed to provide a minimum of five hundred (500) square feet of open space for every bed used or intended bed to be used. This open space shall include landscaping and may not include off-street parking, driveways, required yard setbacks and accessory uses.
5. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

EE. Open air businesses.

1. The lot area shall be at least two (2) acres with a minimum lot frontage of two hundred (200) feet.
2. No access to or from such establishment shall be permitted on any residential road.
3. A six (6) foot fence, wall, or appropriate greenbelt shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
4. The lot area used for parking, display, or storage shall be provided with a durable and dustless surface, and shall be graded and drained so as to properly dispose of all surface water.
5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
7. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

FF. Open Space Development

1. Minimum lot size shall be forty (40) acres.
2. The proposed development shall meet the purpose of Open Space design objectives which is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering homes rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions.
3. The Open Space Development (OSD) design shall provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the area as a whole.
4. The OSD design shall foster the preservation of significant natural features, large open spaces, woodlands or active agricultural land that would otherwise be altered from their natural or undeveloped condition.
5. All dwelling units shall be single-family detached housing.
6. The OSD design may include agricultural crops, golf courses, stables, and private airports. In no case, however, shall a golf course or airport be considered part of the required open space. The list of allowed uses shall be outlined in the special use permit.

7. The maximum base density and number of dwelling units permitted in the OSD shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
- a. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of development for each lot.
  - b. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a main building, septic and well systems and required roads and driveways.
  - c. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
  - d. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, road layout, and other considerations the Commission deems appropriate.
8. The Planning Commission may authorize further bonus densities in accordance with the table below for additional amenities provided by the developer of an open space development. In no case shall the density bonus total more than fifty percent (50%) of the density determined by the parallel plan.

Preservation of wetlands	5%
10% Additional open space provided	5%
20% Additional common waterfront frontage provided	5%
Trails and play equipment provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%
Community wastewater disposal system	30%
Community water service system	25%

9. Design Standards:
- a. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should have not more than ten to fifteen (10-15) units per cluster for smaller developments and fifteen to twenty (15-20) units for larger developments.
  - b. Visual screening of dwellings from off-site road networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
  - c. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court, or stub roads are preferred.

- d. Entryways to OSDs shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
  - e. Where adjoining areas are not subdivided, the arrangement of roads within the proposed open space community shall be required to be extended to the boundary line of the project to make provision for the future projection of roads into adjoining areas.
  - f. Road systems shall be designed so that their curvature or alignment produces 'terminal vistas' of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of road intersections or where there are driveways provided on only one side of the road.
10. Development Setback
- a. Any building lot shall be located at least two hundred (200) feet from any public road right-of-way.
  - b. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
  - c. The Planning Commission may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.
  - d. The Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the OSD from the adjacent road. This landscaping may consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
  - e. OSD sites abutting more than one (1) public road shall be permitted to reduce the setback on the shortest side of the abutting roads to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
11. All PUDs shall meet the following requirements for open space.
- a. Designated open space shall be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement, or dedication to a land trust. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is

shown on the approved site plan shall require Township Board approval, and shall not diminish compliance with the requirements of this Chapter.

- b. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
- c. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- d. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
- e. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
  - (1) Area proposed as single family residential or site condominium lots.
  - (2) Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
  - (3) The area of any street right-of-way or private road easement.
  - (4) Surface water, detention or retention basins, unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space.
  - (5) Golf courses.
  - (6) Parking and loading areas, except those exclusively associated with a recreation facility or common open space area.
  - (7) Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Township Board.

12. On-site common open space shall be planned in locations visible and accessible to all in the development. The township Board shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:

- a. Any significant natural features.
- b. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
- c. Open space, except for where trails and bike paths are located, shall have minimum dimensions of one hundred (100) feet.
- d. Where an open space preservation development abuts a body of water, at least fifty percent (50%) of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.

- e. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- f. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space developments shall be constructed to allow future interconnection.

