

## ARTICLE 13 - SPECIAL LAND USE APPROVAL REQUIREMENTS

### SECTION 1300. GENERAL REQUIREMENTS AND PROCEDURES

- A. For all special land uses, a site plan shall be submitted to the Mussey Township Planning Commission and conform to the Requirements and Procedures for Site Plan Review set forth in Section 1215. If the plans meet the required standards of this ordinance, Article and applicable section and indicate no adverse effects, which in the opinion of the Planning Commission, cause injury to the residents, users or adjoining property, or the Township as a whole, the Planning Commission shall approve the use. The Planning Commission shall have sole power to approve or disapprove all special land uses. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.
1. The proposed special land use shall be of such locations, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
  2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
  3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
  5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
  6. The proposed use is necessary for the public convenience at the proposed location.
  7. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.

8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- B. Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit is pursuant thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
- C. Denial. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- D. Record. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- E. Hearings. The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by State law and/or its rules or procedure.
- F. Conditions. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
- 1) Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - 2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

- 3) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent to the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

### **SECTION 1301. AIRPORTS**

Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations may be permitted in the AG District subject to the provisions of this ordinance and the following special standards:

- A. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the Township. All aircraft approach lanes, as established by appropriate aviation authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies, in considering an airport use.

- B. Yard and Placement Requirements

- 1) No building or structure or part thereof, shall be erected closer than sixty (60) feet from any property line.
- 2) Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.

- C. Performance Requirements

All lights, used for landing strips and other lighting facilities, shall be so arranged as not to reflect towards adjoining nonairport uses.

- D. Prohibited Uses

The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.

- E. Off-street Parking Requirements

- 1) One (1) parking space shall be required for every three (3) airplanes stored on the site.
- 2) All off-street parking shall be paved and constructed to the standards of this ordinance.

## **SECTION 1302. CEMETERIES**

Cemeteries may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. The area to be occupied by the cemetery shall not have more than fifty one (51) percent of its land area in recorded plots.
- B. The continuity of all roads present or planned for adjacent areas shall be satisfactory resolved to provide safe and prompt access and egress to and from such areas.
- C. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
- D. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence, four feet six inches (4'6") in height, measured from the surface of the ground. The Planning Commission may permit a "chain-link" type fence adequately screened with deciduous and evergreen material.
- E. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the St. Clair Health Department.

## **SECTION 1303. CHURCHES AND PUBLIC BUILDINGS**

Churches and public buildings may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. Site Requirements
  - 1) Minimum site shall be three (3) acres on a continuous parcel.
  - 2) The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
- B. Yard and Placement Requirements
  - 1) Front and rear yard - same as those listed for the district in which the special land use is requested.
  - 2) Side yard - same as those listed in the requested district for permitted nonresidential uses.
  - 3) Maximum lot coverage - same as for the district in which the special land use is requested.

C. Off-Street Parking

- 1) A facility without fixed seats or pews shall have one (1) parking space for every one hundred (100) square feet of usable floor area.
- 2) No off-street parking shall be permitted in the front yard space.
- 3) All off-street parking shall be paved and constructed to the standards of this ordinance.

**SECTION 1304. COMMERCIAL, OUTDOOR RECREATION**

Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges are permitted in the B-2 District subject to the following special standards.

- A. All lighting shall be shielded from adjacent residential districts.
- B. Parking areas shall be provided off the road right-of-way and shall be fenced with a four foot, six inch (4'6") wall or fence where adjacent to a residential district or existing residential use.
- C. Children's amusement parks must be fenced on all sides with a four foot, six inch (4'6") wall or fence.
- D. No loud speaker or public address system shall be used except by the written consent of the Township Board wherein it is deemed that no public nuisance or disturbance will be established.

**SECTION 1305. DISPOSAL AREAS**

Disposal areas and landfills are permitted in AG districts subject to the requirements of this ordinance and the following special standards:

- A. The location of all disposal areas within said districts shall be sufficiently distant from pre-existing development so as not to be injurious to public health, safety and welfare, and in no instance shall the operation of the landfill be setback less than five hundred (500) feet from the road right-of-way and from any residential home, and the side line setback shall be a minimum of one hundred (100) feet from the property line of said licensee for the operation of said landfill.
- B. Disposal area activity shall only be allowed as a special land use activity within zoning districts specified in this Ordinance and subject to the provisions of this article.

The purpose of these procedures is to provide for the use of lands and disposal areas and to regulate and control said use for the preservation of public health, safety and welfare. Disposal areas are considered to be a temporary use of land only, therefore, the further intent of those provisions is to assure that such operations are conducive to and result in the reclamation of the land for other purposes. The requirements of this section shall be in addition to the requirement of all applicable State Laws.

- 1) Licensing Procedures:

- a) An application for the approval of a disposal area license shall be made by an owner of an interest in the land on which the disposal area is to be located to the Township Clerk. The Mussey Township Board is the final authority to issue the license applied for hereunder after receiving the approval of the Mussey Township Planning Commission for the special land use. The application shall be accompanied by information and documents identical to that presented to the Michigan Department of Public Health as required by State Law, and the regulations promulgated pursuant thereto. Further, each application shall include a description of existing development within a one-half (½) mile radius of the proposed disposal area. All applications shall be accompanied by a fee to be established by the Township Board to defray the costs of processing the same and to cover engineering and legal expenses.
- b) All licenses issued hereunder shall expire December 31st of each year but may be renewed upon payment of an annual fee of Twelve Hundred (\$1,200.00) Dollars if the licensee has complied with all of the requirements of the license issued. The Mussey Township Board may revoke any license upon breach of any condition, safeguard or requirement provided for here in this ordinance or in the license issued and the licensee's bond would be forfeited. A license shall not be assignable.
- c) Each licensee shall submit a corporate surety bond for a sanitary landfill in an amount equal to Seven Hundred Fifty (\$750.00) Dollars per acre of disposal area, but not less than Five Thousand (\$5,000.00) Dollars. Each bond shall provide assurance for the maintenance of finished landfill site for a period of five (5) years after the landfill is completed. Surety bonds for other disposal areas shall be in amount equal to one quarter of one percent of the construction cost of the facility but shall not be less than Five Thousand (\$5,000.00) Dollars.
- d) This ordinance does not prohibit an individual from disposing of refuse from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health. Rubbish accumulated as a part of the improvement or the planting of privately owned farmland may be disposed of on the property provided the method used is not injurious to human life or property or unreasonably interferes with the enjoyment of life and property.
- e) No license shall be issued until a certification of insurance is filed with the Township Clerk indemnifying the Township of Mussey in the amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars each person and Five Hundred Thousand (\$500,000.00) Dollars each occurrence, from any claim or loss incurred by the Township of Mussey as a result of the issuance of this license in the operation of the landfill pursuant to said license.

