

# ARTICLE 6 DESIGN STANDARDS FOR SPECIFIC USES

## CHAPTER I: ANIMAL AND AGRICULTURAL USES

### Section 6.101      **Animal Uses**

- A. All new and expanding animal uses involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture (see table below), are subject to site plan approval and must comply with Generally Accepted Agricultural and Management Practices (GAAMPs) For Site Selection and Odor Control for New and Expanding Livestock Production Facilities as adopted by the Michigan Department of Agriculture. All potential sites for new and expanding livestock facilities must follow the MDA site selection review and verification process and must submit a letter of conformance with the GAAMP for Site Selection and Odor Control for New and Expanding Livestock Production Facilities from MDA prior to site plan approval.

Animal Units	50	250	500	750	1,000
Animal Type	Number of Animals				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine ( <i>over 55 pounds</i> )	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

*(All other animal classes or types of sizes (e.g., Nursery Pigs) not in this table are to be calculated as one thousand pounds live weight equals one animal unit.)*

- B. Disposal or slaughtering of animals is prohibited except where the animals have been raised on the premises for consumption by residents of the premises.
- C. Manure shall be stored in a manner that minimizes odor and run-off. Consideration should be given to partial paving of confinement areas, storage ponds, and other Accepted Agricultural Practices (GAAMPs) regarding runoff control. When manure from confinement manure storage pits or holding areas is removed it shall be incorporated, knifed in, or disposed of in a reasonable manner following GAAMPs and taking into account the season of the year and wind direction. Sufficient area to permit proper incorporation or disposal of manure shall be provided. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.

**Section 6.102 Milling and Processing of Agriculture & Forestry Products**

- A. All milling and processing of agricultural products shall comply with the performance standards in Section 8.107 (Performance Standards).
- B. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or due to operation. Such uses shall also be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining premises.
- C. Any outdoor storage resulting from milling or processing must be adequately screened and covered in compliance with Section 6.603 (Outdoor Storage).
- D. Milling and processing of agricultural product uses located close to residential uses may be limited in hours of operation as determined by the Planning Commission.

**Section 6.103 Riding Arenas and Boarding Stables.**

All stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals shall meet the following requirements:

- A. **Minimum Lot Size and Setbacks.** Stable sites shall have a minimum of five (5) acres. All structures wherein animals are kept shall not be less than one hundred feet (100') from any occupied dwelling or to any adjacent building used by the public. When animals are fed hay and oats or other feed outside of a building, the feeding area shall be located not less than one hundred feet (100') from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.
- B. **Performance Standards.** Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

**Section 6.104 Kennels and Animal Shelters.**

- A. **Minimum Site Size.** Sites shall have a minimum lot area of one (1) acre.
- B. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- D. **Setbacks.** Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least fifty feet (50') from dwellings on adjacent lots.

**Section 6.105 Veterinary Clinics.**

- A. **Setbacks.** Structures shall be set back at least twenty feet (20') from all side and rear property lines, and at least fifty feet (50') from abutting residential districts or uses, churches, schools or restaurants on the same side of the street.

- B. **Landscaping and Screening.** Outdoor enclosures or runs shall be enclosed by screening in accordance with Section 11.04 (Methods of Screening and Buffering) to buffer street rights-of-way and adjacent residential districts or uses.
- C. **Operating Requirements.** The clinic shall be operated by a licensed or registered veterinarian. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with Section 6.104 (Kennels and Animal Shelters). All activities shall be conducted within an enclosed building.
- D. **Performance Standards.** All veterinary clinics shall comply with the following:
  - 1. Such buildings shall be constructed to ensure that noise and odors shall not be perceptible beyond the site's property lines.
  - 2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 7:00 a.m.

## **CHAPTER II: RESIDENTIAL USES**

### **Section 6.201 Accessory Apartments.**

- A. **Sketch Plan Review Required.** The applicant shall provide a sketch plan and building elevations for Planning Commission review and approval.
- B. **Apartments Accessory to Detached Single-Family Dwellings.** To assist in accommodating the needs of the growing number of senior citizens and other individuals with special needs for temporary housing close to relatives while preventing the undesirable proliferation of permanent two-family units in single family neighborhoods, it is the intent of this Section to permit apartments accessory to and within primary single-family dwellings the A, R-1 and R-2 zoning districts:
1. All accessory apartments shall be located entirely within the principal building. Accessory apartments shall be prohibited in any accessory structures.
  2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to accessory apartments shall be limited to a common front entrance foyer, or a separate entrance door on a side façade wall.
  3. The principal building shall be occupied by the owner of the property, and not more than twenty five percent (25%) of the principal building shall be occupied by accessory apartments.
- C. **Apartments Accessory to permitted OFFICE AND SERVICES USES or COMMERCIAL USES.** Accessory apartments shall be contained entirely within the primary building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building. Each accessory apartment shall have separate kitchen, bath and toilet facilities and a private entrance (where there is more than one (1) accessory apartment in a building, such entrances may be provided from a common hallway).

### **Section 6.202 Bed and Breakfast Inns.**

- A. **Primary Residence.** The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
- B. **Guests.** There shall be a maximum of five (5) rooms for lodging, with a maximum of fifteen (15) guests at any given time. Guests may stay no longer than fourteen (14) days in succession or a total of sixty (60) days in any twelve (12) month period. Off-street parking areas shall be provided in accordance with Article 9 (Off-street Parking and Loading) outside of any required front yard.
- C. **Landscaping.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Section 11.04 (Methods of Screening and Buffering).

**Section 6.203 Farm Labor Housing**

The dwelling units for non-related employees of farms shall comply with the standards for accessory apartments or multiple family dwellings and developments, as appropriate to the type of construction proposed. All structures for farm labor housing shall comply with the schedule of regulations for the zoning district where they are located and the provisions of any state laws regulating farm labor or migrant labor housing. The provisions of this section shall apply to dwelling units for seasonal employees that do not meet the definition of farm labor housing.

**Section 6.204 Family and Group Child Day Care Homes.**

- A. A group day care home shall be issued a special use permit if the facility meets all of the following standards:
  - 1. Is located not closer than 1,500 feet to any of the following:
    - a. Another licensed group day care home.
    - b. Another adult foster care small group home or a large group home licensed under the adult foster care facility licensing act.
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.
    - d. A community correction center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  - 2. Has a minimum of a four (4) foot, climb resistant fence bordering the outdoor play area.
  - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
  - 4. Does not exceed 16 hours of operation within a 24 hour period. Quincy Township reserves the right to limit the operation between the hours of 10:00 p.m. and 6:00 a.m., although it cannot be prohibited.
  - 5. All signs meet the requirement of Article 12 of this Ordinance.
  - 6. Meets the off-street parking requirements of Article 9 of this Ordinance.
- B. Family Child Day Care Homes shall be considered permitted uses wherever single-family residential uses are permitted.

(Amended 2007)

**Section 6.205 Home Occupations.**

- A. **Intensity of Use.** Home occupations must be conducted within a principal dwelling unit and permitted accessory structures, and shall not occupy more than twenty-five percent (25%) of the gross floor area of the structures. The exterior of the dwelling shall not be altered from its residential appearance.

- B. **Parking and Loading.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter (3/4) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers. Deliveries shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
- C. **Performance Standards.** The home occupation shall comply with Section 8.107 (Performance Standards), and the following:
1. Customer or client visits to a home occupation are limited to between the hours of 8:00 a.m. to 8:00 p.m. A home occupation shall not generate more than twenty (20) customer or client visits per week, and no more than two (2) customers or clients may be present at any given time.
  2. The home occupation shall not have non-resident employees on the premises at any time. The number of non-resident employees working exclusively at other locations is not limited.
- D. **Permitted Uses.** The following uses are permitted home occupations. Any home occupation not specifically listed may be permitted as a special approval use, subject to the requirements of Article 16 (Special Land Uses).
1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
  2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
  3. Home office for a massage therapist, subject to the standards of Section 6.303 (Massage Therapy).
  4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
  5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.
  6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
  7. Repair services, limited to non-motorized vehicles, including buggies and horseshoeing.
- E. **Prohibited Uses.** The following uses are expressly prohibited as home occupations.
1. Kennels.
  2. Hospitals, medical and dental clinics and veterinary clinics
  3. Any eating and/or drinking establishments.
  4. Automobile, truck, recreation vehicle, boat or small engine repair.

