

SECTION 18

300.1800 SPECIAL EXCEPTION USES

300.1801 Special exception uses.

A. In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the location of certain uses within the various zone classifications, which uses are designated in this ordinance as Special Exception Uses.

Such special exception uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, would cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such special exception uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed there for and imposed by said Commission would be compatible with the other uses expressly permitted within said district; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; would be compatible with adjacent uses of land; would be consistent with, and promote the intent and purpose of the ordinance; would be compatible with the natural environment; would be consistent with the capacities of public services and facilities affected by the proposed use; and that the standards required by the Commission for the allowance of such special exception use can and will, in its Judgment, be met at all times by the applicant.

300.1802 Special exception procedure.

B.

1. All applications for special exception use permits shall be filed with the Township and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a special exception use permit. The requirements for site plan review and approval shall be met once any required conditions have been imposed by the Planning Commission upon approval of the special exception use permit. The zoning administrator may withhold submission of the request to the Planning Commission if the application is substantially incomplete as to required information, unless the applicant provides written detail as to why such information requirements should be waived by the Planning Commission.
2. The Planning Commission shall review and decide all applications for approval of special exception uses and shall, on its own initiative, hold a public hearing after giving notice as required under Sections 103 and 502 of the Michigan Zoning Enabling Act (2006 PA 110, as it may hereafter be amended).
3. Following such hearing, said Commission shall either grant or deny a permit for such special exception use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified by said Commission in its decision and shall be filed with the zoning enforcement officer of the Township. If the application is denied, the applicant must wait at least one year for resubmission of the request unless such new application includes changes in proposed conditions.
4. The plot plan and specifications, and all conditions, limitations and requirements imposed by the Planning Commission shall be incorporated as a part of the special exception permit and violations of

any of these at any time will cause revocation of said permit and said special exception use shall cease to be a lawful use.

(Ord. No. 218, adopt. 7-11-2006; Ord. No. 239, § IV, 9-21-2010; Ord. No. 270 , adopt. 9-18-2018)

300.1803 List of uses with specific conditions.

C. The following uses have been established as Special Exception Uses. Where such use is a permitted use, it shall adhere to the conditions for such use without meeting the procedural requirements for review and approval:

	Special Exception Use	District
1.	Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations	AB, A-1, C, C-1, C12, D, D-1, RP
2.	Home Occupations	AB, A-1, A, A-2
3.	Greenhouses and Nurseries	A-1
4.	Planned Unit Development	R/OS, A-1, A, A-2, B-1, B-2
5.	Residential Accessory Buildings	AB, A-1, A, A-2
6.	Churches and Private Educational Facilities	R/OS
7.	Recreational Facilities	R/OS
8.	Kennels	AB, C-2, D
9.	Airport/Private Landing Strip	AB
10.	Roadside Stand	AB, A-1
11.	High Density Animal Feeding Operation	AB
12.	Veterinary Clinic/Animal Hospital	AB
13.	Hospitals/Medical Clinics	B-1
14.	Residential Care Facilities (See Definition)	B-1, C, C-1, C-2, D, D-1
14A.	Group child care home	AB, A-1, A, A-2
15.	Essential Services	B-2
16.	Commercial Warehouse/Mini-Storage Facility	B-1, C, C-1, C-2, D
17.	Boat Houses	C, C-1
18.	Hotels or Motels	C-1
19.	Gasoline Service Station	C-1, C-2, D
20.	Drive-In and Drive-Through Establishments	C-1
21.	Places of Amusement	C-2, D
22.	Contractor's Establishment/Lumber Yards	D