2) General Requirements for Licensing:

Where refuse is removed from premises, to a location other than its point of origin, for disposal or where refuse is not removed from the premises but disposed at the point of origin in such quantities as to become of public health concern:

- a) Plans and Specifications. Refuse disposal facilities shall be designed in accordance with this Article by a registered professional engineer. Detailed plans, specifications, and necessary

reports shall be submitted in triplicate to the Mussey Township Planning Commission and the Mussey Township Board for review, approval and file. Alterations or deviations from these plans shall also be submitted for approval and file.

- b) Inspections and Evaluation. The Building Inspector shall make routine inspections and evaluations of solid waste disposal operations. A written notice of deficiencies, together with recommendations for their correction, shall be provided to the operator or the appropriate individual, firm, or corporation thereof responsible for the solid waste disposal operation.

C. Sanitary Landfills shall be governed by the following requirements:

1) Sanitary Landfills; Design:

- a) Maps. The design of the sanitary landfill shall include one (1) or more topographic maps at a scale of not over one hundred (100) feet to the inch with contour intervals which clearly show the character of the land. These maps and accompanying data shall indicate the following: the proposed fill area; any borrow area; access roads; on-site roads; grades for proper drainage of each lift required and a typical cross-section of lift; special drainage devices if necessary; fencing; structures on the site; existing and proposed utilities; and all other pertinent information to indicate clearly the soil characteristics, water table, orderly development, operation and completion of the sanitary landfill. A sanitary survey and a land use plan of adjacent areas may be required.
- b) Geology. The geological characteristics of the site shall be determined by on-site testing or from earlier reliable survey data to indicate soil conditions, water tables and subsurface characteristics.
- c) Characteristics of Cover Materials. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- d) Water Pollution and Nuisance Control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert materials not detrimental to legitimate water use and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner is required in writing from the Mussey Township Board. Such approval shall be filed with the Township Clerk. Inert material shall not include residue from refuse incinerators, unless evidence, satisfactory to the Mussey Township Board is submitted by the licensee substantiating that such residue will not create a nuisance or hazard to health. Sand and gravel shall not be removed below the level established by the Mussey Township Board upon the recommendation of its Township Engineers to insure that the water tables in the area are not affected.
- e) Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice. Emergency

equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

2) Sanitary Landfills; Preparation of the Site:

- a) On-Site Roads. On-site roads shall be designed and constructed so that traffic will flow smoothly and will not be interrupted by ordinary inclement weather. On-site roads shall be maintained and kept dust free at all times.
- b) Adjacent Public Roads. Public roads adjacent to said premises, used for haul routes, must also be maintained and kept dust free. Stop signs must be posted at the egress road for traffic safety. Street address for the parcel shall be posted on a sign which can be readily seen and read from the public right-of-way.
- c) Fire Protection. Suitable measures shall be available to extinguish accidental fires.

3) Sanitary Landfills; Operations:

- a) Supervision of Operations. A landfill operation shall be under the direction of a responsible individual at all times.
- b) Limited Access. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse, except as otherwise approved in writing by the Mussey Township Board. Access to the site shall be controlled by a suitable barrier.
- c) Unloading of Refuse. Unloading of refuse shall be continuously supervised.
- d) Site Maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- e) Spreading and Compacting of Refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items when not excluded from the site, shall be disposed of in a manner approved by the Building Inspector.
- f) Volumes of Cells. Volumes of individual cells shall not exceed the daily quantity of wastes.
- g) Daily Cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- h) Mulch and Seeding. The application of mulch and seeding shall be completed as shown on the engineering plans to be submitted with the license.

- i) Final Cover. A layer of suitable cover material compacted to a minimum thickness of three (3) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- j) Maintenance of Cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of five (5) years.
- k) Hazardous Materials Including Liquids and Sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill. This provision in no way precludes the right of a landfill operator to exclude any materials.
- l) Burning Prohibited. No burning shall be permitted at any sanitary landfill.
- m) Salvage. Salvaging, if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. This provision in no way precludes the right of a landfill operator to exclude any materials.
- n) Insect and Rodent Control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted wherever necessary. Inspections shall be made quarterly by appropriate State Agency.
- o) Drainage of Surface Water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- p) Completion of Landfill. An inspection of the entire site shall be made by the Building Inspector to determine compliance with the approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first five (5) years following completion of the fill.
- q) Hours of Operation. Disposal areas shall not conduct operations between the hours of 5:00 p.m. and 7:00 a.m. nor on Sundays or legal holidays. Other reasonable restriction on hours of operation may be included in or added to the conditions of individual licenses.
- r) Fencing. The entire site shall be completely fenced with a fence of not less than six (6) feet in height nor squares larger than two (2) square inches in diameter, preferably a chain link type fence.

D. Control of Noise:

At no point on the boundary of any nonindustrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

Octave Band in Cycles per second	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

E. Control of Odors:

There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

F. Open Dumps:

Open dumps shall not be permitted.

G. Other Reasonable Restrictions:

Provided the Mussey Township Board may impose such other reasonable restrictions as conditions to the issuance of the license hereunder.

**SECTION 1306. GOLF COURSES**

Golf courses may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. 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. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.
- B. All parking areas shall be paved and constructed in accordance with the standards of this ordinance.
- C. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
- D. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.

- E. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

### **SECTION 1307. GENERAL HOSPITALS**

General hospitals may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.
- B. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular ingress and egress to the site shall be directly onto said thoroughfare.
- C. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- D. All the development features including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

### **SECTION 1308. KENNELS, RAISING OF FUR BEARING ANIMALS**

The raising of fur bearing animals, including commercial dog kennels, offices of a veterinarian and animal clinic, mink, rabbit, cat and canine establishment uses are permitted in the AG and SF districts subject to the requirements of this ordinance.

#### A. Site Requirements

- 1) Minimum site size: 20 acres.
- 2) The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or a proposed right-of-way of major thoroughfare on the Township's adopted Thoroughfare Plan.

- B. Yard and Placement Requirements: No building or runs shall be closer than one hundred (100) feet from any abutting property line and all runs or breeding areas shall be enclosed.

#### C. Off-Street Parking Requirements:

- 1) Kennels: one (1) parking space shall be provided for every five (5) kennel runs.
- 2) Other uses shall provide parking to accommodate the maximum number of visitors using the facility at any one time.
- 3) All off-street parking shall be paved and constructed to the standards of this ordinance.

