

## ARTICLE XVI

### CONDITIONAL USES

#### SECTION 16.01 Purpose

The formulation and enactment of this zoning ordinance is based upon the division of the Township into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

#### SECTION 16.02 Authority to Grant Permits

The Township Board with recommendations from the Township Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

#### SECTION 16.03 Application and Fee

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Township Board by filling in the official conditional use permit form, submitting site plans as described in Section 16.04, and depositing a fee in accordance with the requirements of Section 2.04. An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address of the property involved.

#### SECTION 16.04 Site Plan Review

An application for a conditional use permit shall be accompanied by a detailed site plan to be reviewed by the Township prior to the granting of the permit. In addition, all other multiple family, commercial or industrial uses shall comply with the requirements for site plan review, with the Township Planning Commission providing the final approval for such site plans. The request for site plan review shall be made by filing with the Township the following:

- A. Fee: A review fee, the schedule of which shall be determined by the Township Board based upon the depth of review and the possible need for professional assistance.

- B. Site Plan: Eight (8) prints of the site plan shall be submitted to the Township. Each print shall contain the following data:
1. It shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission and Township Board can readily interpret the plan.
  2. It shall show an appropriate legend, north arrow, scale, etc.
  3. A small vicinity map shall be included showing the location of the site in relation to the surrounding street system.
  4. It shall identify the site by lot lines corresponding to the legal description of the property.
  5. It shall show general topography and drainage and such natural features as woodlots, streams, rivers, ponds, etc.
  6. It shall show existing man-made features on, and within one hundred (100) feet of, the site, such as buildings, structures, power lines, pipelines, or utility easements.
  7. It shall show the location, proposed floor area and grade of proposed buildings, their relation to one another and to other existing structures on the site. This shall also include height and square footage dimensions.
  8. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation patterns within and adjacent to the site. This shall also include the location, size, and number of parking spaces or unloading areas for non-single family residential uses.
  9. It shall show the proposed location, use, and size of open spaces and the location of landscaping, screening, fencing, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
  10. Any other information deemed necessary by the Township to adequately assess the impact of the development.
- C. Review: The Township shall submit the completed application and site plan to the Planning Commission for review and action, with this following a public hearing as required under Section 16.05 for conditional uses. The applicant shall

receive a written notice stating the date, time, and place that the application will be reviewed.

- D. Upon approval of the site plan and the granting of the conditional use permit, the applicant must develop the subject property in complete conformity with the approved plan unless approved by the Township Board following submission of an amended site plan.

#### SECTION 16.05 Posting of Notice of Public Hearing

Upon receipt of an application for a conditional use permit which requires a decision of discretionary grounds, 1 notice that application for conditional use permit has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 nor more than 15 days before the date of application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations 1 occupant of each unit or spatial area shall receive a notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- A. Describe the nature of the application for the conditional use permit.
- B. Indicate the property which is the subject of the application for the conditional use permit.
- C. State when and where the application for the conditional use permit will be considered.
- D. Indicate when and where written comments will be received concerning the application.
- E. Indicate that a public hearing on the application for the conditional use permit may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a conditional use permit.

SECTION 16.06 Findings by the Township Planning Commission

The Township Planning Commission following the public hearing called for above, shall review the particular circumstances and facts of each application, shall record adequate data, information and evidence, based upon the data, exhibits and information supplied by the applicant, with respect to each item set forth in the general standards, outlined in Section 16.06(a), and the specific standards for those uses outlined in Section 16.17(b), applicable to the Conditional Use for which application has been made and shall submit its report thereof to the Township Board together with its recommendation for the issuance or denial of a Conditional Use Permit and if a recommendation of the issuance of a Conditional Use Permit is made, the specific terms and conditions which must be complied with by the owner of the property.