5. Undertaking and funeral homes.
6. Retail sale of merchandise.
7. Adult uses and sexually-oriented businesses.

### **Section 6.206 Manufactured Housing Parks.**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.) and the Manufactured Housing Commission General Rules. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, the higher standards of this ordinance are intended to ensure that manufactured housing parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety, and welfare of the Township’s residents. The higher standards incorporated herein have been approved by the Manufactured Housing Commission in accordance with applicable State law. The following minimum requirements are required of all manufactured housing parks:

- A. **Site Plan Review.** Site plans for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The Planning Commission shall take action to approve or deny the site plan, or approve the plan subject to conditions, within sixty (60) days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the sixty (60) day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site. The final construction plan shall comply with the approved site plan and any Planning Commission conditions of approval.
- B. **Minimum Area for a Manufactured Housing Park.** The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
- C. **Minimum Manufactured Housing Site Size.** Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under sub-section “K” of this Section or the Manufactured Housing Commission rules.
- D. **Setbacks.** Manufactured houses shall comply with the following minimum setbacks:
  1. Twenty feet (20’) from any part of an adjacent manufactured house that is used for living purposes.
  2. Ten feet (10’) from any on-site parking space of an adjacent manufactured housing site.
  3. Ten feet (10’) from any attached or detached accessory structure of an adjacent mobile home.
  4. Fifty feet (50’) from any permanent building.

5. One hundred feet (100') from any baseball, softball or similar recreational field.
  6. Ten feet (10') from the edge of an internal road provided that such road is not dedicated to the public. Manufactured houses and other structures in a manufactured housing park shall be set back at least twenty feet (20') from the right-of-way line of a dedicated public road within the park.
  7. Seven feet (7') from any parking bay off a home site.
  8. Seven feet (7') from a common sidewalk.
  9. All manufactured homes, accessory buildings and parking shall be set back not less than twenty feet (20') from any manufactured housing park boundary line, except that a minimum setback of fifty feet (50') shall be provided from the street rights-of-way of public streets abutting the park.
  10. Fifty feet (50') from the edge of any railroad right-of-way.
- E. **Maximum Height.** Buildings in a manufactured housing park shall not exceed two (2) stories or twenty-five feet (25'); storage sheds shall not exceed the height of the manufactured home.
- F. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have direct access to a public street or road by a permanent easement that shall be recorded by the developers. All roads shall be hard-surfaced.
- G. **Parking.** Each manufactured housing site shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules, and a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served. Visitor parking shall be counted and designated separately from all other parking spaces, including those spaces required for employees and any community facility.
- H. **Common storage areas.** A common outside storage area shall be provided for boats, motorcycles, recreation vehicles and similar equipment, and a mini warehouse building may be provided for storage of household goods or equipment. All storage facilities in a manufactured housing park shall be shown on the site plan, and shall be limited to the exclusive use of the manufactured housing park residents. Such storage areas shall be screened from view by an opaque six-foot (6') high wooden fence or six-foot (6') high masonry wall with a landscaped greenbelt consisting of closely-spaced evergreen trees and shrubs, and shall not be located within any required yard on the perimeter of the manufactured housing park. Park owners who prohibit storage of boats, motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.
- I. **Sidewalks.** Concrete sidewalks having a minimum width of three feet (3') shall be provided on at least one side of internal manufactured housing park streets. In addition, a five foot (5') wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.

**J. Accessory Buildings and Facilities.**

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the County.
3. Each manufactured house shall be permitted one accessory building, up to one-hundred (100) square feet in area. Outside storage on any manufactured housing site or underneath a manufactured house is prohibited.

**K. Open Space.** Any manufactured housing park containing fifty (50) or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space. Manufactured housing parks with a gross acreage of twenty-nine (29) acres or larger shall dedicate a minimum of two percent (2%) of the gross acreage as contiguous open space. The open space shall be well drained and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

**L. Perimeter Landscaping.** All manufactured housing parks shall be screened from adjacent residential uses or districts by a decorative masonry wall and a landscaped greenbelt consisting of closely-spaced deciduous and evergreen trees. The required walls shall be placed inside and adjacent to the lot line. Where underground utilities would interfere or where the fence or wall would unreasonably obstruct the use of adjacent property, the fence or wall may be set back from the property line a sufficient distance to resolve such concerns.

**M. Street Yard Landscaping.** A landscaped greenbelt shall be provided along all public streets abutting the manufactured housing park, which shall comply with the following requirements that are consistent with landscaping required for other types of development in the Quincy Township:

TYPE	STANDARDS	REQUIREMENTS
<b>Deciduous street trees</b>	two and one-half caliper-inch (2½") starting size	1 per 40 lineal feet of road frontage
<b>Evergreen trees</b>	six foot (6') starting height	1 per 40 lineal feet of road frontage
<b>Deciduous or evergreen shrubs</b>	thirty-inch (30") starting size	1 per 3 lineal feet of road frontage

**N. Site Landscaping.** A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.

**O. Parking Lot Landscaping.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with

concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
  3. Planting islands shall have a minimum width of five feet (5') and a minimum area of one hundred (100) square feet. A minimum of one (1) deciduous shade tree shall be provided for each one hundred (100) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
  4. Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.
- P. **Trash Dumpsters.** Trash dumpsters shall be provided, and shall comply with the following requirements:
1. Dumpsters shall be set back a minimum distance of fifty feet (50') from the perimeter of the manufactured housing park and at least fifteen feet (15') from any building, in a location that is clearly accessible to the servicing vehicle.
  2. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six feet (6') in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
  3. Dumpsters shall be placed on a concrete pad which shall extend six feet (6') in front of the dumpster enclosure. Concrete filled metal bollards shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
- Q. **Canopies and Awnings.** Canopies and awnings may be attached to any manufactured house and shall comply with the setback and distance requirements set forth in this Article. The installation of canopies and awnings shall require a building permit from the Branch County Building Department.
- R. **Travel Trailer/Recreational Vehicles.** Travel trailers, recreational vehicles or those similar in nature, shall not be occupied as a permanent living quarters in a manufactured housing park.
- S. **Towing Mechanisms.** Towing mechanisms shall be removed from all manufactured housing dwellings at the time of installation and must meet the design and installation requirements as stated in Manufactured Housing Commission Rule 604, as amended.
- T. **Skirting.** All manufactured housing dwellings must be skirted within ninety (90) days of installation and must meet the design and installation requirements as stated in Manufactured Housing Commission Rule 604, as amended.
- U. **Water and Sewer Service.** All manufactured housing parks shall be served by water and sanitary sewer approved by the Branch County Health Department. The plumbing connections to each

manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

- V. **Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county, and state regulations, including MDEQ Manufactured Home Park Standards.
- W. **Telephone and Electric Service.** All electric, telephone, cable TV, and other lines within the park shall be underground.
- X. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
- Y. **Operational Requirements.**
  - 1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The County Building Inspector shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Michigan Department of Consumer and Industry Services. Additionally, no manufactured housing dwelling shall be placed on a site in an approved manufactured housing park until a building permit has been obtained to approve the manufactured housing dwelling setup on the lot.
  - 2. **Violations.** Whenever, upon inspection of any manufactured housing park, the County Building Inspector finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the County Building Inspector shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Division, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
  - 3. **Inspections.** The County Building Inspector or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein. No manufactured housing dwelling unit shall be occupied until a certificate of occupancy for that dwelling is obtained from the County Building Inspector.
  - 4. **License.** A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services.
- Z. **Sale of Manufactured Housing.** Selling new or used manufactured houses as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured

housing park has been achieved. Thereafter, new or used manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a licensed dealer or broker, or by a resident of the manufactured housing park provided the park's regulations permit such sale.

- AA. **School Bus and Public Transit Stops.** School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing park developer.
- BB. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least two hundred feet (200') from any intersection of a manufactured housing park road with a public road.

### **Section 6.207 Multiple-Family Dwellings and Developments.**

Multiple-family dwellings and developments shall comply with the following:

- A. **Density.** The maximum density of a multiple-family development shall be eight (8) dwelling units per acre of net lot area.
- B. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Street Design and Vehicle Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be twenty-four feet (24') in width.
- D. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along collector roads and streets with a minimum width of six feet (6').
- E. **Parking.** The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Section 11.04 (Methods of Screening and Buffering).
- F. **Open Space.** Open space or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

- G. **Utilities.** All multiple-family dwellings shall be connected to the public sewer and public water system if available. Water and sanitary sewer systems must be approved by the Branch County Health Department
- H. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

**Section 6.208 Single-Family Dwelling, Detached.**

Detached single-family dwellings, except manufactured houses located in an approved and licensed manufactured housing parks, may be approved in the A, R-1 and R-2 districts, or by Special Use Permit in the C-2 district, whether developed as a conventional single family subdivision plat or as single-family site condominium projects. Both single family subdivision plats and single-family site condominium projects are subject to site plan review and any local subdivision regulations, if available. In considering any proposals for a development of single-family dwellings, the Township shall make their determinations on the basis of the following criteria.