## SECTION 1309. SHOOTING RANGES, GUN CLUBS, AND LARGE SCALE GAMING PRESERVES

Shooting ranges, gun clubs, and similar uses, such as large scale game preserves, may be permitted subject to the following:

- A. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1,320) feet.
- B. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.
- C. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- D. The hours when shooting is permitted shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The Planning Commission may apply more restrictive hours where protection for adjoining residents is necessary.
- E. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued. The design of all ranges shall incorporate the recommended safety features.
- F. The firing range shall be fenced on all sides except the firing line, by a fence no less than 8 feet in height. Such fence shall be either of a chain-link type or of board construction sufficient to prevent persons from passing over or through the fence.
- G. The firing line or other area from which firearms are discharged shall be located no closer than 150 feet from any property line or road right-of-way, nor closer than 500 feet from any existing residential structure other than those on the premise.
- H. Game and hunting preserves shall be completely fenced to prevent participants from trespassing on adjoining properties. Signs warning participants not to cross the fence shall be placed every two hundred (200) feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Land Use Permit.
- I. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.
- J. No activity shall take place within thirty (30) feet of the perimeter of the recreational area. All such activities shall be screened from abutting residentially-zoned property with a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.

## SECTION 1310. MINING AND EXTRACTION

Soil, sand, clay, gravel, topsoil or similar removal operations may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

- A. Where sand, gravel, topsoil or other substances are proposed to be removed from the site where found to another site, an annual operating permit is required to be obtained from the Township Board, after approval of the special use by the Planning Commission.
- 1) Application For Permit. The following information must be submitted as a part of the special land use request, for use by the Township Board in determining whether an operating permit should be issued.
    - a) Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
    - b) Full legal description of the premises wherein operations are proposed.
    - c) Detailed statement as to method of operation, such as wet or dry method, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
    - d) Detailed statement as to exactly what type of deposit is proposed to be extracted.
    - e) Proposed method of filling excavation where quarrying results in extensive under-surface excavation.
    - f) Map prepared by a registered civil engineer or surveyor, at a scale of not more than two hundred (200) feet to the inch of the excavation area, and real property within ½ mile of such area with the names of the owners of record of such property, all residences and commercial establishments with such area and contour lines at not more than five (5) foot intervals. Such owner shall also present a map showing the proposed contours to which the excavation area would be established upon completion of the excavation operations.
  - 2) Permit fees. The sum established by resolution of the Township Board shall accompany the application for a mining and extraction permit. Said sum is to be used to defray the cost of engineering services, investigation, publication charges, and other miscellaneous administrative expenses occasioned by processing such application. Permits issued by the Township Board shall be for a period of one year expiring December 31st each year, and such permits may be renewed by the payment of an annual inspection fee established by resolution of the Township Board. Such permits shall be renewed as herein provided for so long as the permittee complies with all of the provisions of this Ordinance or other conditions of this permit.

- 3) Permits. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, said Board shall at a regular meeting determine whether or not a permit will be issued. The permit shall be issued in the event the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of citizens of Mussey Township.

B. Required Conditions. The following requirements shall be mandatory:

1) Pit Operations

- a) Where are excavation in excess of five (5) feet deep will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends, said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
- b) All interior roads used in connection with said excavation site shall be kept dust free by hardtopping with cement or bituminous substance. All ingress and egress to the site shall be directly onto a public road designated as a major or secondary thoroughfare on the Township's adopted Thoroughfare Plan and having a paved surface suitable for carrying Class A loadings on a year round basis. Weights for Class A loadings shall be as defined by the St. Clair County Weighmaster.
- c) The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven feet horizontal to one foot vertical) and where ponded water results from the operation, this slope must be maintained and extended into the water to a depth of five (5) feet.
- d) Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep Out" - "Danger" signs around said premises not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Township Board shall be followed.
- e) No cut or excavation shall be made closer than fifty (50) feet from the nearest street or highway right-of-way line nor nearer than fifty (50) feet to the nearest property line; provided however, that the Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it.

2) Regulations for Stripping

- a) No soil, sand, gravel, clay or similar materials shall be removed below a point six inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the St. Clair County Road Commission, except as required for the installation of utilities and payments.

- b) No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.
  - c) That sufficient topsoil shall be stockpiled on said site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping operations. In the event, however, that such stripping operations. In following the termination of the stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. In order to stabilize the replaced topsoil, the areas shall be seeded with an appropriate grass cover as replacement of topsoil progresses.
- C. Surety Bond. The Township Board shall, to insure strict compliance with any regulations contained in this Section or required as a condition of the issuance of a permit either for mining or topsoil stripping, require the permittee to furnish a surety bond executed by reputable surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In fixing the amount of such surety bond the Township Board shall take into account the size and scope of the proposed quarry, probable cost of rehabilitating the premises upon default of the operator, estimated expense to compel operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

### **SECTION 1311. VEHICLE CONVENIENCE STATIONS**

Vehicle convenience stations may be permitted in certain districts specified in this ordinance subject to the following:

- A. Retail gasoline sales and convenience commercial facilities (no vehicle repair).
  - 1. All structures, including canopies, shall conform to the setback provisions in Section 1100, Schedule of District Regulations.
  - 2. All retail sales activity, other than gasoline sales, shall be conducted entirely within a completely enclosed structure. No outside storage of any product or material is permitted.
  - 3. All lighting shall be noted on the site plan and shielded downward and away from adjacent properties and rights-of-way. All lighting shall be designed to prevent glare from negatively impacting adjacent properties or rights-of-way.
  - 4. There shall be no storage of vehicles on the site, including wreckers or other service vehicles.
  - 5. A masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the

criteria in Section 1212 and 1208. Where the parcel abuts any other district the screening and landscaping options in Section 1212 shall be applied by the Planning Commission.

6. There shall be no loudspeaker or public address system other than individual intercom systems for each pump.
  7. Primary ingress / egress shall be off of a major or secondary thoroughfare. Secondary ingress / egress on any residential street shall be designed to reduce negative impact on adjacent residential areas. On corner sites, ingress and egress drives shall be located as distant as possible from the intersection, taking into consideration the location of adjacent drives and uses. Drives shall be limited to one (1) per adjacent road unless it is clearly demonstrated by the applicant, after submittal of a traffic impact study, that additional access is necessary for safety reasons.
  8. All trash storage areas shall be screened from view as approved by the Planning Commission.
  9. The location, size and type of all above-ground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes.
- B. Retail gasoline sales with limited repair facilities.
1. Compliance with the provisions outlined in Section 1402A and 1403.
  2. No outdoor storage or parking of wreckers or other service vehicles is permitted.