No Conditional Use Permit shall be issued unless based upon the report supplied by the Planning Commission, the Township Board shall determine that:

- A. The parcel will, according to the plans and specifications, data, exhibits and information supplied to the Planning Commission by the applicant, meet the specific requirements and regulations as set forth in the Ordinance applicable to said Conditional Use in the zoning district in which said use is to be located and shall be lawful under all Federal, State and Local laws, Ordinances and Regulations applicable thereto.
- B. The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons who will own or operate the property shall be able to adequately provide any service on a non-public basis. In this regard, the plans and specifications for all public, industrial and commercial buildings for which a Conditional Use Permit has been applied shall be submitted by the Township Planning Commission to the Township police and fire department and to the Hillsdale County Health Department with a request for a written determination that the building will comply with applicable thereto.
- C. The parcel will not be hazardous or disturbing to existing or future neighborhood use.
- D. The property will not create excessive additional requirements at public cost or public facilities and services.
- E. The property will be harmonious with and in accordance with the general objectives or with specific objectives of the Township Master Plan then in effect.
- F. The property will be designed, constructed, operated and maintained so as to be

harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.

- G. The property will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- H. The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

SECTION 16.07 Compliance with Conditions, Limitations, and Requirements - Grounds for Revocation

In issuing a Conditional Use Permit, the Township Board may require a surety or cash bond to be furnished by the owner to ensure compliance with the provisions of this Ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The amount of said bond shall be determined by the Township Board.

SECTION 16.07A Conditions, Limitations, Requirements and Safeguards

The Township Planning Commission may recommend and the Township Board may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the Township and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be observed.

The issuance of a Conditional Use Permit by the Township Board shall entitle the owner to continue to operate the conditional use so long as he remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Conditional Use Permit if such a Conditional Use Permit is granted, does expressly grant to the Township for the enforcement of this Ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Conditional Use Permit. In the event the owner or occupant of the property for which a Conditional Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Conditional Use Permit, the Conditional Use Permit shall be and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the Township may proceed to enforce the provisions of this Ordinance and the terms, conditions, limitations, and safeguards of the Conditional Use Permit as provided in this Ordinance, in addition to all other remedies provided herein, in the event that such Conditional Use Permit shall be and become null and void, the compliance bond, if any, given

by the owner under the provisions of this Ordinance shall be forfeited.

**SECTION 16.07B SPECIFIC STANDARDS FOR CONDITIONAL USES**

In addition to the general standards outlined in Section 16.06(a), each conditional use shall comply with the sign regulations established within Article XIV and the parking regulations established in Article XV. For each conditional use identified below, there shall be additional specific standards as required in the Section pertaining to that use.

<u>Conditional Use</u>	<u>District</u>	<u>Section</u>
Junk Yards	LI	16.08
Mobile Home Park	RB	16.09
Drive-In Theaters	HS	16.10
Gasoline Service Station	HS	16.11
Telecommunication Towers	AA, HS, LI	16.12
Extraction and Mining	LI	16.13
Campgrounds	OC	16.14
Planned Unit Resid.	RA, RB,	16.15
Planned Neigh. Shop.	HS	16.16
Planned Region Shop.	HS	16.17
Essential Services	(All Districts)	16.18
Agri-Business	AA	16.19
High Density Feed. Op.	AA	16.20
Home Occupations	RA, RB	16.21

**SECTION 16.08 Junk Yard**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with applicable State of Michigan Statutes.
- B. It is recognized by this Ordinance that the location in the open of such materials included in the Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall

located on said lot.

1. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE XII.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

#### SECTION 16.09 Mobile Home Park

An application to construct a mobile home park must adhere to the standards established by the State of Michigan Mobile Home Commission Rules. In addition to these standards, the applicant must meet the requirements of Section 12.07 for the creation of a greenbelt buffer. The applicant must also secure a site at least fifteen (15) acres in area.

#### SECTION 16.10 Drive-in Theaters and Temporary Transient Amusement Enterprises

In addition to and as an integral part of development, the following provisions shall apply:

- a. Drive-in theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction painted or otherwise finished neatly and inconspicuously.
- b. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. In addition, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE XII.
- c. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

#### SECTION 16.11 Gasoline Service Stations

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline

service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

A. Frontage and Area:

Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum of twelve thousand (12,000) square feet.