GG. Outdoor Recreation development

- 1. Outdoor commercial recreation and entertainment uses shall include, but need not be limited to, the following:
  - a. Miniature golf.
  - b. Animal racing, go-cart, automobile or motorcycle tracks.
  - c. Amphitheaters
  - d. Amusement and water parks.
  - e. Drive-in theaters.
  - f. Airgun or survival games.
  - g. Amusement parks
  - h. Golf driving range
  - i. Fairgrounds
  - j. Batting cages
  - k. Ski slope
  - l. Skate board park
  - m. Uses similar to the above uses
  - n. Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- 2. The site shall be located on, or shall take its principal access from a major thoroughfare.
- 3. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of any two streets or highways except miniature golf and driving ranges which shall be not less than one hundred (100) feet.
  - a. All vehicles shall have clear vision approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
  - b. Acceleration and deceleration lanes shall be provided where physically possible; at points of ingress and egress.

- c. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
  - d. No drive shall be closer than two hundred and fifty (250) feet from an intersection or one hundred (100) feet from another driveway.
  - e. The maximum number of driveways permitted on a major thoroughfare is two (2).
  - f. The outdoor space used for parking and vehicle stacking, shall be hard surfaced and adequately drained.
4. The minimum site area shall be:
- a. Three (3) acres for: flea markets, batting cages, skate board parks and mini-golf. Minimum lot width shall be two hundred (200) feet.
  - b. Ten (10) acres for: amphitheater and amusement parks. Minimum lot width shall be six hundred (600) feet.
  - c. Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600) feet.
5. Buffering Requirements:
- a. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line of adjoining residentially zoned property. Whenever any use permitted in this subsection abuts a property which is in a residential, business or agricultural district, a landscaped buffer strip of at least one hundred (100) feet in width shall be provided between such use and the adjoining district in accordance with Section 17.01. Golf driving ranges and miniature courses shall have a minimum landscaped buffer strip of fifty (50) feet when adjacent to a residential, agricultural, or business district.
  - b. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
  - c. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
  - d. Race tracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
  - e. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.
6. Performance Standards:
- a. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
  - b. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the Office of the Iron County, Michigan

Sheriff and Board of County Road Commissioners of the County of Iron with respect to the proposed project.

- c. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets.
- d. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
- e. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- f. All sanitary facilities shall be designed and constructed in strict conformance with Dickinson-Iron County Health Department regulations.
- g. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties. Adequate trash receptacles shall be provided, as needed throughout the site.
- h. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- i. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
- j. Not more than sixty five (65%) of the land area shall be covered by recreational uses.
- k. Central loudspeakers/paging systems are prohibited within one-hundred 100 feet of residentially zoned property.
- l. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- m. All such recreational uses shall be located at least five-hundred (500) feet from any other such use.
- n. Drive-in theater picture screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare. Drive-in theater picture screens shall not exceed seventy (70) feet in height above the existing ground elevation.
- o. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 11:59 PM and may be prohibited on legal holidays.
- p. All outdoor recreation and entertainment establishments which serve alcohol shall receive approvals, sanctions or other requirements of the Michigan Liquor Control Commission.

HH. Place of Religious Worship.

1. The facility shall be located on a minimum lot size of two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100) members.
2. The facility shall have a minimum of two hundred (200) feet of frontage and have direct access to a paved collector street.
3. Access driveways shall be located no less than one hundred fifty (150) feet from the centerline of the intersection of any street or fifty (50) feet from any residential driveway.
4. The main and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District.
5. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling over the property line.

II. Raising of fur-bearing animals or game birds.

1. Minimum lot size shall be five (5) acres.
2. Minimum setback of one hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
3. Fencing will be required commensurate with that required to obtain a "Permit to Hold Wildlife in Captivity" permit from the Michigan Department of Natural Resources.
4. Hunting of animals or birds for sport or profit may be permitted in designated areas subject to State laws pertaining to separation distances required between hunting areas and residential structures.
5. Animal waste shall be disposed of in safe manner, as recommended by the Dickinson-Iron County Health Department. Such disposal shall not constitute a hazard or nuisance to adjacent property owners.

JJ. Resorts

1. Minimum lot size shall be five (5) acres.
2. Egress shall be provided from a major county road.
3. Outdoor recreational facilities shall be setback a minimum of fifty (50) feet from side property lines.
4. Each cottage or rooming unit shall provide a minimum of ten thousand (10,000) square feet of common open space on site.
5. Each cottage or rooming unit shall have a minimum area of three hundred (300) square feet.

KK. Schools; public, parochial or charter.

1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which they are located.
2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District.