- A. **Compliance with Applicable Zoning Standards.** The proposed development shall comply with applicable standards of this Ordinance.
- B. **Impact on the Township.** The proposed development shall not have a substantial or undue adverse impact upon adjacent property, the character of the Township, traffic conditions, parking, utilities, and other matters affecting public health, safety, and welfare.
- C. **Design Diversity.** Diversity and originality in layout and building design shall be encouraged to achieve the best possible relationship between the development and the land.
- D. **Impact on Residents.** Individual lots, buildings, units, and parking areas shall be situated to avoid any adverse effects from shadows, noise, and traffic on the residents of the development.
- E. **Impact on Natural Features.** Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features of the site that are intended to be preserved.
- F. **Access to Open Space.** Open space intended for recreation or public use shall be easily accessible to pedestrians and shall meet the needs of the handicapped and elderly.
- G. **Usability of Open Space.** The usability of open space which is intended for recreation or public use shall be determined by the size, shape, and topography of the site and the location requirements of the principal buildings or uses on the site.
- H. **Minimum Floor Area.** The required minimum usable floor area per dwelling unit in each structure shall be as follows:
  - a. Single family detached dwelling – 960 square feet
  - b. Two-family dwelling unit – 960 square feet
  - c. Efficient apartment – 500 square feet
  - d. One bedroom multifamily dwelling unit – 650 square feet
  - e. Two bedroom multifamily dwelling unit – 750 square feet
  - f. Three bedroom multifamily dwelling unit – 900 square feet

- g. Each additional bedroom in a multifamily dwelling unit shall add an additional 100 square feet in required usable floor area.

(Ord. 01-05, 08/2/05).

I. **Single-family Detached Dwellings in the C-2 District.** Single-family detached dwellings are permitted as special land uses in the C-2 District. This is intended to allow the maintenance and reconstruction in case of emergency of existing homes along highway frontage in the Township. It is not intended to create additional residential lots in a commercial district. The special land use approval shall be based on these additional criteria:

- a. A detached single-family dwelling must have existed on the property within the last 24 months.
- b. All units must satisfy the other standards of this section, Section 6.208.
- c. The setback requirements of the C-2 district must be maintained, unless otherwise permitted by the Zoning Board of Appeals.
- d. The property owner shall not create or cause to create the destruction of the property that results in the need for major improvements (greater than 50% of the value). Approval shall be reserved for cases of emergency, catastrophe, or disaster.

(Ord. 01-05, 08/2/05).

### **Section 6.209      Open Space Preservation Option**

Open Space Preservation Developments may be approved in the A, R-1, and R-2 Districts, subject to the standards and review procedures set forth herein.

A. **Purpose.** The purpose of the Open Space Preservation Option is to preserve undeveloped land, thereby maintaining rural character and agricultural lands in the Township. The regulations in this section propose to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

As used in this section, the term “undeveloped state” shall have the meaning given to it in Section 40, subsection (o), of the Township Zoning Act, Michigan Public Act 184 of 1943, as amended, which states the following:

*“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.*

(Ord. 08-04, 11/03/2004)

B. **Applicability.** Property in the A, R-1, and R-2 districts may be developed according to the standard conditions and requirements for the zoning district, or it may be developed according to one of the two Open Space Preservation Options described in this section. If an Open Space Preservation Option is selected, the property shall be developed under the conditions and

requirements in this section, other applicable zoning regulations, and other applicable Township ordinances. (Ord. 08-04, 11/03/2004)

C. **Options.** There are two different options for Open Space Preservation available for property owners.

1. **Open Space Preservation Development.** This option is available for properties in the A, R-1, and R-2 zoning districts. Open Space plans seeking density bonuses must go through this process. In order to receive the bonus, the application must be approved by the Planning Commission. For example, a 55 acre lot in the A district hoping to split into more than one (1) residential lot would have to go through this process to receive the density bonus. The typical example would be a multiple-lot clustered home development with valuable open space preserved.
2. **Open Space Preservation Lot Splits.** This option is only available in the A district. It is limited to lot splits that do not take advantage of any density bonuses. If there is no density bonus and the application meets the standards contained below, Planning Commission approval is not required. Only the Zoning Administrator and Township Supervisor must approve the lot split. The incentive here is the ability to split off a lot in the A district that is smaller than 40 acres without having to go through the Planning Commission process. If we again use the 55 acre lot in the A district as an example, the parcel can still be split, but only one (1) developable lot will result using this process.

(Ord. 08-04, 11/03/2004)

D. **Open Space Preservation Development**

1. **Review and Approval Process.** Proposals for Open Space Preservation Development shall be reviewed following the same procedures used for conventional subdivisions or condominium proposals, except that the applicant shall complete a site features inventory prior to development. This inventory shall consist of maps and written analysis which shall identify, describe, and quantify the following features, at a minimum: active agriculture areas, existing vegetation, topography at two foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered habitats, and any additional features uniquely affecting the site. The Zoning Administrator shall have the discretion to modify these requirements based on the characteristics of the site and/or the scope of the development. However, if they felt it was necessary, the Planning Commission could request that exempted work be completed in order to conduct their review.
2. **Permitted Density Bonus.** The overall density of residential uses, including existing residential units, in an Open Space Preservation Developments shall not exceed the Permitted Density Bonus as specified in the following chart:

Zoning District	Permitted Density Under Conventional Zoning	Permitted Density Bonus With Open Space Development
R-1	7.26 units/acre	10 units/acre
R-2	5.49 units/acre	7.5 units/acre
A	.025 units/acre	1 units/20 acres

The permitted density in the Open Space Development shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent the construction of a building or use of the site for residential purposes.

To assist the Planning Commission in determining the net buildable area, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.

Modifications permitted under the Open Space Preservation Development option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

3. **Permitted Uses.** In order to achieve the permitted density in the R-1 and R-2 districts, two family or duplex dwellings, townhouses, stacked flats, and multi-family developments shall be permitted in Open Space Preservation Developments. However, in the R-1 district, these uses shall require a special use permit.

4. **Dimensional Standards.**

a. **Setbacks.** Open Space Preservation Developments shall comply with the following minimum yard setback requirements:

**Building Setbacks**

Along perimeter adjacent to public road 50 ft.  
(100 ft. in A District)

Along perimeter, but not adjacent to a road 35 ft.  
(50 ft. in A District)

The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principals, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.

**Parking Lot Setbacks**

Along perimeter adjacent to a public road 50 ft.

Along perimeter but not adjacent to a road 20 ft.

Waterfront/wetland setback of building and parking lots from lakes ponds, steams and wetlands 50 ft.

Docks, bulkheads, patios, terraces, gazebos, and pathways shall be permitted within the 50 ft. waterfront/wetland setback, subject to review and approval by the Township.

- b. **Minimum Lot Size.** The minimum lot size for Open Space Preservation developments in the A District shall be one (1) acre. There shall be no required minimum lot size for such developments in the R-1 and R-2 districts, with the exception of any requirements of the Branch County Public Health Department based on the method of sanitary sewage disposal chosen for the development.
- c. **Distances between Buildings.** Any detached single family structure shall be located at least twenty (20) feet from any other detached single family structure or accessory structure located on adjacent property in the R-1 and R-2 Districts. All detached single-family structures shall be located at least thirty (30) feet from any other detached single-family structure or accessory structure located on adjacent property in the A District.
- d. **Height Standards.** Buildings in an Open Space Preservation Development shall comply with the height standards for the district in which the development is located.

5. **Open Space Requirements.** Open Space Preservation Developments shall provide and maintain open space in an undeveloped state, as defined in paragraph A above. The Planning Commission may determine that a public park or a public facility is appropriate and should be located in the open space areas of Open Space Preservation Developments. Open space provided in Open Space Preservation Developments shall comply with the following standards:

- a. Open Space Preservation Developments shall reserve open space in the following quantities:

<b>Zoning District</b>	<b>Required Open Space Reserved</b>
R-1	25%
R-2	25%
A	75%

- b. Open space shall be located on the parcel to meet the following objectives:
  - (1). To preserve distinct natural features, scenic or wooded conditions, and rural characteristics.
  - (2). To preserve farmland.
  - (3). To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
  - (4). To maintain open, rural character along main roads.