B. Setback:

Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty five (35) feet and a minimum setback from all property lines of twenty five (25) feet. A greenbelt area in accordance with the regulations specified in Section 12.07 may be required by the Township Board. No part of the setback or greenbelt area shall be used for the storage of dismantled vehicles or junk.

C. Construction Standards:

All vehicles service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used or vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
3. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repairs may be carried on outside of the building.
4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.

6. The minimum distance between curb cuts shall be no less than forty (40) feet.

D. Lighting:

All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.

**SECTION 16.12 Telecommunication Towers:** A telecommunication tower, or any other structure in excess of fifty (50) feet designed for supporting antennas, shall be subject to the following standards and specific condition for approval:

- A. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of the freestanding (monopole) or guy-wired (lattice) tower shall be setback at least two hundred (200) feet or three hundred percent (300%) of the tower height from any existing residence, whichever is greater. From any other streets, roads or public right-of-ways, the (fall zone) setback shall equal the height of the tower. Guy-wires must be setback seventy-five feet from any property line and must be located on the same parcel as the tower. For leased sites, there shall be a legally described parcel that accomplishes the same as for lots that are acquired.
- B. The tower base shall be enclosed by a security fence, consisting of a six foot (6') chain link fence topped with three strands of barb wire or an eight foot (8') chain link fence. A six foot (6') tall landscape screen shall be provided around the exterior perimeter of this fenced area. A description of the appearance and color of the tower shall be provided, with the intent to camouflage the tower to the extent possible.
- C. The separation distance between towers shall be no less than four (4) miles as measured from the tower base.
- D. Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Wheatland Township Zoning Board of Appeals. A copy of the relevant documents (including a signed copy of the lease, deed or land contract provisions) which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. In the event that the tower is not removed within the twelve-month period, the tower and associated facilities may be removed by Wheatland Township and the cost of the removal assessed against the real property. The Wheatland Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on the tower. The Township may also require a compliance or performance bond at the time of the application to cover the cost of removal of the tower.

- E. Antennas or towers may be located on property owned, leased or otherwise controlled by Wheatland Township provided a license or lease authorizing such antenna or tower has been approved by the Township.
- F. Any proposed tower shall be designed to accommodate (co-locate) both the applicant's equipment (antennas) and that of at least two other users.
- G. The applicant must document their investigation of all towers within Wheatland Township and within one-mile of the township boundary. They must show that every effort has been made to co-locate their antennas on any existing or proposed tower and provide information related to the implementation of their grid within the township and surrounding area.
- H. Any application for a telecommunication tower, or for co-location on an existing tower or structure, must first submit an application for a conditional use permit and include a site plan as required in Article 16. Upon planning commission and township board approval of both the conditional use permit and the site plan, the applicant may apply for a building permit. If the existing tower has an approved site plan, which identifies its co-location capacity, and provides a "pad" for construction of a maintenance building within the enclosed fenced area, co-location may occur through approval of a building permit application.
- I. Once constructed, the tower shall adhere to the requirements of the FAA in terms of lighting and any other federal or state regulatory agency. In no event shall the tower be used for signage of any kind or type.

#### SECTION 16.13 Extraction and Mining

Including extraction of sand, gravel, fill dirt, topsoil, gas and oil; provided that such activity shall be permitted as a conditional use only in the LI Light Industrial District and shall comply with the following provisions:

- A. Pits and quarries shall be completely enclosed by a fence four (4) or more feet in height for the safety of the general public. Said fence shall be placed no closer than ten (1) feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- B. No slope shall exceed an angle with the horizontal or more than thirty (30) degrees for the first 12 feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty five (45) degrees.
- C. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to

prevent excessive erosion.

- D. The Planning Commission, upon recommendation from the County Road Commission, shall establish routes of ingress and egress or truck movement in order to minimize the wear on public roads and to prevent hazards to traffic, all interior roadways shall be chemically treated to reduce dust.