LL. Sexually-oriented businesses.

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a Residential District, 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 area. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of nearby neighborhoods. These controls do not legitimize activities prohibited in other sections of the Zoning Ordinance.
2. Any sexually-oriented business use is permitted if:
  - a. The proposed use is not an accessory use or incidental use and the use is located within a zone district where the use may be permitted as a Special Land Use.
  - b. The use is not located within a one thousand (1,000) foot radius residential zoning district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
  - c. The use shall not be within five hundred (500) foot radius of another such use or any establishment that serves alcohol. Separation distances between sexually oriented businesses may be waived by the Planning Commission, if the following findings are made:
    - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this subsection will be observed.
    - (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - (3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
    - (4) That all applicable state laws and local Ordinances will be observed.
    - (5) Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
  - d. For purposes of this subsection, the separation between a sexually oriented business and a use listed in this subsection shall be measured from the sexually oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually oriented

business shall be measured from the sexually oriented business' lot line to the other sexually oriented business' lot line.

- e. If any portion of the building or structure in which the sexually oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually oriented business use.
- f. The presence or existence of a city, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
- g. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by Township, State, County or Township fire, health, or building codes.
- h. Parking shall be provided in front of the building.
- i. No sexually-oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
- j. No alcohol shall be served at any sexually-oriented business.
- k. No sexually-oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
- l. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
- m. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or Ordinance.

MM. Shooting, rifle and handgun ranges

- 1. Minimum lot area shall be twenty (20) acres for an outdoor range and five (5) acres for an indoor range.
- 2. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet.
- 3. All landscaping and buffering shall comply with requirements of Section 17.01
- 4. All federal, state and local codes and Ordinances in regard to firearms shall be strictly adhered to. In addition, the requirements of the Sport Shooting Ranges Act, Public Act 269 of 1989, as amended, being MCL 691.1541 et seq shall be adhered to.
- 5. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
- 6. The operator shall have the Office of Iron County, Michigan Sheriff review and comment on the site plan prior to submitting it to the Zoning Administrator.
- 7. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Site Plan Review Committee.

8. A minimum of a five (5) foot high chain link fence shall be provided around any outdoor shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a shooting range shall be clearly posted.
  9. Hours of operation shall be between 8:00 a.m. and dusk.
  10. The intensity level of sounds shall not exceed sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
  11. Rifle and pistol ranges shall have sufficient backstop to prevent further range of a bullet or an errant shot.
  12. The layout of the shooting range shall follow guidelines available from public and nonprofit organizations maintained in the office of the Zoning Administrator, which are designed to enhance public safety, minimize accidents, guarantee insurance coverage and minimize liability.
- NN. Slaughter houses, meat packing plants, and stock yards.
1. The minimum site area shall be five (5) acres with a minimum lot width of two hundred (200) feet.
  2. No building, storage or corralling of animals shall be done within a minimum setback of two hundred (200) feet from a Residential Zoning District.
  3. Any area containing live animals shall have an opaque fence of at least four (4) feet in height and sufficiently strong to contain the animals held in the storage area.
  4. Animal waste and wastewater treatment shall adhere to the Generally Accepted Agricultural Management Practices promulgated by the Michigan Department of Agriculture.
- OO. State Licensed Residential Care Facilities, small and large group homes
1. Non-residential parking setback and screening provisions shall apply.
  2. The facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
- PP. Truck and freight terminals.
1. Minimum lot size shall be ten (10) acres with a minimum frontage of four hundred (400) feet.
  2. No structures, parking areas, or facilities shall be located within forty (40) feet of the front property line. The front setback shall be landscaped in accordance with Section 17.01.
  3. No portion of any structure, facility, access drive or parking area shall be located within one hundred (100) feet of any Residential District.
  4. Except for the required front yard setback, all developed areas of the site shall be enclosed by a minimum six (6) foot chain link fence (barbed or razor wire is prohibited).

5. Lighting shall be installed and shielded in a manner which shall not create a driving hazard on adjacent roads or which will cause direct illumination on adjacent property.
6. The Planning Commission may require that ingress and egress to the facility must be from a primary road, as determined by the Board of County Road Commissioners of the County of Iron.
7. Deceleration lanes may be required by the Planning Commission.
8. It shall be determined that automotive or truck traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved. The Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.
9. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
10. Disabled or inoperable trucks and on-site trailer storage shall not be parked outside of an enclosed building more than five (5) consecutive days.
11. No trailers shall be stored on site for use as storage containers.