In addition, no more than twenty-five (25%) percent of the required open space in the A district and no more than fifty (50%) percent of the required open space in the R-1 and R-2 districts may be developed with children’s play facilities, picnic facilities, trails, public parks and similar passive recreational facilities, or public facilities (schools, government facilities) to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

- c. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.
- d. The required open space shall be set side by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:
  - (1). Indicate the proposed use(s) of the required open space.
  - (2). Provide for the privately owned open space to be maintained by private property owners having an interest in open space.
  - (3). Provide maintenance standards and a maintenance schedule.
  - (4). Provide notice of possible assessment to the private property owners by the Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
  - (5). After approval from the Township, the developer shall record the conveyance with the Branch County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township.

6. **Building Location.** Where feasible, Open Space Preservation Developments shall comply with the following building location requirements. Modification of these location requirements may be approved by the Township Planning Commission as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features of conditions.

- a. Clustering of the buildings is required.
- b. Buildings shall be located on the edge of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.

- c. Buildings shall not be located on the tops of ridgelines or in areas with slopes that exceed 35 percent.
  - d. Building shall not be located in wetlands or floodplains
  - e. Building shall be set as far back from public roads as possible to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing plantings behind or within a woodlands or tree line that screens the buildings from the road.
7. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation Developments. Accordingly, Open Space Preservation Developments shall comply with the following standards:
- a. In the A Zoning District, public or private road intersections with section line roads (driveways) shall be a minimum of 800 feet apart.
  - b. No private roads shall be created as part of the development of Open Space Preservation Developments. All internal roads shall be public roads, developed according to the standards of the Branch County Road Commission, and approved by the Road Commission.
  - c. Roads shall follow existing contours to minimize the amount of cut and fill.
  - d. Where sites include linear features, such as tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
  - e. Roads shall not be located in open fields.
8. **Storm Water Management.** Existing natural drainage shall be maintained to the maximum extent feasible. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
9. **Landscaping and Lawns.** Open Space Preservation developments should provide landscaping and lawns that fit the natural environment and meet the following conditions:
- a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
  - b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
  - c. Where landscaping is proposed, species native to Michigan shall be used.
10. **Existing Structures.** When a parcel contains existing structures deemed to be of historic, cultural, or architectural significance (such as historic farmhouses, barns, and other farm structures), and where these structures are suitable for rehabilitation, the structures shall

be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential use shall be permitted.

(Ord. 08-04, 11/03/2004)

E. **Open Space Preservation Lot Splits.**

1. **Purpose.** The purpose of the Open Space Preservation Lot Split option is to allow land owners in the A district an opportunity to create parcels smaller than 40 acres while protecting the rural character, maintaining the overall density of 1 unit per 40 acres, and preserving farmland and natural features.
2. **Review and Approval Process.** Proposals for Open Space Preservation Lot Splits shall be reviewed following the same procedures used for land division as provided in the Township Subdivision Control Ordinance. The Zoning Administrator shall have the discretion to require a site features inventory be completed prior to development based on the characteristics of the site. This inventory shall consist of maps and written analysis which shall identify, describe, and quantify the following features, at a minimum: active agriculture areas, existing vegetation, topography at two foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered habitats, and any additional features uniquely affecting the site.
3. **Dimensional Standards.**
  - a. **Setbacks.** Setbacks for lots created through the Open Space Preservation Lot Splits process shall conform to minimum setback requirements of the A zoning district as provided in this Ordinance.
  - b. **Minimum Lot Size.** The residential lot(s) shall have a minimum lot size of one (1) acre provided all of the other standards of the Zoning Ordinance, including setbacks and lot width, are satisfied.
  - c. **Height Standards.** Buildings in an Open Space Preservation Lot Split shall comply with the height standards for the A district as provided in this Ordinance.
4. **Open Space Requirements.** Open Space Preservation Lot Splits shall provide and maintain open space in an undeveloped state as defined in paragraph A above. Open space provided in Open Space Preservation Lot Splits shall comply with the following standards:
  - a. There shall be a minimum of 75% of the site reserved for open space.
  - b. Open space shall be located on the parcel to meet the following objectives:
    - (1). To preserve distinct natural features, scenic or wooded conditions, and rural characteristics.
    - (2). To preserve farmland.

- (3). To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
- (4). To maintain open, rural character along main roads.

In addition, no more than twenty-five (25%) percent of the required open space may be developed with children’s play facilities, picnic facilities, trails, public parks and similar passive recreational facilities, or public facilities (schools, government facilities), provided that all such facilities shall be compatible in design with other open space requirements and objectives.

- c. Required open space shall not include the area of any public or private road, the area of any easement provided access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.
- d. The open space lot shall be labeled as such on the drawing or plan submitted with the lot split request. The following language must be attached to the deed or included as a deed restriction:

“Land division approved pursuant to Section 6.209 of the Township Zoning Ordinance on the condition that the area on the site plan identified as “open space” remain permanently in an “undeveloped state” as defined by Section 6.209 of the Zoning Ordinance and Section 40, subsection (o) of the Township Zoning Act, Michigan Public Act 184 of 1943, as amended.”

Before approving the lot split and sending the deed to the County, the Supervisor must check to confirm that this requirement has been fulfilled. If the language has not been properly attached, then the land division cannot be approved.

- 5. **Building Location.** Where feasible, Open Space Lot Splits shall comply with the following building location requirements. Modification of these location requirements may be approved by the Zoning Administrator as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features of conditions.
  - a. If there is an existing residence, a residential lot shall be located at that site.
  - b. If there is not an existing residence within the entire development area, the following guidelines shall be used when determining where to locate the home site(s):
    - (1). The development of the residential lot(s) shall have the least possible impact on the natural features of this site and the surrounding area.
    - (2). The home(s) shall be located so as to maintain the rural character of the area.

- (3). If there is a pattern or consistency to the location of neighboring houses on adjacent properties along the same street, the house(s) shall be located so as to continue the same pattern along the streetscape.
  - (4). Buildings shall not be located in wetlands or floodplains, nor shall they be located on steep slopes that exceed 35% or on tops of ridgelines.
  - (5). If there is more than one residential lot, they shall be clustered together.
6. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation Lot Split areas. Accordingly, such developments shall comply with the following standards:
  - a. Public or private road or driveway intersections with section line roads shall be a minimum of 800 feet apart.
  - b. For developments of two (2) residential lots or fewer, a shared, private driveway shall be acceptable for access. Only one (1) access point will be permitted onto adjacent County or section line roads.
  - c. If two (2) houses are sharing a driveway and are located on opposite sides of the driveway, there must be a minimum separation between the houses of 166 feet. This will allow the driveway to be converted to public standards in the future and allow each house to conform to setback standards.
  - d. For developments of three (3) or more residential lots, all internal roads shall be public roads developed according to the standards of the Branch County Road Commission and approved by the Road Commission.
  - e. If a development of two (2) or fewer lots is expanded to more than three (3) lots, the private drive must be brought up to public standards. If there is not enough room to accommodate the improvement and satisfy the required setback standards, a new road must be built.
  - f. All roads shall follow existing contours to minimize the amount of cut and fill.
  - g. Where sites include linear features, such as tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
  - h. Roads shall not be located in open fields.
7. **Storm Water Management.** Existing natural drainage shall be maintained to the maximum extent feasible. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
8. **Landscaping and Lawns.** Open Space Preservation Lot Splits should provide landscaping and lawns that fit the natural environment and meet the following conditions:

- a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
  - b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
  - c. Where landscaping is proposed, species native to Michigan shall be used.
9. **Existing Structures.** When a parcel contains existing structures deemed to be of historic, cultural, or architectural significance (such as historic farmhouses, barns and other farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential use shall be permitted.

(Ord. 08-04, 11/03/2004)

### Section 6.210 Townhouses and Stacked Flats.

Townhouses and stacked flats shall comply with the following:

- A. **Density.** The maximum density of a townhouse or stacked flat development shall be seven (7) dwelling units per acre, exclusive of any land area occupied by water bodies.
- B. **Building layout and architecture.** The following architectural standards shall be met for all structures:
  1. **Orientation.** Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of seventy-five percent (75%) of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six feet (6') in width and depth, and seventy (70) square-feet in area.
  2. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Street design.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys shall be provided where necessary for access to rear yard garages. Such alleys shall have a minimum pavement width of twenty feet (20') and shall be located within a minimum thirty-foot (30') wide private access easement. An alley shall be designed to provide only secondary frontage and access to dwellings.
- D. **Pedestrian circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at least six feet (6') wide.