23.	Trucking Related Facilities	D-1
24.	Agricultural Processing	D-1
25.	Adult Entertainment Uses	E
26.	Agri-tainment	AB
27.	Restaurants	C
28.	New and Used Vehicle Sales and Service	C-1
29.	Open Air Display	C-2
30.	Two Family Dwellings	A-2
31.	Light Industrial Uses	D
32.	Parent/Grandparent Accessory Apartment	"R/OS", "AB", "A-1", "A", "A-2"
33.	Wind Energy Conversion Systems (WECS)	All Districts
34.	Bed and Breakfast Inn	A-1
35.	Brewery, Micro-Brewery, Brewpub, Wine Maker and Spirit Manufacturing and Sales	C-1, C-2, D, D-1 Districts
36.	Packaged Liquor Stores	C, C-1, C-2, D, D-1 Districts
37.	Solar Energy Systems:	
	a. Private solar energy system mounted to roof or building or utilized building integrated photovoltaics	All Districts
	b. Private ground-mounted accessory use or commercial solar energy systems	All Districts
	c. Commercial solar energy systems that are the principal use of the property	A-1, AB, D-1, E, RP
38.	Wedding Barns	A-1, AB
39.	Banquet Facility or Event Center	C, C-1, C-2, D, D-1

1. *Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations*, subject to the following:

Prior to approval by the Planning Commission of a special exception use for earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations, the Planning Commission shall be certain the following conditions and limitations shall be strictly complied with. These conditions and limitations are required because such operations can cause very serious consequences to the environment, to adjoining properties and to the community as a whole. The following conditions are in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations:

- a. *Location*

- i. All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress. Truck traffic routes to and from the operation should generally be designed so as to avoid residentially planned and zoned areas and prevent the breaking up of existing roads that are not "all-weather" roads. Specific routes of ingress and egress for all such truck traffic may be specified by the Planning Commission. Under no circumstances shall trucks use private drives or private access routes from applicant's property which are within three hundred (300) feet of any residence.
 - ii. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such business shall be permitted closer than 200 feet from interior boundary lines of property, unless such operation is being conducted on the adjoining property or the adjoining property owner consents in writing thereto and further providing that all setback provisions contained in this ordinance are complied with as applied to other properties. In addition, no such business shall be permitted closer than 400 feet of any properties used for residential purposes or within 400 feet of any residential district.
 - iii. No such business shall be permitted within 150 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. However, if the authority having jurisdiction over any particular road consents in writing to a reduced setback, then the Planning Commission may allow for such use within said setback area up to 50 feet of any road right-of-way line, if adequate screening and all other provisions of the ordinance including other setback regulations are complied with. Such businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
 - iv. The permanent processing plant and its accessory structures, or any temporary processing facilities, shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from residential districts, and shall, where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stock piling or loading and transportation equipment. No earth, gravel or other mineral material may be imported to the site for processing or storage.
 - v. No such businesses shall be located within 300 feet of the margin of any stream, wetland or waterway unless previously approved, in writing, by the state commission or department having jurisdiction thereof. No such operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that any sediment may be carried into any nearby water course.
- b. *Site Barriers and Fencing*
- i. Site barriers shall be provided around those portions of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - a.) Earth berms constructed to a height of 10 feet above the mean elevation in the center line of the adjacent public highway or 10 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass and trees or shrubs.
 - b.) Plantings of evergreen trees not more than 10 feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of

the property, which shall provide screening at the time of installation to an average height of six (6) feet and which shall grow to not less than 10 feet in height and be sufficiently spaced to provide effective site barriers for the duration of the mining operation. Trees which die must be replaced during the current planting season.