QQ. Vehicle body and repair shops.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any Residential District.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. No more than three (3) inoperable vehicles shall be permitted on site. Inoperative vehicles left on the site shall be stored in an enclosed building within forty-eight (48) hours or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless appropriately screened.
6. Where adjoining a Residential District, a twenty (20) foot buffer which complies with the requirements of Section 17.01 and fence six (6) feet in height shall be erected along any common lot line.
7. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

RR. Vehicle service stations.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
2. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.

3. Only one access driveway shall be permitted on any single road. All access driveways shall be located no less than one hundred (100) feet from another driveway.
4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use without impedance of pump traffic.
5. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet from adjacent property lines is maintained and further provided that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
6. Where adjoining a Residential District, a twenty (20) foot buffer which complies with the landscaping standards of Section 17.01 and fence six (6) feet in height shall be erected along any common lot line. The fence shall be continuously maintained in good condition.
7. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

SS. Vehicle wash establishments, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the vehicular wash establishment shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at each entrance and one (1) space at each exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District.
3. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District.
4. Only one access driveway shall be permitted on any single road. All access driveways shall be located no less than one hundred (100) feet from another driveway.
5. Where adjoining a Residential District, a solid fence or wall, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
6. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

TT. Veterinary clinics and hospitals

1. Buildings which house animals, runs or exercise areas shall be located at least one hundred (100) feet from a property line and shall be screened in accordance with Section 17.01.

UU. Wind Energy Conversion System (WECS).

1. Such facilities may be permitted as a principal use or an accessory use on a parcel.

2. Minimum lot size for a commercial WECS shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum lot size for a non-commercial WECS shall be five (5) acres.
3. In addition to the requirements for Site Plan application, the following information shall be include with any application of a Special Land Use for a WECS:
  - a. Location of overhead electrical transmission or distribution lines.
  - b. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
  - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS and/or Testing Facility. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
  - d. A proper buffer or greenbelt to screen the use from any adjacent residential use or district and the public road as outlined in Section 17.01.
  - e. Existing and proposed setbacks of all structures located on the property in question.
  - f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
  - g. Access road to the WECS and Testing Facility with detail on dimensions, composition, and maintenance.
  - h. Planned security measures to prevent unauthorized trespass and access.
  - i. WECS and testing facility maintenance programs shall be provided that describes the maintenance program used to maintain the WECS and testing facility, including removal when determined to be obsolete.
4. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS and Testing Facility electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code.

6. A minimum of a 6-foot tall fence shall be provided around the perimeter of the WECS, or in the case of several WECS, around the perimeter of the site.
7. No part of a WECS or Testing Facility shall be located within or above any required front, side or rear yard setback of the zoning district in which it is located.
8. WECS towers shall be setback from the closest property line one (2) feet for every one (1) foot of system height.
9. WECS and Testing Facilities shall not be located within thirty (30) feet of an above ground utility line.
10. The height of a WECS and Testing Facility shall be measured from grade to the height of the blade in the vertical position or the highest point of the WECS, whichever is greater. Maximum height for a commercial WESC shall be two hundred (200) feet for a commercial WECS and maximum height of one hundred and thirty (130) feet for a non-commercial WECS.
11. WECS shall be of monopole design and shall not have guy wires.
12. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
13. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
14. To prevent unauthorized climbing, WECS and Testing Facility towers must comply with one of the following provisions:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - b. A locked anti-climb device shall be installed on the tower.
  - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
15. Each WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
  - a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency phone number.
  - d. Emergency shutdown procedures.
16. WECS and Testing Facilities shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
17. WECS and Testing Facilities shall be designed and constructed so as not to cause radio and television interference.
18. Noise emanating from the operation of WECS and Testing Facilities shall not exceed forty-five (45) decibels, as measured on the dBA scale, measured at the

nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.

19. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
20. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.”
21. Add language stating that “The WECS shall be located and designed such that shadow flicker will not fall on, or in, any existing residential structure.”
22. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code.
23. The Township hereby reserves the right upon issuing any WECS or testing facility special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
24. Any WECS or testing facilities which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The Township may require a performance guarantee in accordance with the provisions of Section 21.07 to ensure enforcement of this requirement.