- E. **Recreation Area.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross total area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
- F. **Utilities.** All townhouse and stacked-flat dwellings shall be connected to the public sewer and public water system, if available. Sewer and water systems must be approved by the Branch County Health Department.
- G. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

**Section 6.211 Two-Family Dwellings (Duplexes).**

The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling. The addition of a separate exterior door on the front facade is prohibited. The primary entrance for the second dwelling unit may be located on a sidewall, or both units may share a common entrance on the front façade.

**Section 6.212 Manufactured Dwellings Outside Manufactured Housing Parks**

Manufactured dwellings shall be permitted in all zoning districts wherein conventionally on-site built single-family dwellings are a principal use, subject to the following standards, which are intended to establish Township aesthetic standards for manufactured houses in a reasonable code and assure that the manufactured dwelling will compare favorably with site-built housing in size, safety and attractiveness.

Manufactured dwellings located outside manufactured housing parks shall:

- A. Comply with all the minimum requirements of Section 5.101, Table of Dimensional Requirements by District.
- B. Contain a minimum core living area, a minimum width of 14 feet along all exterior elevations, and a minimum and a minimum interior floor to ceiling height of seven and one-half (7 ½) feet; (Ord. 02-05, 8/2/05; Amended 2010)
- C. Fit into one of the following two categories:
  - 1. The unit shall be new and certified by the manufacturer or appropriate inspection agency as meeting the most current Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.

2. The unit shall be used and certified by the manufacturer or appropriate inspection agency as meeting the standards cited above, and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition, free from housing maintenance or blight violations, and safe and fit for residential occupancy. (Amended 2010)
- D. Be firmly attached to a permanent foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured dwelling, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above;
  - C. Be so placed and situated so that all wheels shall be removed and the towing mechanisms, underside, or chassis of mobile homes shall be completely enclosed and connected to the foundation;
  - E. Be connected to public sewer and water service or to private facilities approved by the Branch County Health Department.
  - F. Have no additions of rooms or other areas that are not constructed with similar materials, appearance, and quality of workmanship as the original structure, including foundation and permanent attachment to the principal structure;
  - G. Be constructed to the most current State or Federal Building Standards. These include the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1979, as amended;
  - H. Be aesthetically compatible in design and appearance with on-site built homes; and include the following dwelling unit elements:
    1. Front and rear or front and side exterior doors;
    2. Permanently attached steps or porch where a difference in elevation requires same; and
    3. A pitched roof;
  - I. Have construction commenced only after a building permit has been obtained in accordance with the County Building Code;
  - J. Be placed upon the site in such a way that its design and appearance shall be compatible with single-family dwellings constructed on-site in compliance with the district's zoning regulations.
  - K. The foregoing standards shall not apply to a manufactured single-family dwelling located within a licensed manufactured home park except to the extent required by State law or otherwise specifically set forth in the Township ordinance pertaining to such parts.
  - L. Any use of manufactured dwelling for other than a single-family dwelling is not permitted, such prohibition shall include: motels, row houses, apartments, use for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple (including two-family) family dwellings and similar non-single family residential uses.

**Section 6.213 State Licensed Residential Facilities**

- A. State licensed residential adult and child care facilities, as defined in Article 25 of this Ordinance, are allowed in Quincy Township as provided for below.
- B. State licensed residential facilities providing care to 6 or fewer persons for a period of 24 hours a day for multiple days shall be considered residential uses of land for zoning purposes and shall be a permitted use in all zoning districts permitting single family residential uses.
- C. State licensed residential facilities providing care to 7 or more persons for a period of 24 hours a day or providing care to persons for less than 24 hours a day shall be considered a special land use in all residential zoning districts, the agriculture district, and the C-2 – general commercial district, subject to the following standards:
  - 1. **Minimum Size.** Sites must have a minimum lot area of two (2) acres, and all dwelling units shall have a minimum size of four hundred fifty (450) square feet per unit.
  - 2. **Separation Requirements.** No facility shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single area, or in the Township overall.
  - 3. **Access.** All access shall be from a paved road. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public roads.
- D. Group Child Day Care Homes and Family Child Day Care Homes shall be governed by Section 6.204 of this Ordinance.

(Amended 2007)

## **CHAPTER III: OFFICE AND SERVICE USES**

### **Section 6.301 Funeral Homes, Mortuaries and Crematoriums.**

- A. **Parking and Circulation.** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- B. **Screening.** The service and loading area shall be screened from adjacent residential zoning districts in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Accessory Uses.** A caretaker's residence may be provided as an accessory use on the site.

### **Section 6.302 Hospitals.**

- A. **Setbacks and Screening.** All structures shall be set back a minimum of one hundred feet (100') from adjacent residential districts and uses. The Planning Commission may reduce the setback requirements in exchange for enhanced screening. Ambulance and delivery areas shall be screened from view of all residential districts and uses with a masonry wall.
- B. **Access.** All ingress and egress must be directly to a paved road.
- C. **Accessory Uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.

### **Section 6.303 Massage Therapists.**

Massage therapy clinics and uses shall be subject to the following conditions:

- A. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
- B. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township.
- C. All activities that meet the definition of an adult use or sexually oriented business shall be prohibited.

### **Section 6.304 Nursing and Convalescent Homes, Foster Care Group Homes, Assisted Living Facilities and Senior Housing.**

- 4. **Minimum Size.** Sites must have a minimum lot area of two (2) acres, and all dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
- 5. **Separation Requirements.** No foster care group home shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single area, or in the Township overall.

6. **Access.** All access shall be from a paved road. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public roads.
7. **Allowable Density Modification.** The allowable density of the underlying zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the State of Michigan, or twenty-five percent (25%) for non-licensed nursing care and supportive care units.
8. **Accessory Uses.** Accessory retail, restaurant, office and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

### **Section 6.305 Tattoo Parlors and Body Piercing Studios**

Any such establishment must be located at least one thousand feet (1,000') from all other body piercing studios and tattoo parlors, and from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses.

### **Section 6.306 Video Rental Establishments.**

- A. The display of audiovisual media (videotapes, DVDs, CD-ROMs and the like) having as a dominant theme specified sexual activity or specified anatomical areas shall be physically separated from all other audiovisual media and materials in a completely enclosed room subject to the following:
  1. The room shall have only one (1) door for ingress and egress by patrons.
  2. Signage outside of the room shall indicate that adult audiovisual media are displayed and shall state that no one under the age of eighteen (18) is permitted.
- B. In lieu of an enclosed room, a catalogue containing a list of all adult-oriented audiovisual media for rental or sale may be used for over the counter purchases by patrons. This requires that all audiovisual media be stored behind the sales counter or in a separate, enclosed storage area until rented or purchased.

## **CHAPTER IV: COMMUNITY USES**

### **Section 6.401 Cemeteries**

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

- A. **Location.** No portion of any cemetery that is located in a wetland or within the 100 year flood boundary shall be developed or platted for grave sites.
- B. **Accessory Building.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
- C. **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located with a cemetery shall be setback a minimum of four hundred (400) feet from the boundary line of any residential district.

### **Section 6.402 Churches, Temples and Other Places of Worship.**

- A. **Height.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of forty-five feet (45'), provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard. The highest point of chimneys, church spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than twenty percent (20%) of the roof area of the building.
- B. **Screening.** Screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering) where the site abuts a residential district or use.
- C. **Accessory Facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, preschools, and other similar uses incidental to the primary use shall be permitted, subject to the requirements of this Ordinance.
- D. **Impact Assessment.** The Planning Commission may require an impact assessment for churches, temples or other places of worship that have a seating capacity of over five hundred (500) persons in accordance with Section 1.12 (Impact Assessments).

### **Section 6.403 Public Utility and Essential Service Structures and Uses.**

- A. **Need.** Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.
- B. **Setbacks.** Electric or gas regulator equipment and apparatus shall be set back a minimum of twenty feet (20') from all lot lines.
- C. **Screening.** Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering).

- D. **Use Requirements.** Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding area character.

**Section 6.404 Recreation, Indoor and Outdoor (Excluding Public Parks).**

- A. **Permitted Uses.** Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, music concert pavilions and band shells.
- B. **Accessory Uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- C. **Setback Requirements.** No structure or spectator seating facility shall be located within fifty feet (50') of a property line, nor within two hundred feet (200') of any residential district or use. Pools shall be at least one hundred feet (100') from any residential zoning district.
- D. **Performance Standards.**
1. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
  2. A plan to control loitering and litter shall be provided.
  3. Recreation uses shall comply with Section 8.107 (Performance Standards).
  4. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.