#### **SECTION 1312. GROUP DAY CARE HOMES AND GROUP DAY CARE FACILITIES**

Group day care homes and group day care facilities may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All such uses shall provide adequate drop-off and waiting spaces so that vehicles are not standing or queuing in a public right-of-way or block ingress to the site.
- B. All outdoor recreation or play areas shall be enclosed by a minimum four (4) foot high chain link fence.
- C. The site shall contain a minimum of 150 SF of outdoor play area for each child and shall not be less than 2,500 SF in total.
- D. The site layout shall be designed to ensure pedestrian safety by separating play areas and drop-off / pick-up points from parking and driveways.
- E. Outdoor play areas shall be located to minimize the impact of noise on adjacent residential property. The Planning Commission may require screening, buffering and locational modifications to the proposed site plan to minimize impacts on adjacent residential property.

### **SECTION 1313. CONVALESCENT OR REST HOME, HOME FOR THE AGED**

A convalescent or rest home, or home for the aged, or physically handicapped is permitted in certain districts as specified in this ordinance subject to requirements of this Ordinance and the following special standards:

#### **A. Site Requirements**

- 1) All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the township's adopted Thoroughfare Plan.
- 2) The maximum extent of development shall not exceed thirty (30) beds per acre.

B. Yard and Placement Requirements: No building other than a structure for strictly residential purposes shall be closer than sixty (60) feet to any property line.

#### **C. Off-Street Parking Requirements**

- 1) There shall be one (1) parking space provided for each two beds and every two staff members.
- 2) All off-street parking shall be paved and constructed to the standards shown in Article 12.

### **SECTION 1314. EDUCATIONAL INSTITUTIONS**

Educational institutions including pre-schools, elementary, middle, and high schools, colleges, universities and other such institutions of higher learning for profit and non-profit, offering courses in general, technical, or religious education may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
- B. No building shall be closer than 100 feet to any property line and/or existing or proposed public right-of-way.
- C. All service and storage areas shall be screened from view by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- D. All areas for student and staff parking shall be setback at least seventy five (75) feet from an abutting residential district or residential use and shall be screened from view by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- E. Minimum parcel site shall be five (5) acres.

### **SECTION 1315. OUTDOOR SALES LOTS**

Outdoor sales lots for automobiles, trucks, trailers, boats, mobile homes, and similar uses may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. The site plan shall detail this information.
- B. There shall be no festoon signs or bare light bulbs permitted.
- C. No vehicles or merchandise for sale shall be displayed within any required greenbelts, landform buffers, buffer strips, or other landscape or open space area.
- D. Loudspeakers or public address systems are prohibited.

### **SECTION 1316. UTILITY AND PUBLIC SERVICE FACILITIES**

Public utilities buildings including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards) when operations requirements necessitate the locating within the district in order to serve the immediate area are permitted in certain districts as permitted within this ordinance subject to the requirements of this ordinance and the following special conditions:

- A. All such uses shall be completely enclosed and the site fenced with a suitable chain link fence not less than four (4) feet in height.
- B. The entire site shall be landscaped according to the standards of Article 12 and the plant materials properly maintained in a healthy and growing conditions.
- C. All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.
- D. All parking and driveway areas shall be paved and constructed according to the standards of Article 12.

## SECTION 1317. YARD WASTE COMPOSTING FACILITIES

Yard waste composting facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, may be permitted in certain districts specified in this Ordinance, subject to the standards of this Ordinance and the following special standards:

### A. Site Location and Design

- 1) Because of the level of truck traffic associated with this use, all such uses shall be located on a paved public road capable of carrying Class A loadings, as defined by the St. Clair County Weighmaster, on a year-round basis.
- 2) Dust shall be controlled on all internal roads and operation areas at all times.
- 3) The site shall be level and well-drained.
- 4) If the site abuts property shown as residential on the Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
- 5) All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
- 6) The portion of the compost site visible from a public street shall be screened from public view by a combination berm/landscaped buffer or other method approved by the Planning Commission.
- 7) Adequate parking shall be provided for all employees and visitors. A minimum of four (4) paved, off-street parking spaces shall be provided on-site.
- 8) In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process in which bags or portions of bags are present. The Planning Commission shall determine the appropriate location and height of required fencing during site plan review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

### B. Operation

- 1) Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
- 2) Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard waste must be brought to the site loose or in biodegradable bags with a cornstarch or similar base designed to degrade rapidly under aerobic

conditions. All bags brought to the site shall be broken up and turned into compost windrows within 5 days of delivery to the site. In no instance shall non-degradable plastic bags be placed into the windrows.

- 3) The decomposition process shall be properly managed and maintained in the aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles shall be turned when the internal temperature drops below 120° F.
- 4) Poned water shall not be permitted to collect on a yard waste composting site. An engineering plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Natural Resources permit.
- 5) The operator shall provide sufficient equipment to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading and unloading; a window machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks for dust control & proper moisture content in windrows; and a screen to improve the quality and marketability of the final product.
- 6) The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
- 7) The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to Mussey Township.
- 8) Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than 3 years before being finished and removed from the site.
- 9) The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment of all hazardous materials, including product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container, in the event of a leak or spill.
- 10) The applicant shall provide a plan for the removal of unmarketable compost.
- 11) An annual inspection / permit fee for all yard waste composting facilities established by resolution of the Mussey Township Board, shall be paid by the owner of the facility.
- 12) Copies of all Michigan Department of Natural Resources applications / permits, if required, shall be provided to the Planning Commission as part of the application package.

- 13) The use must conform with the Performance Standards in Section 1207.
- 14) The operator shall provide surety in the form of cash, irrevocable letter of credit or other surety acceptable to the Township Board to guarantee performance as required by the Zoning Ordinance and provide for restoration of the site upon default of the operator. The amount of the bond shall be set from time to time by resolution of the Township Board on a per acre basis.
- 15) The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township Board.

### **SECTION 1318. SINGLE FAMILY ACCESSORY APARTMENTS**

One (1) accessory apartment may be permitted in a single family dwelling unit, subject to the following:

- A. The dwelling unit must be situated on a lot or parcel which is in conformance with the minimum requirements of Section 1100.
- B. Either the principal unit or the accessory apartment must be owner-occupied.
- C. The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.
- D. Exterior modifications to the dwelling shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.
- E. Only one (1) accessory apartment shall be permitted per lot and per single family dwelling.
- F. One (1) additional parking space shall be provided, exclusive of the driveway, in the side or rear yard only.
- G. Only one (1) entrance to the building shall face the street upon which the dwelling is located.
- H. An accessory apartment shall be a minimum 420 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed as prohibiting an accessory apartment in a single family dwelling unit with a total floor area of less than 1,200 square feet.
- I. No accessory apartment shall include more than 2 bedrooms or exceed 650 square feet.