- c.) Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least 10 feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
 - ii. The 10 foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate sight barriers. In addition, the Planning Commission may allow for less than complete screening of the site in perimeter locations where such screening is determined to not be needed to mitigate the visual impact of the mining operation.
- c. *Abatement of Adverse Impacts/Environmental Impact Analysis*
 - i. The applicant shall provide information related to the identification and abatement of any adverse impacts created by the mining operation. Toward this end, an environmental impact analysis shall be submitted at the time of application that includes both base information on the site prior to such activity and the anticipated impact of such operations on the site, surrounding area and the community as a whole. Upon request, the Planning Commission may waive any informational requirement set forth below if the Planning Commission determines in its sole reasonable discretion that the nature of the proposed operation is such that the information is not needed to assure compliance with the standards for special exception use permit approval. The required studies, which shall be undertaken by professionals whose education, certification and experience are consistent with the credentials needed to conduct the studies and analyze the results, are as follows:
 - a.) **Hydrogeological Study:** This shall include a complete assessment of the potential impacts on any water resources both on-site and off-site. It shall identify the location in relation to watersheds and floodplain areas and identify natural site drainage and impact on wetlands within the area. It shall also identify the depth of groundwater and aquifers within the area of the operation and provide data on water quality for all such resources. Where the applicant proposes the development of a lake or where ponds or basins may exceed five (5) or more acres, such studies shall include the use of monitoring wells in order to estimate the impact on other surface water or ground water resources in the area. The studies shall also include the applicant's approach to spill containment (containment and spill response plans) from any vehicles and equipment utilizing or located on the site.
 - b.) **Topographic and Geological Analysis:** This shall include the existing contours and proposed contours consistent with site plan review standards under Article 18A. Earth changes proposed throughout the term of the operation shall be presented with estimates of the type, quantity and quality of the material to be extracted, including overburden. Soil borings shall be taken to a depth equal to the depth of the proposed extraction, with frequency of spacing sufficient to allow for reasonable interpretation and verification of such quantity and quality of the material. The Planning Commission may request that additional borings be taken where additional interpretation or verification is needed. Final contours shall be included within the required Reclamation Plan, but interim

earth change data will also be required as part of the annual review in order to evaluate the consistency of the activity with this initial analysis. This analysis shall include mitigation related to erosion, filling and potential sedimentation of any basins created by such activities.

- c.) Noise/Vibration Study: This shall include data on existing noise levels and sources of vibration in and around the site prior to any such operation and the anticipated impacts of such activity on any properties and roadways within the area of the operation. A complete listing of all proposed equipment to be utilized within the operation shall be submitted with information on the proposed location and noise/vibration impacts of the equipment. The Planning Commission may require that equipment, such as crushers, be located in an enclosed building to further reduce such noise and vibration impacts.
- d.) Traffic Impact Study: This shall include a complete analysis of the existing road system and the proposed truck haul routes for the operation. This shall include all state and local roads and the efforts made by the applicant to control use of such roadways that are not designated as part of the haul route. Information shall include traffic counts and level of service capabilities of the roadways to support such increased loads. Noise and vibration impacts related to such hauling shall also be included within the study.
- e.) Air Quality Analysis/Dust Control: This shall include a complete analysis of the impacts associated with particulate matter generated by the operation and the techniques utilized to mitigate such release.
- f.) Endangered Species Impact: This shall include a complete listing of all threatened and endangered wildlife (plants and animals) that may be impacted by the mining operation.
- g.) Economic Studies: This shall include economic studies related to impacts upon the adjoining properties and the community as a whole, including residential property valuation and the compatibility with, or negative impacts to, other land uses, including agriculture.
- h.) Other Studies: The Planning Commission may require the submission of additional studies or information as it determines, in its sole reasonable discretion, is needed to properly evaluate whether the proposed operation satisfies the standards for special exception use approval.

d. *Time Limits*

The Planning Commission may limit the days and hours of operation based upon specific characteristics of the site and the relationship to surrounding land use. The Planning Commission may also establish a termination date for the mining or excavating of any area due to its proximity or visibility from residential districts or property used for residential purposes. The applicant shall provide an estimated time duration for operating the mine and, as part of the annual review, provide an update to such estimate.

e. *Fencing*

Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible.

f. *Liability Insurance*

Unless otherwise provided for under stated insurance specifications imposed by the Planning Commission under special exception use approval, all applicants shall be required to carry both general liability and project specific personal injury and property damage insurance policies while any unreclaimed or unrehabilitated area exists, in the amount of not less than one million dollars for each person injured or property damaged and not less than three million dollars for injury or damage to more than one person or more than one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.