#### SECTION 16.14 Specific Conditions & Requirements - Campgrounds

Requirement for license: Private and semi-private campgrounds for active and passive recreational uses may be constructed provided that such activities shall be permitted as a conditional use only in the OC-Open Space and Water Conservation district and shall comply with the following provisions and Act 363 of the Public Acts of 1978, as amended.

A. Development Standards

1. A campground shall not be located where it will be detrimental to public health, safety and welfare.
2. A campground shall not be located on top of an abandoned landfill which has been used within the past five (5) years for disposal of garbage and refuse.
3. Development of campgrounds require a construction permit.
4. Criteria required for the issuance of a construction permit shall include but not be limited to the following: (a) Health permit from the Hillsdale County Health Department: (b) A sketch drawn to scale showing the plot plan and general layout of facilities: (c) Where it is proposed to extend water and sewer lines to site or where the sewage disposal system includes a treatment process other than a septic tank with a soil absorption system, the plans for the sanitary facilities shall be prepared by an engineer registered in Michigan: (d) A plan for the proposed method of garbage and refuse storage and disposal must be submitted: (e) Upon receipt of their State of Michigan Campground License, the owner shall apply to the Township for the annual Township permit: (f) The organization owning or operating the camping and recreation areas shall be subject to revocation of license if restriction herein stated shall be violated.

B. Types of:

Campground facilities shall be one of 3 types of any combination thereof: Modern, Primitive and Temporary or Rally.

A Modern Campground means a tract of land where Recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet. Sewer connections are available at each site.

A Primitive Campground means a tract of land where recreational units are accommodated and water if furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.

A Temporary or Rally Campground means a tract of land where recreational units are accommodated on a temporary or short time bases, two (2) weeks maximum, and sewage is disposed of by means of a portable sanitary privy.

C. Site Use and Arrangement:

1. A site in a campground unless designated on an approved plan as a walk in site shall abut on a roadway and shall be of such size and so arranged as to provide for a recreational unit and shall have at least fifteen (15) feet of road frontage width and twelve hundred (1,200) square feet of area for each camping unit.
2. A road right-of-way shall be provided having a minimum width of twenty (20) feet. This right-of-way shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust free condition when the campground is in operation, in a Modern Campground the road surface shall be paved.

D. Uses Permitted

No building or structure, or part thereof shall be erected, altered and no land shall be used, except for the following:

1. Public and private park and recreational area, of at least twenty-five (25) acres in area, including a picnic area and/or picnic pavilion, softball and baseball diamonds: golf course (not lighted): driving range (not lighted): swimming, boating, and ice sports facilities: amusement and other outdoor recreational sports activities, not including games of chance: camping sites for tents: campers and travel trailers not exceeding forty five (45) feet in length. The proprietor of the parkland recreational facilities shall be deemed to have violated these provisions if any other person shall part any tent, camper, or travel trailer in violation hereof: both houses, lodges and other accessories or incidental local commercial

buildings as delineated on the approved site plan, or uses which are incidental to the above uses, but not including the sale of beer and wine or spirits, are permitted.

2. All modern camping sites for tents, campers, and travel trailers shall have a central water supply system with portable water under pressure piped to within three hundred (300) feet of each trailer, tent or camper site, and with fire hydrants available within one thousand (1,000) feet of each campsite. If a public water supply system is available within five hundred (500) feet of any portion of the land, then the water supply shall be connected thereto.
3. In a Modern Campsite, an enclosed toilet and sewage facility approved by the Michigan State and County Health Departments, with hot and cold running water available therein shall be provided for every trailer, tent or campsite, not further than five hundred (500) feet from every trailer site within the park. In public sewer shall be available within five hundred (500) feet of any portion of the land, the park system shall be connected thereto. No vehicle, tent, camper or travel trailer will be allowed within the park except on an approved campsite. The proprietor of any park shall not permit any person who is not properly parked and registered upon an approved campsite within the park to use any facilities of such park.
4. No trailer, tent, camper vehicle or building, other than a single family residence, will be placed, parked or erected within one hundred (100) feet of any property line of park or recreational facility.
5. All campfire areas, firepits, grills or fireplaces designed for cookouts or campfires shall be inspected by the local Fire Official and must meet all applicable safety standards. No fires, campfires, or cooking fires will be permitted except in these designated areas.
6. No games of chance or sale of alcoholic beverages shall be permitted anywhere upon the camping and recreational area.