### **SECTION 1319. VEHICLE SERVICE CENTERS AND REPAIR GARAGES**

Vehicle service centers may be permitted in certain districts specified in this Ordinance subject to the following:

- A. The use shall be completely enclosed within a building.

- B. No vehicles awaiting repair shall remain on-site for more than 36 hours.
- C. A masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the criteria in Section 1212. Where the parcel abuts any other district the screening and landscaping options in Section 1212 shall be applied by the Planning Commission.
- D. All trash storage areas shall be screened from view as approved by the Planning Commission.
- E. Management plans shall be maintained for the collection, storage, and recycling or proper disposal of all new, used, or waste automotive fluids resulting from repair or service operations.
- F. The location, size and type of all above-ground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes.

#### **SECTION 1320. DRIVE THROUGH FACILITIES**

Because of the auto-oriented character of drive-through facilities and similar establishments, they shall be permitted in certain districts specified in this Ordinance, provided the following conditions are met:

- A. A building setback of at least fifty (50) feet from the existing or proposed future street right-of-way (whichever is greater) shall be maintained.
- B. Driveways shall be located at least seventy five (75) feet from the intersection of any two (2) street right-of-way lines or any abutting residential district.
- C. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or any public or private street or public right-of-way. The site plan shall detail this information.
- D. All drive-through lanes and vehicles queuing areas shall be screened from adjacent properties by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- E. All parking areas shall be screened from adjoining properties by either a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- F. The Planning Commission may require additional screening in conformance with Section 1212 and 1208 where the Planning Commission determines such screening is necessary to reduce the impact of the proposed drive-through use on adjacent properties or rights-of-way.

- G. All vehicles maneuvering and queuing areas shall be designed to accommodate all vehicles on-site. No right-of-way may be utilized for the stacking or maneuvering of vehicles in conjunction with the drive-through facility.
- H. All speakers and communication systems shall be of an intercom nature and shall be described in writing as a part of the application for special land use approval. The site plan shall detail the location of all speakers and communication system components. All such systems shall be designed to restrict volume levels to the minimum necessary to service the immediate area of intended communication and shall not permit communications to be audible at the property line. The Planning Commission may require limitations on hours of operation, additional buffering or redesign of any communication system to eliminate impact on adjacent property. No public address systems are permitted.

### **SECTION 1321. HOTELS AND MOTELS**

Hotels and motels may be permitted in certain districts specified in this ordinance, subject to the following:

- A. All vehicular driveways shall be located onto a major or secondary thoroughfare. All drives shall be a minimum fifty (50) feet from any district which permits residential use.
- B. The minimum site size shall be two (2) acres.
- C. All buildings shall be set back at least fifty (50) feet from all property lines.
- D. All parking areas shall be setback a minimum fifty (50) feet from all property lines. All parking areas shall be screened from adjoining properties by either a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 and 1208.
- E. Any outdoor recreation areas for the use of overnight guests shall be detailed on the site plan and shall be designed to minimize the visual and noise impacts of the outdoor activity on adjacent property. All such areas shall be accessible to only overnight guests.
- F. All service and storage areas for maintenance equipment shall be screened from view by a land form buffer, buffer strip, or screen fence / wall and adjacent greenbelt designed and planted in accordance with Section 1212 or 1208.
- G. The Planning Commission may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact on adjoining properties. Said screening, buffering or landscaping shall be in accordance with Section 1212 and 1208.

### **SECTION 1322. PUBLIC BUILDINGS AND USES WITH OUTDOOR STORAGE YARDS**

Public buildings and uses with outdoor storage yards, may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. Outdoor storage yards shall be accessory to the principal public building or use on the same site.

- B. The site shall have all access from a major or secondary thoroughfare.
- C. Compliance with all provisions of Section 1326 - Outdoor Storage Yards shall be required.

### **SECTION 1323. SALVAGE / RECYCLING YARDS**

Salvage / recycling yards (junkyards) may be permitted in certain districts as specified in this Ordinance, subject to the following:

- A. The site shall be designed in conformance with the Performance Standards in Section 1207 to minimize negative impact on the site and adjacent properties.
- B. Outdoor trash storage areas shall be screened. All trash and refuse shall be stored within said enclosure. Compactors which are solely accessed directly from the interior of a building and which have no exterior access points do not require screening.
- C. All loading / truck service areas shall be located entirely within the boundaries of the proposed site and shall be designed to minimize negative impact on adjoining properties and rights-of-way. No stacking, queuing, or maneuvering of delivery or service vehicles shall occur within a right-of-way or road. All service, loading, and vehicular use areas shall be paved with asphalt or concrete.
- D. The site plan shall detail the location of all outdoor storage areas, storage rack locations, type of material or vehicle stored, and height of materials or vehicles stored.
- E. A minimum twenty (20) foot wide land form buffer or buffer strip shall be provided along all property lines in accordance with Section 1212 and 1208. In addition, a minimum six (6) foot high screen wall or fence wall shall be provided behind the require land form buffer or buffer strip wherever the site abuts a district which permits single family residential uses or any public or private right-of-way. The Planning Commission may require said screening wall / fence to be increased in height to a maximum of eight (8) feet where necessary to adequately screen stored materials. The Planning Commission may require additional landscaping and screening where the Planning Commission finds that it is necessary to minimize the impact on adjacent properties.
- F. Materials of vehicles shall not be located within fifty (50) feet of any property line.
- G. Where the activity involves any hazardous substances or polluting materials all use areas shall be designed to prevent any release of the materials into the environment. At a minimum, this shall include full conformance with the groundwater protection standards detailed in Section 1215.
- H. All lighting shall be shielded downward and away from adjacent properties.
- I. The Planning Commission shall review the Special Approval one (1) year from the date of Planning Commission approval to review the facility operation. In reviewing the Special Approval, the Planning Commission shall consult the zoning administrator, along with any public comment at the review hearing, which shall form the basis for any subsequent decision(s) by the Planning Commission. The Planning Commission may require that additional measures to be taken by the owner to address any

operational problems which do not comply with the standards of this Ordinance or conditions of the Planning Commission's special land use approval and permit.