g. Reclamation of Mined Areas

- i. Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation rehabilitation shall be effected within two years after termination of mining or excavation activity. Inactivity for a 12 month consecutive period shall constitute, for this purpose, termination of mining activity, unless an extension is granted by the Planning Commission upon a showing of good cause and that the extension will not have a material adverse impact upon the surrounding area.
- ii. The following standards shall control reclamation rehabilitation:
 - a) All excavations shall be either to a water producing depth of not less than three feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-flammable and non-combustible solids.
 - b) Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - c) Surface that is not permanently submerged shall be graded and back-filled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - d) The banks of all excavations shall be sloped to the water line in a water producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three foot horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - e) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements shall be completed within two years of termination of mining or excavation operations. When used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.
 - f) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The Planning Commission may require the seeding and plantings to conform with the standards and specifications adopted by the Kalamazoo County Soil Conservation District and as may be amended hereafter.
 - g) Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under

the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.

- iii. Financial guarantee shall be furnished the Township insuring the proper rehabilitation reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre, proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this ordinance in the applicant's filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Zoning Administrator of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in the form of cash, certified check, or an irrevocable bank letter of credit, in a form acceptable to the Township.
- h. *Submission of Operational and Reclamation Plans*
 - i. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission, disclosing compliance with all of the provisions of the within ordinance or the manner of which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are on all-weather roads, additional roads, if any to be constructed and the location and nature of abutting improvements on adjoining property.
 - b) The number of acres and the location of the same proposed to be operated upon within the following 12 month period after commencement of operations. No more than 25 acres shall be cleared and actively mined at any one time. The area used for stockpiling and processing excavated material shall not be counted for purposes of this limitation. The Planning Commission shall have the ability to waive this acreage limitation upon a showing of good cause and that the waiver will not have a material adverse impact upon the surrounding area. The Planning Commission may consider the relationship of this acreage limitation to the volume (tonnage) of material represented in the monthly volume reports submitted to the Township.
 - c) Type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d) Location of the principal processing plant and the distance of any proposed excavation or mining and the boundaries of the site.
 - e) A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bona fide nature of the reclamation rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

i. *Hearing*

- i. After receiving an application for a permit for an earth removal, quarrying, gravel processing, mining or related mineral extraction business accompanied by the required plans and specifications and permit fee, the Planning Commission shall hold a public hearing upon such application in accordance with the applicable statutory requirements, except that notice by first-class mail required thereunder shall include all persons to whom real property is assessed within 1,000 feet of the subject property and the occupants of all structures within 1,000 feet of the subject property.
- ii. Following such hearing, said board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:
 - a) The most advantageous use of the land, resources and property.
 - b) The character of the area in question and its peculiar suitability, if any, for particular uses.
 - c) Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area
 - d) The protection and preservation of the general health, safety and welfare of the Township.
 - e) The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - f) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the adjoining residents and property owners, the neighborhood surrounding such areas and the community as a whole.

j. *Monitoring*

- i. The developer/operator shall submit to the Zoning Administrator monthly reports accurately setting forth the volume (i.e., tonnage) of extracted material hauled from the site. Each report shall be submitted within 30 days after the month to which it pertains.
- ii. The developer/operator shall submit ten copies of an annual report to the Zoning Administrator. The developer/operator shall include in the report a progress report on the location and number of acres mined in the past year and the location and number of acres reclaimed in the past year. The report shall also identify the location and number of acres projected to be mined and to be reclaimed in the following year. The developer/operator shall incorporate the totals from all monthly volume (tonnage) reports submitted to the Township Zoning Administrator. The developer/operator shall also include in its annual report copies of any reports required by any other review agency at the county, state or federal level. The Zoning Administrator shall forward copies of the annual report to the members of the Planning Commission, along with a listing of any complaints, violations or citations given to the developer/operator by the Zoning Administrator or any other Township official and a description of how each such incident was resolved.
- iii. The Zoning Administrator shall monitor the operation to assure compliance with the terms of this ordinance and any conditions imposed thereunder. The operator/developer shall allow the Zoning Administrator such access to the site as the Zoning Administrator reasonably determines is needed in order perform this monitoring function. The Zoning Administrator may refer to the Planning Commission any questions or disputes that arise

regarding interpretation of the terms of the special exception use approval granted by the Planning Commission