#### SECTION 16.15 - Planned Unit Residential Developments

The owner or owners of any tract of land in the RA or RB district comprising an area of not less than five (5) acres may submit to the Township Planning Commission a site plan for the use and development of the tract as a Planned Unit Residential Development (PURD).

- A. Required standards for approval:

1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area.

The area of land set aside for common land, open space or recreation, except as above indicated, shall be included as a part of the net development area.

2. The proposed development will be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures, refuse disposal: or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the Township.
3. The proposed unit is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
4. The common open space, any other common properties, individual properties and all other elements of the planned unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces, and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
5. In view of the "conditional use" nature of the PURD amendment procedure, deed restrictions and covenants entered into or proposed to be contracted for,, by the developer become an appropriate consideration of the Township Planning Commission.

The Planning Commission shall consider the manner in which the lawful contractual techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon thee contractual relations between private parties, or may recommend procedures whereby the Township becomes a party to such contractual relations.

- B. Required provisions in site plan: The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and

density of residential units, accessory uses, thereto, and public facilities as may be necessary for the welfare of the Planned Unit Residential Development and not inconsistent with the best interest of the entire Township.

The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the PURD) as open space for common use. The development as authorized shall be subject to all conditions of this ordinance only to the extent specified in the authorization.

- C. Tentative Township Board Approval: The Township Board, upon the receipt of the Planning Commission's report on the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Board deems appropriate and in harmony with the general spirit of this ordinance to promote the public health, safety, morals, convenience and general welfare.

The applicant shall then review his application and plan in final approved form and sign a statement that the planned unit residential development plan in its final form shall be binding on the applicant, his heirs, successors, and assignees.

When the Township Board gives final approval, conditional use permit shall be issued for the PURD even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

#### SECTION 16.16 Planned Neighborhood Shopping Centers

Such centers shall be permitted as a conditional use in the HS District and shall comply with the following provisions:

- A. Uses Permitted: Any use permitted in the HS District
- B. Site Development:
  - 1. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.
  - 2. No building shall be located nearer to the neighborhood center than a distance equal to twice the height of said building.
  - 3. No building shall exceed the height limitation specified in the zoning district in which it is located.

- C. Screening: When such development is located in or adjacent to a Residential District or when located adjacent to a public institution or open space, a greenbelt shall be required in accordance with the regulations specified in SECTION 12.07.
- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Vehicular Approach: Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.
- F. Parking and Circulation: There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center. On site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and well drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

#### SECTION 16.17 Planned Community and Regional Shopping Centers

Such centers shall be permitted as a conditional use in the HS District only and shall comply with the following provisions:

- A. Uses Permitted: Any use permitted in the HS District, with the addition of the following:
  - 1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
  - 2. Recreational facilities incidental to the principal operation of the center and operation of the center and of the nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- B. Site Development:
  - 1. Such development shall occupy a site of not less than (10) acres with a minimum street frontage of one thousand (1000) feet.
  - 2. No building shall be located nearer to any property line of the center than

a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.

- C. Screening and transition: When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church or other public institution, or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry wall not exceeding six (6) feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Sign: All signs shall conform to the provisions of ARTICLE XIV with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.
- F. Vehicular Approach: Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways which are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Drive-ways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.
- G. Parking and Circulation.
  - 1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center.
  - 2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.