## **CHAPTER V: COMMERCIAL USES**

### **Section 6.501 Automobile, Truck and other Motor Vehicle Service Centers (Minor Repair), Repair Stations (Major Repair) and Fueling (Gas) Stations.**

- A. **Setbacks.** Pump island canopies shall be setback a minimum of twenty feet (20') from any right-of-way line. Fuel pumps shall be located a minimum of thirty feet (30') from any right-of-way line.
- B. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
- C. **Overhead Doors.** Overhead doors shall not face a residential district or use. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- D. **Pump Island Canopy.** The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure and in compliance with the external lighting standards of this Ordinance.
- E. **Repair and Service Use Limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. **Temporary Vehicle Storage.** The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding thirty (30) days for repair stations and twenty-four (24) hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
- H. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering). All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
- I. **Traffic Impacts and Pollution Prevention.** The Planning Commission may request a traffic impact study in accordance with Section 1.12 (Impact Assessment) and a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.

**Section 6.502 Car Washes.**

- A. **Setbacks.** All car washes shall have a minimum front yard setback of thirty feet (30'). All buildings shall maintain a fifty foot (50') setback from any residential district or use.
- B. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site.
- D. **Traffic Impacts.** A traffic impact study shall be provided in accordance with Section 10.04 (Traffic Impact Studies).

**Section 6.503 Drive-in or Drive-through Lanes, Facilities or Establishments.**

The following conditions shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any required conditions for the primary use.

- A. **Location.** Sites must abut a major road, with all ingress and egress directly to such road.
- B. **Access and Traffic.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site. The Planning Commission may request that the applicant provide a traffic impact assessment in accordance with Section 1.12 (Impact Assessment).
- C. **Screening.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- E. **Menu boards.** Menu boards may be erected, subject to the following:
  - 1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from the street right-of-way or adjacent properties.
  - 2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
  - 3. The total sign area of all permitted menu boards shall not exceed forty-eight (48) square-feet.

**Section 6.504 Golf Courses, Country Clubs, and Driving Ranges**

- A. **Setbacks.** The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.

1. **Golf Courses.** The minimum width for all fairways shall be one hundred (100) yards subject to review by the Planning Commission. Golf course fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.
  2. **Driving Ranges.** The minimum length of a driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be setback at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. Netting is prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.
- B. **Access.** Golf courses and Country clubs shall have direct access to onto a paved public road.
- C. **Screening.** Any lot line abutting a residential zoning district shall provide a landscaped buffer strip in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards.** Site size shall be sufficient to retain errant balls within the site. The Planning Commission may restrict lighting and hours of operation.
- E. **Site Plan Requirements.** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.

**Section 6.505 Hotels and Motels.**

- A. **Access.** All ingress and egress shall be directly to a paved road. Secondary building entrances and exterior room entrances shall not face a residential district or use.
- B. **Minimum Unit Size.** There shall be a minimum of two hundred fifty (250) square feet of area per unit, and each unit available for rental shall contain a bathroom of not less than thirty-five (35) square feet, at least one bedroom with not less than one hundred fifty (150) square feet and a closet of not less than eight (8) square feet.
- C. **Additional Requirements.** The hotel or motel shall provide customary services, such as maid service, linen service, telephone and/or desk service, and may provide an attached dining room with seating capacity for at least twenty (20) occupants or an unattached restaurant with seating capacity for not less than fifty (50) occupants located directly adjacent to the or hotel.

**Section 6.506 Outdoor Eating Areas and Sidewalk Cafés.**

All outdoor eating areas and sidewalk cafes shall be accessory to a permitted restaurant use in the zoning district.

**Section 6.507 Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Farm Equipment, Machinery, Automobiles and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware, and Other Items.**

- A. **Setback Requirements.** Outdoor sales or display areas shall be set back a minimum of ten feet (10') from any parking area, driveway or access drive, and twenty feet (20') from any street right-of-way. No outdoor sales area shall be located within fifty feet (50') of any residential district or use.

- B. **Sidewalk Standards.** A minimum of six feet (6') of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
- C. **Performance Standards.** Outdoor sales and display areas must be kept clean, litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
- D. **Signs.** Additional signs shall not be permitted beyond those permitted for the primary use.
- E. **Surface.** Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.
- F. **Landscaping and Screening.** Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with Section 11.04 (Methods of Screening and Buffering). A six foot (6') fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

**Section 6.508 Package Liquor Stores.**

These regulations are intended to minimize potential adverse impacts from stores that sell packaged beer, wine and liquor on adjacent uses and the quality of life and property values of abutting residential neighborhoods, where a concentration of such stores may disrupt business investment, increase crime or contribute to blight in the surrounding area. Stores that sell packaged beer, wine and liquor shall be set back a minimum of one thousand feet (1,000') from any other store that sells packaged beer, wine and liquor, all churches, temples and other places of worship, all child care facilities, schools, parks and hospitals, and all adult use or sexually-oriented businesses. The separation distance between uses shall be measured horizontally between the nearest point of each property line.

**Section 6.509 Pawnshops and Dealers of Second Hand Merchandise (except for used or vintage clothing and children's goods).**

- A. **Separation Requirements.** Pawnshops and retail establishments that deal in second hand, used, or damaged goods, wares or merchandise shall be located at least:
  - 1. Five hundred feet (500') from any residential district or use.
  - 2. Five hundred feet (500') from a site having a pawnshop or second hand dealer designation under this ordinance.
  - 3. Five hundred feet (500') from any elementary or secondary school.
- B. **Displays.** All windows and display areas shall be kept neat and orderly. No outside display of goods, wares, or merchandise shall be permitted.
- C. **Loading.** All loading or unloading shall be from the side or rear of the lot.

**Section 6.510 Recording Studios.**

No internal noise or sounds shall be audible outside of the building or beyond the walls of the space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area. Mass production, duplication or storage of recorded material for distribution, sale, or promotion is prohibited.

**Section 6.511 Retail Stores and Commercial Uses with 40,000 square-foot or More of Gross Floor Area.**

- A. **Uses.** Uses subject to the requirements of this Section shall include, but shall not limited to “Big-Box” Stores, Supermarkets, Wholesale Stores, Shopping Centers and Malls.
- B. **Access and Circulation.** A traffic impact study shall be required meeting the requirements of Section 1.12.J (Impact Assessment). Sites must abut a paved road, with all ingress and egress directly to such street. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets and streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
- C. **Outlots.** The site design, circulation, parking layout and building architecture of all outlots shall be complementary to and fully-integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
- D. **Landscape and Screening.** A greenbelt with a width of twenty feet (20’) shall be provided along all street frontages and side or rear yards to screen the view of the property from street rights-of-way and adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters and mechanical equipment.
- E. **Loading and Unloading Areas.** Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items, mechanical equipment, and trash disposal or compaction shall not occur within fifty feet (50’) of a residential district or use, nor shall such activities take place between the hours of 10:00 p.m. and 7:00 a.m. No delivery vehicle within fifty feet (50’) of residential property shall have its engine, refrigeration unit or generator running between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m. provided that all activity occurs inside the truck or trailer or within the building.
- F. **Pedestrian Walkway.** A six foot (6’) wide concrete sidewalk shall be provided from the public sidewalk to the main entrance in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

**Section 6.512 Tavern, Pub, Brewpub, Cocktail Lounge, Night Club, or Billiard and Pool Hall.**

Such establishments shall be located at least one thousand feet (1,000’) from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses. Screening consisting of a masonry wall and a closely planted buffer strip shall be required on all side and rear lot lines abutting a residential district or use.

**Section 6.513 Theaters (Indoor), Motion Picture Cinemas, Auditoriums, Concert Halls and Playhouses.**

- A. **Setbacks and Screening.** Where the site abuts a residential district or use, the principal building and parking lot shall be setback at least thirty feet (30') from the district boundary or property line abutting the residential district or use, and screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Access and Traffic.** The Planning Commission may require a traffic impact study be submitted by the applicant according to Section 1.12.J (Impact Assessment). Access shall be from a paved road.
- C. **Impact Assessment.** The Planning Commission may require an impact assessment for theaters, cinemas, auditoriums, concert halls and playhouses that have a seating capacity of over five hundred (500) persons in accordance with Section 1.12 (Impact Assessments).

**Section 6.514 Tobacconists and Cigar/Cigarette Shops.**

Such establishments shall be located at least one thousand (1,000) feet from any childcare center, school, park or hospital.