- iv. The operator/developer shall pay an annual review fee to defray all or a portion of the cost incurred by the Township in reviewing the annual report and in monitoring the operation. The annual review fee, and timeframe for collection and disbursement, shall be established by resolution of the Township Board.
 - k. *Existing Excavations and Mining Operations*
 - i. All commercial excavations, mining operations, gravel processing operations or quarrying operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations.
 - l. *Site Plan Review*
 - i. Planning Commission approval of the special exception use for a mining operation shall satisfy the site plan submission and approval requirements under Section 18A of this ordinance.
2. *Home Occupations: Any full or part-time occupation engaged in within a dwelling and/or residential accessory building(s) by the resident(s) of the premises, where such use is secondary and incidental to the primary residential use of the premises, subject to the following conditions and limitations:*
- a. Are only conducted on the premises by the person(s) occupying the premises as his/her/their principal residence a major portion of each month; provided, however, the Planning Commission shall have authority to permit one non-resident to work on the premises where the same would not materially impair the residential character of the neighborhood.
 - b. The premises shall have no exterior evidence, other than a permitted nameplate, to indicate that the same is being utilized for any non-residential purpose. Noise, smoke, odor, electrical disturbance or lighting from a home occupation shall not be discernable beyond the boundaries of the property on which the home occupation is conducted. Traffic generated by a home occupation shall be at a level consistent with the general residential character of the area.
 - c. No more than 25% of the floor area of the principal dwelling may be utilized for the home occupation.
 - d. An accessory building(s) may be used in whole or in part for a home occupation, subject to the following:
 - (i) The subject parcel is not less than 2 acres in size.
 - (ii) The accessory building is not less than 100 feet from the road right-of-way.
 - (iii) Parking for the home occupation shall be not less than 50 feet from the road right-of-way and shall be effectively screened from adjoining properties unless such properties are within a commercial or industrial zoning district.
 - (iv) Not more than 50% of the combined floor area of (1) the accessory building(s) used for the home occupation and (2) the dwelling may be devoted to the home occupation.
 - e. Any sales of products, if approved by the Planning Commission, shall be limited to those produced by the home occupation.
 - f. Any such home occupation may be subject to annual inspection by a duly authorized official of the Township. The home occupation special exception use permit may be revoked by order of the Planning Commission for non-compliance with the Zoning Ordinance and/or the terms and conditions of the home occupation special exception use permit. Any such revocation shall be preceded by not less than 7 days' notice by first-class mail to the occupant of the subject

property of the proposed revocation, the proposed reasons therefor, and the date, time and place of the hearing at which the Planning Commission will consider such revocation.