## **ZONING BOARD OF APPEALS**

### **CREATION AND MEMBERSHIP**

- A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Zoning Act.
- B. The Zoning Board of Appeals shall consist of three (3) members appointed by the Board. Each member shall hold office for a three (3) year term. One (1) member may be a member of the Planning Commission and one (1) member may be a member of the Board who each shall serve for the same terms as provided on the Board, as applicable.
- C. Alternates
  - 1. The Board may appoint up to two (2) alternate members for the same term as regular members of the Board.
  - 2. An alternate member may be called to serve in place of a regular member of the Zoning Board of Appeals in the absence of a regular member or for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
  - 3. The alternate member having been called shall serve on the Zoning Board of Appeals until a final decision is made on the application(s) for which the member was called.
  - 4. When serving as a member, an alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. Members of the Zoning Board of Appeals may be removed by the Board for nonperformance of duty or misconduct in office upon written charges and after public hearing, if requested by the member to be removed. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest may constitute misconduct in office.

### **MEETINGS AND PROCEDURES**

- A. All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson or at any time as the Zoning Board of Appeals may determine.
- B. Two (2) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business.
- C. Applications submitted to the Zoning Board of Appeals shall consist of the following, as applicable:
  - 1. An application form, as provided by the Zoning Board of Appeals.
  - 2. An accurate scaled drawing, if applicable, with sufficient detail to indicate the nature and necessity of the request.
  - 3. Payment of a fee, as may be prescribed from time to time by the Board, by resolution. The fee shall be paid to the Zoning Administrator at the time of the filing of the application.

4. The Zoning Administrator or the Zoning Board of Appeals in furtherance of decisions related to the application may request other such materials as may be deemed necessary.
- D. The Zoning Board of Appeals may subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

### **JURISDICTION, POWERS, AND DUTIES**

A. Appeals

1. An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of any Section of this Ordinance.
  2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.
  3. The Zoning Board of Appeals shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
  4. In deciding the appeal, the Zoning Board of Appeals shall be limited to determining whether or not the decision that was made was done so using the proper standards and guidelines in the Ordinance. The decision of the Zoning Board of Appeals is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate.
  5. If a determination is made that the administrative official or body making the decision did so improperly, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
  6. The Zoning Board of Appeals may hear and decide appeals from the decisions of the Zoning Administrator pertaining to interpretations of the Zoning Map to determine the precise location of boundary lines between Zoning Districts. In making its determination of the boundary lines, the Zoning Board of Appeals shall be governed by the rules of this Section and the provisions of Section 4.03.
- B. Variances: The Zoning Board of Appeals, after public hearing shall have the power to decide applications for variances filed as provided in this Chapter.

1. Non-use Variance: A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
  - a. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
    - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment.
    - (2) By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.
    - (3) By reason of the use or development of the property immediately adjoining the property in question, including, but not limited to, pre-existing ingress and egress rights.
  - b. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility that compliance with this Ordinance may prove to be more expensive or otherwise inconvenient shall not be part of the consideration of the Board.
  - c. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
  - d. The variance will not materially impair the intent and purpose of this Ordinance or the provision from which the variance is requested.
  - e. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.
2. Use Variances: The Zoning Board of Appeals shall not grant a use variance unless there is evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
  - a. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to that property and the Zoning District in which it is located.
  - b. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the Zoning District in which it is located.
  - c. That the use variance will not alter the essential character of the area the intent of the Master Plan, nor be a detriment to adjacent properties.
  - d. The variance will not materially impair the intent and purpose of this Chapter or the District in which the property is located.
  - e. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant.

3. Prior to reaching a decision on a request for a use variance, the Zoning Board of Appeals may request that the Planning Commission, upon presentation of the application by the applicant, forward an opinion to the Zoning Board of Appeals. If the opinion is requested, it shall be limited to the Planning Commission's review of the effect of the proposal on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the existing zoning classification. The opinion of the Planning Commission shall be advisory only.

C. Interpretations

1. Text: The Zoning Board of Appeals may hear and decide upon requests for the interpretation of the provisions of this Ordinance.
  - a. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance, and not have the effect of amending this Ordinance.
  - b. Interpretations shall give weight to practical interpretations by the Zoning Administrator and other administrative officials if applied consistently over a long period of time.
  - c. Records shall be kept of all interpretations.
  - d. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
2. Zoning Map: Where due to the scale, lack of detail, illegibility, or physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by Section 4.03 of this Ordinance, the Zoning Board of Appeals, upon written application or upon its own motion, shall interpret the district boundaries.
3. Nothing contained in this Section shall be construed to give or grant to the Zoning Board of Appeals Board the power or authority to alter or change this Ordinance or the Zoning Map.