#### **SECTION 1324. MOTOR FREIGHT AND TRUCK TERMINALS**

Motor freight and truck terminals may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site shall be designed to minimize negative impact on adjacent properties with regard to noise, glare, dust or fumes.
- B. All loading / truck service areas shall be located in compliance with the following:
  - 1) Truck bays shall be located only on the side or rear of buildings.
  - 2) All truck loading areas shall be screened from adjacent properties and rights-of-way by a land from buffer, buffer strip, or screen wall / fence and adjacent greenbelt in accordance with Section 1212 and 1208. The Planning Commission may require additional screening or landscaping where the Planning Commission finds it necessary to minimize the impact of the facility on adjacent properties and rights-of-way.
  - 3) A minimum fifty (50) foot setback shall be maintained between any loading area and any property line.
- C. Site lighting shall be designed and regulated in accordance with Section 1210. All lighting shall be detailed in the site plan and designed to prevent glare in adjacent properties.
- D. Proposed maintenance facilities, including fueling stations, shall be noted on the site plan.
- E. Loudspeakers or public address systems are prohibited.

#### **SECTION 1325. WIRELESS COMMUNICATION FACILITIES**

Wireless communication facilities may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. Standards and Conditions Applicable to All Commercial Broadcast and Wireless Communication Facilities.
  - 1) Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
  - 2) Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.

- 3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- 4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height.
- 5) The following additional standards shall be met:
  - a) The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure). Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
  - b) The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the higher point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.
  - c) There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).
  - d) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
  - e) Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
  - f) The Planning Commission may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration.
  - g) Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.
  - h) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
  - i) A landform buffer, buffer strip, or screen wall and adjacent greenbelt shall be provided in accordance with Section 1212 and 1208. The Planning Commission, after considering the type, size and height of all equipment being proposed, may require additional landscaping or screening where the Planning Commission determines it is necessary to minimize the impact on adjacent properties.

- j) Where employees will be stationed at the facility on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface in conformance with Section 1204.
  - k) There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations, except those which are necessary for safety or emergency repairs at that particular site.
- 6) The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure will fall.
  - 7) The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township attorney and recordable at the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.
  - 8) The application shall include a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the Township. If the information is on file with the Township, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.
  - 9) The applicant shall provide the name, address, and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.

**B. Standards and Conditions Applicable to Special Land Uses**

In addition to the provisions in Section A above, all wireless communication facilities which require special land use approval shall conform with the following:

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors.
  - a) Proximity to major thoroughfares
  - b) Population concentrations
  - c) Business centers
  - d) Signal interference
  - e) Topography
  - f) Other specifically identified reason(s) creating facility need
2. The proposal shall be reviewed in conformity with the colocation requirements of Section D below.

C. Requirements for Colocation:

1. A permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.
2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation. At a minimum, all new wireless communication facilities shall be designed to accommodate three (3) users.
3. The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.
4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.
5. Incentive

Application for colocation of a new wireless communication.

D. Removal

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - b) Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

2. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition / removal.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

### **SECTION 1326. OUTDOOR STORAGE YARDS**

Outdoor storage yards may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site plan shall detail the location and type of equipment or materials proposed to be stored in the outdoor storage yards. Anticipated duration of storage of specified materials, height, and extent of area covered by materials shall also be indicated on the site plan.
- B. All vehicular use areas shall be paved with asphalt or concrete. Areas used exclusively for storage may be gravel or crushed stone surface, as approved by the Planning Commission. All proposed surface areas shall be detailed on the site plan.
- C. All lighting shall be shielded downward and away from adjacent properties and right-of-way. All lighting locations shall be noted on the site plan.
- D. The storage yard shall be screened on all sides by a land form buffer strip, buffer strip, or screen wall / fence and adjacent greenbelt in conformance with Section 1212 and 1208. The Planning Commission may require additional screening or landscaping where the Planning Commission determines that it is necessary to prevent negative impacts on adjacent land uses.
- E. No storage area shall be located within twenty (20) feet of any property line. Stored material shall not exceed eight (8) feet in height within fifty (50) feet of any property line.
- F. The Planning Commission and Township Board may request review and comment on the proposed outdoor storage yard from the Fire Marshall and MDEQ where the materials proposed to be stored may pose an environmental or safety hazard.
- G. The Planning Commission shall review the site one (1) year from approval to ensure compliance with this section and the special land use permit.
- H. Public Address System are prohibited.

### **SECTION 1327. CENTRAL DRAY CLEANING PLANTS**

Central dry cleaning plants may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site plan submittal shall include a floor plan which details the location of all storage areas for hazardous / toxic materials and the method of secondary containment proposed as approved by the Planning Commission.
- B. All truck loading / unloading areas shall be located within a side or rear yard and shall be a minimum fifty (50) feet from any property line.

### **SECTION 1328. VEHICLE WASH FACILITIES**

Self-service and automatic vehicle wash facilities may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The site plan shall detail all required parking and vehicular standing areas as required in Section 1204, Off-Street Parking.
- B. The site shall be designed to minimize the potential for excess water from clean vehicles dripping onto adjacent roads. In complying with this subsection, a combination of alternatives may be used including, but not limited to, blowers, hand-drying, length of exit drive and general site design.
- C. The site plan shall detail the location of all proposed vacuum stations. These areas shall be located so as not to conflict with any required parking, drive or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.
- D. The site shall be screened from abutting property in conformance with Section 1212 and 1208. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impacts on adjoining properties.
- E. All lighting shall be noted on the site plan and shall be shielded downward and away from adjacent properties and rights-of-way.

### **SECTION 1329. HIGH VOLUME WELLS OR WELL SYSTEMS**

A high volume water well or well systems, defined as a well or series of wells capable of producing over 100 gallons per minute peak capacity and intended to serve a use other than one single family home, may be permitted by the Planning Commission in certain districts as provided in this Ordinance, subject to the following:

- A. There must be a demonstrated need for the proposed high volume water well or system.
- B. All such uses shall be completely enclosed and without storage yards.

- C. No structure shall exceed the height limit of the district and all storage tanks shall be set back from all property lines a distance equal to at least the height of the tank.
- D. All buildings shall be designed to be compatible in style and materials with other uses and structures permitted in the district.
- E. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use. No high volume well or well system shall be located closer than one hundred (100) feet to any property line.
- F. Adequate off-street parking, screened from public view, shall be provided for any service personnel and all drives and parking areas shall be built in accordance with Section 1204.
- G. The applicant shall submit a site plan and hydrogeologic study prepared by a registered engineer, qualified to prepare hydrogeological studies, showing the extent of the well cone of influence, the number and location of wells, the anticipated average and peak water flow on a daily and peak basis. In addition, the study shall document the location and depth of existing wells within the maximum proposed cone of influence area or 2,000 feet, whichever is greater, and describe the anticipated impact on these wells. The study shall include a mitigation plan in the event that the existing wells within the cone of influence of the proposed well or system fail after the proposed well(s) is constructed due to installation of said well. The plan shall also provide, at a minimum, for the future connection to the well or system (or drilling of new individual wells) to those properties within the cone of influence that are currently undeveloped or underdeveloped. In no way shall the construction and operation of a water well structure restrict or eliminate the availability of potable water to those residents, businesses, and property owners within the cone of influence of the well(s).
- H. The applicant shall submit an application to the Township Clerk for approval to drill a test water well for the purpose of collecting data needed to complete a full application and to determine the feasibility of establishing a permanent well or well system. The drilling of a test well may be permitted as a temporary use not requiring special land use approval. The application shall include the following information.
  - 1. Name, address, city, zip code and phone number of applicant.
  - 2. Location of proposed test well.
  - 3. Purpose of proposed test well.
  - 4. Anticipated depth and peak volume of well.
  - 5. A scale drawing showing the location of potential contaminants, industrial uses and industrial zoning districts within 2,000 feet of the proposed well.
  - 6. Proposed end users of the well or well system and location of end users.
  - 7. Number of days anticipated to complete drilling and number of days anticipated to complete testing.