## **CHAPTER VI: INDUSTRIAL, RESEARCH AND LABORATORY USES**

### **Section 6.601 Hazardous Materials Storage.**

Such uses shall comply with Section 8.107 (Performance Standards), and shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan State Police, the Fire Department, and the Branch County Health Department. The applicant must supply the following documentation with any plan submitted for review:

- A. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- B. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- C. Description of any transportation, on-site treatment, storage or disposal of hazardous waste.
- D. Description of any secondary containment measures, including design, construction materials and specifications, and security measures.

### **Section 6.602 Intensive Industrial Operations (including, but not limited to metal foundry or fabrication, casting, plating, buffing, stamping, dyeing, shearing or punching, and similar uses, automatic screw machines and other machines).**

- A. **Setbacks and Screening.** Sites shall not be located within five hundred feet (500') of any residential district or use. Appropriate screening, shall be provided along all side or rear lot lines in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties. Loading areas should be adequately screened in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Impact Assessment.** The Planning Commission may request that the applicant submit an impact assessment in accordance with Section 1.12 (Impact Assessments), describing the expected impacts associated with the use and any mitigation measures to be employed.
- D. **Performance Standards.** All such uses shall comply with the performance standards listed in Section 8.107 (Performance Standards).
- E. **Performance Guarantee.** The Township may require submission of a Performance Guarantee in accordance with Section 1.06 (Performance Guarantee).

**Section 6.603 Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items.**

- A. **General Requirements.** All outdoor storage areas must comply with the following requirements:
  - 1. No junk or junk vehicles shall be stored.
  - 2. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
  - 3. Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.
- B. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
- C. **Landscaping and Screening.** Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid decorative masonry wall or fence at least six feet (6') in height, in accordance with Section 11.04 (Methods of Screening and Buffering). No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

**Section 6.604 Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items.**

- A. **Minimum Lot Size and Setbacks.** Sites shall have a minimum lot area of ten (10) acres. Sites shall have a minimum front yard setback of one hundred fifty feet (150'), and rear and side yard setbacks of twenty feet (20').
- B. **Location.** Sites shall not be immediately adjacent to any residential district or use.
- C. **Landscaping and Screening.** A twenty foot (20') wide buffer strip and a masonry wall with a height of eight feet (8') shall be required along all property lines, in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards and Requirements.** The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
  - 1. Junk vehicles and scrap materials may not be stacked higher than the height of the screening wall.
  - 2. Vehicles or vehicle bodies shall be stored in rows with a minimum twenty foot (20') wide continuous loop drive separating each row of vehicles.
  - 3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard.

4. All batteries shall be removed and all radiator and fuel tanks drained prior to placing the vehicle in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company.
5. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
6. The crushing of vehicles or any part thereof shall be limited to daylight hours.
7. The use shall be subject to periodic inspection by the Township to ensure continuing compliance with the above standards.

## **Section 6.605 Recycling Collection Facilities and Composting Centers.**

### **A. General Standards**

1. **Performance Standards.** The Planning Commission may require the applicant to submit an impact assessment, in accordance with Section 1.12 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
2. **Screening and Landscaping.** Screening and landscaping shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering), as deemed necessary by the Planning Commission. No materials may be stored outside above the height of the installed screening. Screening adjacent to residential districts or uses shall be solid and year-round.
3. **Access.** Approved sites must have access to a Class A Road.
4. **Parking and Loading.** All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

### **B. Standards for Recycling Collection Facilities**

1. **General Standards.** Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors.
2. **Enclosed Structure.** All crushing, disassembling, packaging, stripping, and other similar processes shall occur within an enclosed structure.
3. **Outdoor Storage.** Designated areas for outdoor storage shall be noted on the site plan prior to approval. These areas shall not be located in the front yard and shall be setback a minimum distance of three-hundred feet (300') from all property lines. Structures shall conform to the minimum setback requirements for the district in which the facility is located

C. **Standards for Composting Centers**

1. **Setbacks.** Commercial composting operations shall be at least five-hundred feet (500') from any residential district or use. All composting operations shall be at least two hundred feet (200') from the boundary of any lake, stream, drain, wetland or other surface water body, and the applicant shall describe procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater. Structures shall conform to the minimum setback requirements for the district in which the facility is located.
2. **Outdoor Storage.** Designated areas for outdoor storage shall be noted on the site plan prior to approval. These areas shall not be located in the front yard and shall be setback a minimum distance of three-hundred feet (300') from all property lines. All containers shall have lockable lids and doors. Loose materials should be covered and/or contained to prevent them from blowing onto adjacent properties.

(Ords. 04-04 & 05-04; 3/2/04)

**Section 6.606 Self-Storage Warehouses.**

- A. **Permitted Uses.** The use shall be limited to storage of household and non-hazardous commercial goods. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.
- B. **Minimum Lot Size and Setbacks.** The minimum lot area shall be three (3) acres. The minimum building and parking setback shall be fifty feet (50') from any street right-of-way line, residential district or off-site residential use.
- C. **Screening and Landscaping.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Storage.** All storage shall be completely within enclosed structures

**Section 6.607 Slaughter Houses, Rendering Plants, Tanneries, Stock Yards, Glue Factories, Soap Factories, Oil Refineries or Other Similar Factories.**

- A. **Separation Requirements.** The above uses shall be located at least one thousand feet (1,000') from any residential district or use, and one hundred fifty feet (150') from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning (only such animals are to be slaughtered on premises) shall be located at least one thousand feet (1,000') from any other zoning district boundary.
- B. **Sanitation Requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry

rendering processes shall be used. All sanitary facilities shall be approved by the Township and the Branch County Health Department, and all waste and manure shall be removed daily.

- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. **Performance Standards.** Such uses shall comply with Section 8.107 (Performance Standards). The applicant shall submit an impact assessment, in accordance with Section 1.12 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
- E. **Performance Guarantee.** The Township may require submission of a Performance Guarantee in accordance with Section 1.06.

**Section 6.608      Warehouses and Other Storage Facilities, Distribution Plants, Freezers and Lockers, Truck Terminals and Distribution Facilities.**

- A. **Setbacks.** Terminals shall be set back a minimum of two hundred feet (200') from any residential district or use.
- B. **Traffic.** The Planning Commission may require a traffic impact study meeting the standards of Section 1.12.J (Impact Assessment - Traffic Impact Studies).
- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. **Landscaping and Screening.** Screening shall be required on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).

**Section 6.609      Quarrying, Gravel Processing, Mining and Extraction Uses.**

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this Ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Such uses shall be subject to the following:

- A. **Area.** The minimum site size shall be ten (10) acres.
- B. **Site Plan Information.** The following additional information shall be provided on a site plan:
  - 1. Name and address of the person, firm or corporation who or which will be conducting the actual operation.
  - 2. Location of the processing plant or buildings, whether on-site or off-site.
  - 3. Type of materials or resources to be removed or to be brought to the site.

4. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
  5. General description of equipment to be used.
  6. The estimated time to complete total operations.
  7. The total area (expressed in acres) proposed to be excavated or mined.
  8. A reuse plan, drawn to a scale of 1" = 50' placed on a standard sheet and containing the following information:
    - a. A proposed grading plan and landscape plan.
    - b. A description of the land use activities proposed to be located on the site upon completion of mining or extraction operations.
    - c. A description and location of the street, drainage, water and sanitary sewer facilities required to serve the uses.
- C. **Impact Assessment.** The applicant shall submit an impact assessment in accordance with Section 1.12 (Impact Assessments).
- D. **Setbacks.** The following minimum setback standards shall apply:
1. All structures and machinery shall be a minimum of one hundred feet (100') from all property lines and two hundred feet (200') from any residential districts or uses.
  2. No mining, excavation, stockpiling of material or processing shall take place less than one hundred feet (100') from all property lines and two hundred feet (200') from any residential districts or uses. The Planning Commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property.
  3. No mining, excavation, stockpiling of material or processing shall take place less than one hundred feet (100') from any street right-of-way, except where determined by the Planning Commission to be necessary to reduce or raise the final elevation to the existing elevation of the street.
- E. **Security.** The site shall be enclosed with a six foot (6') security fence with a locking access gate. Such fences shall be placed no closer than fifty feet (50') to the top or bottom of any slope. The owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than two hundred feet (200') apart.
- F. **Reuse Plan.** Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation

activity (inactivity for a twelve (12) month consecutive period shall constitute termination of mining activity).