- g. The Planning Commission shall have authority to determine whether or not a proposed home occupation special exception use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety and general welfare of the neighborhood will not thereby be impaired.
 - h. An occupation that meets all of the criteria for a home occupation set forth above (except subsection "e"), that does not have a sign or nameplate, that is conducted entirely within the dwelling or attached garage and that does not involve any physical presence at the premises by customers or by business associates not residing in the dwelling shall be allowed as a permitted accessory use and shall not be deemed a home occupation requiring a special exception use permit.
3. *Greenhouses and nurseries and related structures and equipment.* The growing of nursery stock and storage of related equipment and supplies provided that retail or wholesale sales from the premises and other business is subject to the following conditions:
- a. No activities shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the activity is conducted.
 - b. Any such use shall be subject to annual inspection by the Zoning Inspector of the Township and may be terminated by order of such inspector whenever the same fails to comply with the Zoning Ordinance.
 - c. The Planning Commission shall have authority to determine whether or not a proposed use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and the health, safety and general welfare of the neighborhood will not thereby be impaired.
 - d. The location of retail sales shall adhere to the standards for a roadside stand.
4. *Planned Unit Development.*
- a. *Statement of Purpose.* It is the purpose of this section of the zoning ordinance to establish requirements which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township and surrounding area. A permit may be issued for construction and occupancy of a planned unit development subject to compliance with the standards, procedures and requirements set forth in this ordinance. In the case of a project conducted in phases, each phase established shall, when considered in conjunction with any previously established phases of the project, adhere to the minimum open space and maximum residential density restrictions in this section.
 - b. *Definitions.* For the purpose of this section, certain terms or words used herein shall be defined as follows:
 - i. *Density, Maximum Residential.* The maximum number of dwelling units that may occupy the parcel.

- ii. *Open Space.* Any unoccupied land or new unfenced water area which is not used for buildings or structures, is not a part of a lot or site condominium unit and does not include streets or roads or other impervious surface areas.
 - iii. *Screening.* A screened area of not less than 20 feet in width, measured inward from the property line and consisting of either a wall, fence or tree and shrub planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to not less than three feet.
- c. *General Requirements for Planned Unit Developments.* Any application for a special exception use permit must meet the following conditions to qualify for consideration as a planned unit development:
- i. *Minimum Area:* The minimum area required to qualify for a PUD Special Exception Use Permit shall be 20 contiguous acres of land.
 - ii. *Ownership:* The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included (the holder of a written option to purchase land or the holder of a recorded land contract shall, for purposes of such application, be deemed to be an owner of such land).
 - iii. *Utilities:* Connection to a public sanitary sewer system shall be required or private facilities may be approved provided they are coordinated with the authority or entity responsible for approving such facilities. Septic tanks and dry wells shall not be permitted unless used for developments having an overall density of one unit per acre or less. All electric and telephone transmission wires shall be placed underground.
 - iv. *Location:* Planned unit developments shall be allowed only where the applicant can demonstrate that the proposed character of development will meet the objectives of PUD.
 - v. *Approval:* Approval by the Township Planning Commission of a comparison plan (except for projects in the "B-1" or "B-2" zoning districts) and sketch plan during the initial review and a detailed site plan of all planned unit developments is required.
- d. *Permitted Uses.* No structure or part thereof, shall be erected, altered, or used and no land shall be used except for one or more of the following:
- i. Within the "R/OS" District, only single family dwellings shall be allowed as a secondary use to the primary recreational or open space use. The dwelling units may be located in a manner to meet the specific conditions within this district in terms of density and required open space.
 - ii. Within the "A-1" District, only single family detached dwellings shall be allowed. The dwelling units shall be on individual lots, whether through platting or land division or as a site condominium project with the site condominium unit defined as the lot.
 - iii. Within the "A" District, only single family or two-family dwelling units shall be allowed. The two-family units shall not exceed ten percent (10%) of the total number of dwelling units. Such two-family units shall not be placed within 300 feet of any single family dwelling on an adjacent parcel or within 300 feet of any "R/OS", "AB", or "A-1" zoning district.
 - iv. Within the "A-2" District, single family, two-family and multiple-family dwellings and office uses shall be allowed. The multiple-family residences shall not exceed ten percent of the total number of dwelling units. The office use shall not exceed ten percent of the development area. Such multiple-family or office use shall not be placed within 300 feet of any single family or two-family dwelling on an adjacent parcel or within 300 feet of any "R/OS", "AB", "A-1" or "A" zoning district.