**PUBLIC HEARINGS, VOTING, AND DECISIONS**

A. Hearings

1. At least fifteen (15) days before the meeting one (1) notice of the public hearing for an appeal shall be published in a newspaper that circulates in the Township and a letter shall be sent to property-owners and occupants of structures within three hundred (300) feet of the boundary of the property. Letters of notification shall be to be sent to all schools and railroads. The notices shall include:
  - a. The property that is subject of the request
  - b. The nature and location of the request.
  - c. When and where the request shall be considered.
  - d. When and where the Ordinance, request and pertinent material may be examined.

- e. When and where written comments shall be received concerning the request.
  - 2. The Zoning Board of Appeals may require notices to other interested parties, as it shall prescribe.
- B. Voting Requirements: Except for administrative matters, such as approval of minutes, the concurring vote of at least three (3) members of the Zoning Board of Appeals is necessary to decide any matter upon which the Zoning Board of Appeals is authorized by this Chapter to render a decision, except that the concurring vote of at least four (4) members of the Zoning Board of Appeals is necessary to grant a use variance as permitted in this Chapter.
- C. Decisions:
  - 1. In making any decision provided for in this Chapter, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character and other features of the application as it may deem reasonable in furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.
  - 2. Any decision of the Zoning Board of Appeals shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals, unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
  - 3. The decision of the Zoning Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Iron County, Michigan Circuit Court on questions of law and fact.
  - 4. All documentation pertaining to the applicant information, any and all support documents presented by the applicant including drawings and hearing minutes are to be retained within one folder and stored in a designated area of the township.
  - 5. Time Limitations on Variances
    - a. Any approval given by the Zoning Board of Appeals under which the premises are not used or work is not started within one (1) year, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
    - b. The holder of the variance may, at no cost, request up to one (1) three (3) month extension of the variance from the Zoning Board of Appeals, if applied for in writing prior to the expiration of the variance approval.
    - c. The Zoning Board of Appeals may only grant an extension when the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.
  - 6. No application which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of

the last denial, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.

## **ADMINISTRATION AND ENFORCEMENT**

### **ZONING ADMINISTRATOR**

- A. Basic Duties: The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- B. Deputy Administrator: Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the Township Board.
- C. Official Zoning Map: The Zoning Administrator or designee shall be responsible for maintaining the Official Zoning Map in accordance with the requirements of Chapter 4.
- D. Violations: The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

### **PLANNING COMMISSION**

- A. The planning commission shall consist of not less than 5 nor more than 9 members, who shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the township board shall be a member of the planning commission.
- B. All members of the planning commission shall be appointed by the township supervisor with the approval of the Board. Members may be removed by the township supervisor, after a hearing, with the approval of the Board.
- C. The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

### **ZONING ORDINANCE AMENDMENTS, INITIATION**

- A. Time frame for Application Submittal: All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least thirty (30) days prior to the first consideration by the Planning Commission.
- B. Initiation of Amendments and Application Requirements: Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the Planning Commission or the Board through

official action taken at a public meeting which has been properly noticed as required by law.

- C. In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:
1. Completion of a Zoning Amendment Application as provided by the Zoning Administrator. An application shall include:
    - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
    - b. Property description.
    - c. In the case of a text amendment, the specific section to be amended and the proposed text change.
    - d. If a change in the zoning map is requested, the common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by a scaled map, the location of the property requested for rezoning.
    - e. The nature of the amendment shall be fully described in writing.
    - f. Payment of all fees as required by the Township.
  2. If, in the opinion of the Zoning Administrator, Planning Commission, or Board, the information submitted does not provide a clear delineation of the specific area to be rezoned, the Zoning Administrator, Planning Commission, or Board may require the applicant to submit a boundary survey of the property in question. The survey shall include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor licensed by the State of Michigan.