8. Signature of applicant.

- I. An application for a permanent high volume water well or well system shall include all information required in Section 1329 and all information required by this Section.
- J. No high volume water well or well system shall be constructed within 2,000 feet of any known source of soil or groundwater contamination. The applicant shall provide a map, prepared by a registered engineer, land surveyor, architect, landscape architect or planner showing the existing uses and zoning within a minimum 2,000 foot radius of the site which shall include an inventory of all hazardous materials users, underground fuel tanks, and similar potential sources of groundwater contamination. This radius may be increased by the Planning Commission depending on the results of the hydrogeologic study.
- K. In addition to the above, the applicant shall address other potential negative impacts that may be caused by the construction and operation of a high volume water well system, and provide and establish a plan for mitigation of these negative impacts.
- L. The Planning Commission shall review the permit annually for all high volume water wells or well systems. The applicant shall provide well log data including peak and average flow data on a monthly basis and water quality testing results for review.
- M. A performance bond in an amount to be set by the Township Board shall be provided by the Applicant to ensure protection of adjacent property owners' water supply.
- N. Well location, construction and operation shall be in conformance with the State of Michigan and St. Clair County public health standards and the standards in this ordinance. In the event of a conflict between the two, the more restrictive shall apply.

### **SECTION 1330. LUMBER AND PLANING MILLS**

Lumber and planing mills may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. The use shall be completely enclosed with no activities occurring outdoors except ancillary storage, loading and unloading of raw materials and finished products.
- B. Outdoor storage yards associated with the use(s) shall be located in conformance with Section 1326.

### **SECTION 1331. EQUESTRIAN STABLES AND RIDING ACADEMIES**

Private or commercial stables and riding academies may be permitted in certain districts, as specified in this Ordinance, subject to the following:

- A. Private Equestrian Stables

Where the stable is utilized solely for horses and ponies belonging to the property owner, and where no boarding or other equestrian activity of any kind is offered to persons or organizations not in the immediate family of the property owner, no special approval is required. The private stable is subject to the provisions of raising and keeping of animals provision within each district except where herein provided.

B. Commercial Equestrian Stables and Riding Academies

Commercial equestrian stables and riding academies, where permitted by this Ordinance, shall conform with the following:

1. The minimum site size shall be twenty (20) acres.
2. All buildings, corrals, and other enclosures for animals shall be a minimum two hundred fifty (250) feet from any property zoned residential district and one hundred fifty (150) feet from any other property line or right-of-way.
3. All manure or other wastes produced or generated by raising or keeping of farm animals shall be stored in a fashion which reduces the nuisance impact of said stockpiled for a period to exceed one hundred twenty (120) days and no wastes shall be stockpiled closer than one hundred twenty five (125) feet from any property line. This subsection shall not be construed as preventing the spreading of manure as fertilizer in conjunction with an agricultural operation.
4. All farm animals shall be adequately fenced or corralled to prevent them from roaming off-site.
5. There shall be no outdoor storage of customer's trailers or other vehicles for transporting horses.
6. The application for special land use approval shall include a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations for use of the facilities.
7. Off-street parking shall be provided in accordance with a ratio of one (1) space for each boarding stall. In addition, the site plan shall demonstrate adequate off-street parking to accommodate parking resulting from any approved equestrian events or activities which will generate customer or spectator parking in excess of the customary and incidental parking demand.

**SECTION 1332. TOOL, DIE, GAUGE, METAL PLATING AND MACHINE SHOPS**

Tool, die, gauge, metal plating and machine shops may be permitted in certain districts, as specified in this Ordinance, in conformance with the following:

- A. The application shall include a written report which documents conformance with the Performance Standards in Section 1207 and the Standards in Section 1215 - Site Plan Review.
- B. Outdoor storage yards shall conform to the provisions of Section 1326.

- C. Screening and landscaping shall be provided in conformance with Section 1212 and 1208. The Planning Commission may require additional landscaping or screening where the Planning Commission determines it is necessary to protect adjacent properties or rights-of-way from negative impacts of the proposed uses(s).
- D. The site shall be designed to minimize the impact of the proposed facility on adjacent land uses and rights-of-way. This shall include building and outdoor use area design and location, screening, landscaping, bulk and height of proposed structures, and drive / parking location.

**SECTION 1333. AGRICULTURAL PRODUCE PROCESSING, TRANSFERRING AND STORAGE FACILITIES**

Agricultural processing facilities may be permitted in certain districts, as specified in this Ordinance, in conformance with the following:

- A. The facility shall be primarily engaged in the processing of produce, storage of produce, or the transferring of produce from processing or storage to trucks.
- B. All buildings, equipment, materials, truck loading or produce storage areas shall be a minimum fifty (50) feet from any property line.
- C. Off-street parking shall be provided for all uses proposed, in accordance with Section 1204.
- D. Wherever the proposed use is adjacent to a property which is zoned residential screening of active outdoor use areas such as loading zones shall be provided in the form of a land form buffer, buffer strip, or screening wall / fence and adjacent greenbelt along the property line.
- E. Waste materials and spoiled produce shall be disposed of promptly and shall be temporarily stored in conformance with Section 1212 and 1208.
- F. Access to the site shall be provided from a county primary or secondary thoroughfare. Access drives and internal vehicle use areas shall be designed to accommodate anticipated truck turning movements on site. All trucks maneuvering and waiting areas shall be located on site.

**SECTION 1334. SINGLE-FAMILY CLUSTER DENSITY BONUS OPTION**

The Single-Family Cluster Density Bonus Option may be permitted in the AG and SF districts. The purpose of this development technique is to encourage further preservation of natural features such as mature tree stands, unusual topography, water and wetland areas, floodplains, and equestrian or agricultural areas by providing for a density bonus and variation in minimum lot widths. On sites without important natural features, this option may be used to protect rural vistas and equestrian or agricultural areas, create permanent open spaces, and/or recreation facilities. All proposals under this option must comply with the following:

- A. The land must be platted and subdivided under the State Subdivision Control Act and the Mussey Township Subdivision Regulation Ordinance, or the State Condominium Act and the Mussey Township

Standards for Condominium Subdivision, the Mussey Township Property Division Ordinance, and the Mussey Township Private Road Ordinance.