- G. **State and Federal Requirements.** Proof of all required outside agency approvals or permits shall be provided to the Township prior to the start of work on the site.
- H. **Access and Circulation.** Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- I. **Performance Standards.** Such uses shall comply with Section 8.107 (Performance Standards) and the following:
  - 1. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. In order to protect water wells and the water supply of the Township, the pumping or drainage of water from such quarrying operations is absolutely prohibited.
  - 2. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
  - 3. The slopes of the banks of the excavation shall in no event exceed seven feet (7') horizontal to one foot (1') vertical). Where ponded water results from the operation, this slope shall be maintained and extended into the water to a depth of ten feet (10').

### **Section 6.610 Junkyards or Salvage Yards**

- A. The following regulations shall apply to Junk Yards and Salvage Yards:
  - 1. **Setbacks.** A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line.
  - 2. **Screening.** The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with the Article 11 (Landscaping, Screening, and Buffering) and Section 8.101 (Fences). The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
  - 3. **Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Zoning Administrator so as to confine any wind-borne dust within the boundaries of the site.
  - 4. **Regulated Activities.** Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

5. **Permits.** All required Township, County, and State permits shall be obtained prior to establishing a junkyard.
5. **Stacking.** Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

## SECTION 6.611 Landfills, Dumping and Sewage Disposal Facilities

### 1. General Requirements.

- a. **Design and Operation Standards.** Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality and other regulatory agencies.
- b. **Environmental Impact Statement.** An environmental impact statement shall be prepared in accordance with Section 1.12 and submitted to the Township Board for review and approval.

### 2. Landfills and Dumping.

- a. **Intent.** These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.
- b. **Scope of Application.** No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
- c. **Exceptions.** These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.

### 3. Permit Requirements for Landfills and Dumping.

- a. **Issuance.** A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.
- b. **Review Procedures.** Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in Article 16 (Special Land Use). Permits for such uses shall be issued by the

Township Board for a one (1) year period. Permits may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.

- c. **Performance Guarantee.** To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 1.06 (Performance Guarantees). The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

- d. **Application Requirements.** The following information shall be provided on an application for a landfill or dumping permit:

- (1) **Aerial Photography.** Vertical aerial photographs of the site, enlarged to a scale of one (1) inch equals two hundred (200) feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
- (2) **Survey.** A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one (1) inch equals two hundred (200) feet. The survey shall include the boundary of the entire site and topography of the site at two (2) feet contour intervals.
- (3) **Engineering Report.** Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
- (4) **Master Plan.** A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
- (5) **Restoration Plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.

- (6) **Operating Specifications.** A detailed description of operating procedures, so as to demonstrate conformance with the standards in subsection 4, following.

**4. Standards**

All landfill and dumping activity shall be subject to the following standards:

- a. **Limits of Approval.** All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
- b. **Setbacks.** Landfilling, dumping, and stockpiling shall not be conducted closer than one hundred (100) feet to the approved outer boundary for the operation, and not closer than five hundred (500) feet to any property line that abuts a residentially zoned or used district (A, R-1, R-2, MHP). The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least three hundred (300) feet from any public street right-of-way line or adjacent property line.
- c. **Noise, Dust, Debris.** All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
- d. **Road Treatment.** All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
- e. **Frontage and Access.** The subject site shall have a minimum frontage of 250 feet on an arterial road or collector road.
- f. **Fencing.** Landfill and dumping operations shall comply with the following fencing requirements:
  - 1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area.
  - 2) Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying two hundred (200) square feet or more, fencing shall be required as previously noted.
- g. **Slopes.** Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within twelve (12) months after work has begun on any section.
- h. **Topsoil and Seeding.** Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The

topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.

- i. **Berms.** A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.

5. **Violations.** To insure compliance with these regulations, the Zoning Administrator shall conduct periodic inspections. In the event that a violation is found, the Zoning Administrator shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

## **CHAPTER VII: TEMPORARY, SPECIAL EVENT AND OTHER USES**

### **Section 6.701 Adult Uses and Sexually-Oriented Businesses.**

It is the intent of this Section to provide reasonable regulations for the establishment of sexually-oriented uses, as defined in Article 25 (Definitions) in a viable and accessible location where the adverse impact of their operations may be minimized. Regulation of the location of these uses is necessary to ensure that the adverse effects of such uses will not cause or contribute to the blighting or downgrading of the Township.

- A. Sites shall not be permitted in the following locations, based upon distances measured from the outer most property line of the lot upon which the proposed adult business or sexually-oriented business would be located to nearest property line of the following districts, uses or facilities:
  - 1. Within one thousand feet (1,000') of any residential district or use within Quincy Township or surrounding communities.
  - 2. Within one thousand feet (1,000') of an existing school, library, park, playground, licensed family or group day care home, child day care center, church, temple or other place of worship within Quincy Township or surrounding communities.
  - 3. Within one thousand feet (1,000') of any other adult use or sexually-oriented business within Quincy Township or surrounding communities.
  - 4. Within five hundred feet (500') of intersecting center-lines of paved roads within the Quincy Township or surrounding communities, as defined in the Township Master Plan.
- B. Access shall be limited to paved roads, as defined in the Township Master Plan, and screening shall be required from the public right-of-way and abutting properties in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. Such uses shall be located within a freestanding building (shared or common wall structure or shopping center is not considered a freestanding building) with a maximum gross floor areas of five thousand (5,000) square feet.
- D. The building and site shall be designed, constructed and maintained so displays, decorations or signs depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed from adjacent properties or by pedestrians or motorists within the public rights-of-way.
- E. No person shall reside in the premises of such uses.
- F. The provisions of this Section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed or permitted to practice in the State of Michigan, or to massage therapists who are certified members of the American Massage and Therapy Association or International Myomassethics Federation.

**Section 6.702      Circuses, Fairs, Carnivals and Similar Uses.**

Such uses may be permitted for institutional uses and similar non-profit organizations for the sole purpose of raising money for the financial support of such institutions. Such use and occupancy shall not be disturbing to the public peace and tranquility, and shall not create undue traffic hazard and congestion. Limitations on hours of operation may be established by the Township, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

- A.     **Permits and Approvals.** Sketch plan approval shall be obtained from the Planning Commission. When such uses are for more than seven (7) calendar days during a year, approval is also required from the Township Board. Appropriate permits shall be secured by the applicant from the Branch County Health Department, the Building Inspector, and other agencies with jurisdiction.
- B.     **Insurance.** The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or Injury to persons, or damage to property, which may result from the conduct of the activity.
- C.     **Setbacks and Fencing.** All buildings, structures and parking shall be at least three hundred feet (300') from any dwelling. The Township may require placement of a six foot (6') high fence around all or part of the site.
- D.     **Access.** Access shall be provided onto a paved road, with capability to accommodate at least two (2) lanes of ingress traffic. At least three hundred feet (300') of stacking area shall be provided on site. A traffic impact study may be required in accordance with Section 1.12.J (Impact Assessment - Traffic Impact Studies).

**Section 6.703      Garages for Commercial Vehicles.**

A structure for the storage of commercial vehicles used by a permitted use in a non-residential district, shall occupy not more than twenty-five percent (25%) of the lot area, and shall be located outside of any required yard areas.

**Section 6.704      Temporary Structures and Uses.**

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable Township Codes and Ordinances, and shall be subject to the following:

- A.     **Site and use standards.** Temporary structures and uses shall comply with the following:
  - 1.     The performance standards specified in Section 8.107 (Performance Standards).
  - 2.     The dimensional standards and use provisions of this Ordinance for the district and type of structure or use.
  - 3.     Provisions for emergency vehicle access, off-street parking and loading, drainage and soil erosion.
  - 4.     Other conditions necessary to protect the public health, safety and general welfare.
- B.     **Duration.** In no event shall a temporary structure or use, other than temporary construction buildings, be permitted on a site for longer than one (1) year. The Planning Commission or Zoning Administrator may impose a lesser time limit where deemed necessary.

- C. **Temporary construction buildings.** Temporary buildings associated with construction shall not be erected in any district unless a site plan has been approved, and such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building.
- D. **Performance guarantee.** To ensure strict compliance with the conditions attached to the issuance of the permit for a temporary structure or use, the applicant may be required to furnish a performance guarantee in accordance with Section 1.06 of this Ordinance (Performance Guarantees) in an amount equal to the estimated cost of removing and disposing of the temporary structure or use (\$500.00 minimum). The guarantee shall be returned after the temporary structure or use has been removed from the premises.
- E. **Removal.** Temporary structures or uses, other than temporary construction buildings, shall be removed within ten (10) days after expiration of the permit or approval, or the Zoning Administrator may use the performance guarantee for such removal.