#### **AMENDMENT PROCEDURE**

- A. After submission of the application and fee, amendments to this Ordinance at least fifteen (15) days before the meeting one (1) notice of the public hearing for the amendment shall be published in a newspaper that circulates in the Township and a letter shall be sent to property-owners and occupants of structures within three hundred (300) feet of the boundary of the property. The notices shall include:
- a. The property that is subject of the request
  - b. The nature and location of the request.
  - c. When and where the request shall be considered.
  - d. When and where the Ordinance, request and pertinent material may be examined.
  - e. When and where written comments shall be received concerning the request.
- B. The following guidelines shall be used by the Planning Commission, and may be used by the Board in consideration of amendments to the Zoning Ordinance:

1. Text Amendment:
    - a. The proposed text amendment would clarify the intent of the Ordinance.
    - b. The proposed text amendment would correct an error in the Ordinance.
    - c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
    - d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
    - e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
    - f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
    - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
    - h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
    - i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.
  2. Map Amendment. (Rezoning): In making its recommendation to the Board, the Planning Commission shall consider the following criteria:
    - a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
    - b. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
    - c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
    - d. Other factors deemed appropriate by the Iron County, Michigan Planning Commission.
- C. Consideration of amendment by the County: Following the required hearing the township shall submit for review and recommendation the proposed amendment

and supporting information (as appropriate) to the Iron County, Michigan Planning Commission.

1. The Iron County Planning Commission will have waived its right for review and recommendation if the recommendation of the Iron County, Michigan Planning Commission has not been received by the Township within thirty (30) days from the date the proposed ordinance is received by the Iron County, Michigan Planning Commission.

- D. Consideration of Amendment by Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Board may modify the proposed amendment or adopt it as presented by the Planning Commission.

### **ZONING AGREEMENTS**

A. Intent

1. The Board recognizes that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Acts, as amended.
2. In addition to the requirements of Section 21.03(2) above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.

B. Definitions.

The following definitions shall apply to this Section:

1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
2. Zoning Agreement shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Iron County, Michigan Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 16 or other approvals that may be required by this Ordinance.

C. Eligibility.

1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Acts, as amended, and this Section.
2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed new zoning district.

D. Zoning Agreement

The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:

1. The Zoning Agreement and the Rezoning Offer were proposed voluntarily by the applicant, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
2. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
3. The property shall not be developed and/or used in manner that is not consistent with the Zoning Agreement.
4. The approval and the Zoning Agreement shall be binding upon of the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
5. If a rezoning with a Zoning Agreement becomes void in accordance with Section 21.05 J., and/or in accordance with the Zoning Acts, no development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
6. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized.
7. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

E. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of the Township be allowed unless a variance has been previously granted by the Zoning Board of Appeals pursuant to the requirements of Chapter 20.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit shall be approved as required in Chapter 19 prior to establishment of or commencement of development of the use.
3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.
6. A Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than the Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

F. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as outlined in Section 21.03. The Zoning Agreement in a recordable format acceptable to the Township shall be submitted in a recordable format acceptable to the Township, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of consideration, provided that any amended or additional Rezoning Offers are entered voluntarily by the applicant.

3. The Zoning Agreement shall be reviewed by the Township attorney prior to the required Planning Commission public hearing. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Acts, as amended, and shall confirm that the Zoning Agreement is a form acceptable for recording with the Iron County, Michigan Register of Deeds.

G. Standards of Review.

1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 21.05 D.. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:
  - a. Are consistent with the intent of this Section.
  - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
  - c. Are necessary to insure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
  - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.
  - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
  - f. Are clearly in the public interest, as compared to the existing zoning and considering the site specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
2. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however, that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
3. Upon receipt of the Planning Commission's recommendations, the Board shall deliberate upon the rezoning and Zoning Agreement. The Board shall approve or deny the Zoning Agreement, provided that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.

H. Revisions by the Board

1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
2. Alternatively, should the Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Board shall

have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Board.

3. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the Board shall first remand the application to the Planning Commission, who shall hold a new public hearing on the rezoning and proposed alternative Zoning Agreement and submit a report and recommendation to the Board.

I. Approval.

1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e., "R-1a"). The Zoning Administrator shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The approved Zoning Agreement shall be recorded with the Iron County, Michigan Register of Deeds.
4. Prior to development, a site plan shall be approved in accordance with Chapter 16.