- B. The parcel of land possess one or more of the following physical or locational characteristics:
  - 1. Topography of the site exceeds fifteen (15) percent slope.
  - 2. Street slopes would exceed six (6) percent without mass grading of the site.
  - 3. The parcel contains a readily identifiable physical or cultural resource, which is to be conserved by the developer. These may include:
    - a) Streams, lakes, ponds or other watercourses, and associated upland areas;
    - b) Designated wetlands which are regulated by the Michigan Department of Environmental Quality (MDEQ);
    - c) Designated floodplains associated with a lake, stream, or river;
    - d) Agricultural lands which are actively being farmed or are considered prime agricultural lands based on parcel site, configuration and soils;
    - e) Land areas which are actively utilized for equestrian purposes and which, by their site, configuration and proximity to agricultural or other equestrian uses, result in an area ideally suited for such uses;
    - f) Tree stands, woodlands, and other natural vegetation areas which are of a size, configuration and general character as to provide open space, environmental habitat, and passive or active recreational opportunities;
    - g) Other areas as determined appropriate for open space preservation by the Planning Commission.
- C. The development plan shall encourage a more efficient, aesthetic, and desirable use of the land by a demonstrated preservation of physical and/or cultural resources of unique characteristics of the site, through a consolidation of the developed areas.
- D. The following guidelines shall be used in designing a single-family cluster development proposal with the Density Bonus Option:
  - 1. Density Bonus Cluster Standard Modifications

The following table outlines the design standard modifications, which may be permitted by the Planning Commission under this Section:

ZONE	MAXIMUM DENSITY BONUS (1) (2) (3)	MINIMUM REQUIRED OPEN SPACE
AG	10%	15%
SF	10%	15%

- (1) Density bonus is calculated based upon the maximum density permitted under Section 1101 for the parent (original) parcel. where density increase results in a fraction, the units permitted may be rounded up. (example: where 4.2 units are calculated for a sale, then 5 units would be permitted subject to all other conditions)
- (2) See Section 1203 for height, bulk, density, area and setback requirements for accessory structures and uses.
- (3) Lot size may be reduced to 2 acre upon written finding of fact by the St. Clair County Health Department that such a decrease can accommodate adequate on-site septic and water service facilities.

## 2. Design and Plan Requirements

All applications shall comply with the following requirements for information, plan content and design:

- a) A community impact statement shall be submitted which describes the project's anticipated impact on:
  1. Public services and facilities such as, police and fire protection, emergency medical service, public schools, and the like.
  2. The local public road system.
  3. Neighboring uses.
  4. Visual character of the site.

The Community Impact Statement may be incorporated onto the site plan or included with the application as a separate written submittal.

- b) A resource inventory shall be submitted which clearly identifies the following:
  1. All floodplains, wetlands and waterbodies.
  2. A woodlands analysis describing all significant tree stands and methods of preserving identified areas.
  3. A survey and analysis of on-site soils and slopes, based on Soil Conservation and USGS maps and data.
  4. An analysis of the cultural features of the site, such as views, historic structures, patterns of original farm fields, active agricultural or equestrian uses, fences or stone walls, recreational uses and the like.

5. The resource inventory components may be incorporated onto the site plan or submitted as a separate written document.
- c) All lots shall be served by an internal road network. No lots shall front upon the existing major road.
  - d) The permanent open space shall include the site's most significant natural and/or cultural environmental features, such as:
    1. steep slopes.
    2. wetlands, floodplains, natural watercourses,
    3. woodlands,
    4. scenic views,
    5. agricultural or equestrian components,
    6. historical structures,
    7. recreational pathways and facilities,
    8. similar features approved by the Planning Commission.
  - e) Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.
  - f) Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to unite and opens space areas.
3. Open Space Maintenance
- a) All open space shall be permanent and set aside in perpetuity.
  - b) Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:
    1. Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
    2. Dedication of open space to a public body or private land conservancy or trust.
    3. Conservation easement granted to a public body or private land conservancy or trust.
  - c) All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.

- d) All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to approval of the development proposal by the Planning Commission.

4. Compliance With Other Criteria

All proposals for Special Land Use Approval under this Section shall comply with all provisions of Sections 1100 and 1101 - which are not specifically modified under this Section.

5. Review process for Density Bonus Option

All proposals for the Cluster Housing Density Bonus Option shall be reviewed in accordance with the provisions of Article 13 - Special Land Uses and Section 1101. The flow-chart in Section 1101 outlines the general review process.

**SECTION 1335. AGRICULTURAL IMPLEMENT SALES AND SERVICE FACILITIES**

Agricultural implement sales and service facilities and similar uses may be permitted in certain district specified in this Ordinance, subject to the following:

- A. The site shall have direct access to an existing paved public road with a planned right-of-way of 120 feet or more, or currently designated by St. Clair County as a County Primary road.
- B. Any storage yard for equipment or machinery shall be separated from an adjoining residential district by a greenbelt in accordance with the requirements and standards of Section 1212.
- C. The Planning Commission may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact of the proposed outdoor sales lot on adjoining properties.
- D. Management plans shall be maintained for the collection, storage, and recycling or proper disposal of all new, used, or waste implement fluids resulting from repair or service operations.
- E. No vehicles or merchandise for sale shall be displayed within any required greenbelts, landform buffers, buffer strips, or other landscape or open space area.

**SECTION 1336. PRIVATE CLUBS AND LODGE HALLS**

Private clubs and lodge halls may be permitted in certain districts specified in this Ordinance, subject to the following:

- A. All such uses shall have ingress and egress directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred and twenty (120) feet, as indicated on the Master Plan.

- B. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the Township.
- C. No building shall be closer than fifty (50) feet to any property line. The building setback shall be increased to one hundred (100) feet when abutting a residential zoning district.
- D. Maximum lot coverage shall not exceed thirty (30%) percent.
- E. No such uses shall abut and existing single-family residential district on more than one side.
- F. Off-street parking and loading and unloading shall meet the standards of Sections 1204, 1205, and 1206.
- G. A 10 foot wide landscaped buffer containing one tree and three shrubs shall be provided adjacent to the road right-of-way or easement and any residential district. The buffer shall meet the standards of Section 1208.
- H. No business activity other than those directly related to the club or to its operation shall be permitted.