3. Automobile and truck service traffic shall be separate from one another to the fullest possible extent.
4. On-site circulation facilities shall be designed so that there shall be no backing of traffic into public streets.
5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well drained surface.
6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

#### SECTION 16.18 Essential Service Buildings

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function. Telecommunication towers shall not be considered essential services.

No building shall be used for residential purposes. An opaque fence or greenbelt may be required by the Township Board when deemed necessary.

#### SECTION 16.19 Agri Business

- A. Provided that such use be permitted as a conditional use only in the Agricultural District.
- B. An Agri-Business and buildings, structures, lots, parcels or parts thereof which provided services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An Agri-Business may include but is not limited to:
  1. Farm machinery, sales, service, rental and repair
  2. Grain elevators for storage, drying and sales
  3. Bulk feed and fertilizer outlets and distribution centers
  4. Seed dealership outlets and distribution centers
  5. Grain and livestock trucking and cartage facilities
  6. Auctions for livestock
  7. Dairy products production and processing operations

#### SECTION 16.20 High Density Animal Feeding Operation

The development of a high density animal feeding operation is subject to the following interpretation and conditions:

- A. Animals are confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period.
- B. The operation meets or exceeds the feeding and confinement of one-thousand (1,000) or more animal units defined as follows:
  - 1. One (1) beef or feeder cattle
  - 2. Seven-tenths (.7) dairy cattle, whether milked or dry cows.
  - 3. Two and five tenths (2.5) swine each weighing 55 pounds or more.
  - 4. Five-tenths (.5) horses.
  - 5. Ten (10.0) sheep, lamb or goats
  - 6. Fifty-five (55) turkeys
  - 7. One hundred (100) laying hens or broilers (if the facility has a continuous overflow watering system).
  - 8. Thirty (30) laying hens or broilers (if the facility has a liquid manure handling system).
  - 9. Five (5) ducks.
- C. The confinement and feeding of animals complies with Federal, State and local regulations, with any former violations by the owner or operator documented at the time of application.
- D. A sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained during the normal growing season over that portion of the lot or facility when the animals are housed or confined.
- E. Two or more contiguous animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.
- F. The operation must utilize accepted animal waste (manures, bedding, flush waters or other by-products) management practices which reduce pollutants to levels compatible with Federal, State and local regulations.

- G. An application for conditional use permit for high density animal feeding operations shall include in addition to a site plan the following information:
1. A description of the types and total number of animal units to be confined on the site.
  2. A detailed plan for the handling, storage, treatment, and disposal of animal waste; including the timetable for implementation of the plan and the location of any waste application.
  3. A detailed plan for controlling noise, dust, and odors; including a timetable for implementation of the plan.
  4. A description of the design, installation and operation of all facilities and equipment required to monitor groundwater, soil, or air contamination as required by Federal, State or local regulating agencies. In addition, copies of reports or results of tests shall be submitted to the Township upon receipt by the owner/operator.
- H. The operation shall meet setback and locational standards as follows:
1. All structures or confined lots designed to house or contain farm animals or animal waste shall be setback at least three hundred (300) feet from adjacent property lines or the road right-of-way.
  2. All structures or confined lots designed to house or contain farm animals or animal waste shall be setback at least seven hundred and fifty (750) feet from any residence, except that of the confined feeding operator; one thousand five hundred (1,500) feet from any church, business, school, recreational area, or any public building; and two thousand two hundred and fifty (2,250) feet from any low density residential zoning district.

#### SECTION 16.21 Home Occupations

- A. Home Occupations: Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
1. The non-residential use shall be only incidental to the primary residential use of the property.

2. The home occupation shall be limited to the principal structure only and utilize no more than forty (40) per cent of the total floor area.
3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
4. All activities shall be conducted indoors.
5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

#### SECTION 16.22 Wholesale Service Center

The following conditions shall apply for the granting of a conditional use permit for development of a wholesale service center:

- A. No assembly of products shall occur on the premises.
- B. The use shall be limited to distribution and redistribution of goods of a wholesale nature, with transportation of such goods along state highways and/or county primary roads.
- C. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.