J. Expiration.

1. Unless extended by the Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.

5. If the rezoning and Zoning Agreement becomes void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Acts. Such reversion shall be initiated by the Township with notice and hearing as required for rezonings by the Zoning Acts and this Ordinance.
  6. Nothing in the Agreement, nor any statement or other provision shall prohibit the Township from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Acts.
- K. Continuation.
1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
  2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.
- L. Amendment.
1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
  2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

### **ZONING PERMITS**

- A. Unless otherwise exempted by this Ordinance, the construction, erection, alteration, expansion, moving, repair, or use of any land, building, or structure shall require receipt of a zoning permit. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a zoning permit has been issued. Issuance of the zoning permit shall indicate that the use and plans for which the permit is requested comply with this Ordinance.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use as permitted under the terms of this Ordinance, until a zoning permit has been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all zoning permits.
- D. Zoning Permits authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and is punishable as provided by

law. Any change in approved plans shall occur as provided for in this Ordinance and shall require the issuance of an amended zoning permit.

- E. Building Permits: In accordance with other codes, Ordinances and regulations duly adopted by the Board, and in accordance with this Ordinance, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall begin until a building permit has been issued. With respect to this Ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures. A building permit is required for detached accessory buildings and structures, as provided herein.
- F. Certificates of Occupancy: No new main building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a certificate of occupancy is issued. Each dwelling unit and main building shall be equipped with adequate water-carried sewage disposal facilities to comply with all Dickinson-Iron County Health Department water and sanitary regulations in effect at the time of the erection of the dwelling or main building.
- G. A zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
  - 1. That circumstances have changed.
  - 2. That the zoning permit was obtained by misrepresentation or fraud.
  - 3. That one (1) or more of the conditions of the zoning permit have not been met.
  - 4. That the permitted use violates any statute, ordinance, law, or regulation.

#### **PERFORMANCE GUARANTEE**

- A. As a condition of approval of a site plan, Special Land Use, variance, or other zoning action, the Zoning Administrator, Planning Commission, Board, or Zoning Board of Appeals, as appropriate, may require a bond or other financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar items.
- B. Performance guarantees shall be processed in the following manner:
  - 1. The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred percent (100%) of the following costs:
    - a. Purchase and/or construction of improvements.
    - b. Installation of improvements.
    - c. Architectural and/or engineering design or related professional costs.

- d. Reasonable amount for contingencies, but in no case less than five percent (5%) of total costs for a-c above.
2. The required performance guarantee shall be in the form of an irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the party requiring the guarantee.
3. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a zoning permit for the subject development or activity.
4. The Township, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
5. When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect the improvements and either approve, partially approve, or reject the improvements. The Zoning Administrator shall notify the applicant in writing of the action within thirty (30) days. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

#### **ORDINANCE VIOLATIONS**

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.
- B. Any order to correct a violation issued by the Zoning Administrator shall include a time frame by which the property owner (owner of the property upon which the violation is located) shall have to correct the violation.
  1. If the violation cannot be corrected within this time, the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to a period of six (6) months. The approved extension period shall be at the discretion of the Zoning Administrator.
  2. In all cases, a request for extending the period of time for correcting a violation shall be made in writing by the applicant to the Zoning Administrator no less than fourteen (14) days prior to the expiration of the extended time frame as originally approved by the Zoning Administrator.
  3. The request shall include specific detail on why the violation occurred, the requested time frame for correcting the violation, and actions to be pursued by the land owner to ensure correction of the violation.

4. In the event the Zoning Administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the violation is located or to the general public, he may require that immediate measures be taken to correct the violation.
- C. Any person, firm, corporation, or organization, who violates, disobeys, omits, or refuses to comply with any provisions of this Ordinance or lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Board issued in pursuance of this Ordinance shall be responsible for a civil infraction punishable by the sanctions as set forth in this Section. Each day that a violation continues may be deemed a separate infraction.
  - D. Enforcing officials or other code enforcement officers are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices of this Ordinance.
  - E. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994 and the Code of Ordinances of Crystal Falls Township.
    1. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines for first offenses, repeat first offenses and repeat second offenses will be established from time to time by resolution of the Board.
    2. The Township shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the Township pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, Public Act 236 of 1961, as amended, being MCL 600.101 et seq; at the present time or in the future.

**STOP WORK ORDER**

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Official that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
- B. Unlawful Continuance. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

**SEVERABILITY CLAUSE**

This Ordinance and the various articles, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