- v. Within the "B-1" District, single family, two-family and multiple-family dwellings shall be allowed. In addition, other permitted uses may include office and/or retail, provided that the spatial relationship of the uses, with some separation or screening, is indicated on the site plan.
 - vi. Within the "B-2" District, single family, two-family and multiple-family residential dwellings shall be allowed. Mobile home parks shall not be permitted within the PUD in recognition of a separate regulatory scheme for such use under Michigan law and as reflected in Section 8 of this Ordinance. In addition, permitted uses within the "C" Office/Retail District, excluding funeral homes and veterinary clinics, may be included within the PUD. The intent will be for such non-residential use to be centrally located within the development area or contiguous to more intensive land use adjoining the PUD. Perimeter screening may be employed to achieve increased compatibility where in conflict with this provision.
 - vii. The Planning Commission may allow for a combination of special exception uses allowed within the district in which the PUD is proposed, provided each special exception use receives individual approval as outlined within said procedures.
- e. *Lot Area and Dimensional Requirements.*
- i. *PUD's in the "R/OS", "A-1", "A" and "A-2" Districts:* Within any PUD in these districts, the requirements set forth below shall apply in lieu of lot area and dimensional regulations set forth in the district in which the PUD is located.
 - (a) *Number of Dwelling Units Permitted:* The maximum number of dwelling units permitted within the project shall be determined by the submission of a comparison plan, providing for an accurate determination of the permitted number of lots, units or parcels that can be developed utilizing a traditional subdivision, site condominium or land division process, whichever is applicable. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
 - (b) *Lot Area Requirements:* The minimum lot area for single family or two-family dwellings shall not be reduced more than 20 percent below that required in the district in which the project, or portion of the project, is located. The lot area requirement for multiple-family dwellings shall not be reduced by more than 10 percent of that permitted in the district in which the project is located.
 - (c) *Setback and Yards:* (For internal development only. All perimeter development shall be subject to the required setbacks for the overall parcel by district).
 - (1) *Front Yards.* The minimum setback from a street line for a building or structure may be reduced to thirty (30) feet in planned unit developments.
 - (2) *Side and Rear Yards.* The minimum side yard requirements may be reduced to ten (10) feet and the minimum rear yard may be reduced to twenty (20) feet in planned unit developments.
 - (d) *Minimum Lot Frontage and Width:* The minimum lot frontage and width for any lot designated for single family or two-family dwelling use may be reduced 20 percent below the requirements of the district in which the PUD is located.
 - (e) *Height Regulations:* The maximum height regulations for buildings and structures located in planned unit developments shall be the same as the maximum allowed in the district in which the PUD is located.
 - (f) *Spacing Between Buildings:* The minimum requirements for adequate access between and around principal and accessory buildings shall be ten feet.

- (g) *Screening*: A screening area shall be provided along the perimeter of property on which multiple-family dwellings and/or commercial buildings are erected.
 - ii. *PUD's in the "B-1" and "B-2" Districts*: Within any PUD in these districts, the requirements set forth below shall apply in lieu of lot area and dimensional regulations set forth in the district in which the PUD is located.
 - (a) *Maximum Residential Density*: The maximum residential density shall be eight (8) dwelling units per acre in the "B-1" District and five (5) dwelling units per acre in the "B-2" District, with this calculated on the basis of the development area excluding the following: All proposed non-residential buildings, their accessory structures, and a land area sufficient to satisfy parking and setback requirements for such non-residential uses.
 - (b) The yard, setback, lot size, lot frontage, and lot width (but not building height) requirements for these districts are waived in order to allow the applicant and the Planning Commission maximum flexibility in achieving the purpose of a Planned Unit Development as set forth in the Statement of Purpose contained herein.
- f. *Open Space Requirements*.
 - i. *Amount of Open Space Required*: Within every PUD there shall be planned and set aside permanently as part of the total development an amount of open space as follows:
 - (a) *"R/OS", "A-1", "A" and "A-2" Districts*: Not less than (1) the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole or (2) 20 percent of the total parcel size of the PUD, whichever is greater.
 - (b) *"B-1" and "B-2" Districts*: Not less than 20 percent of the total parcel size of the PUD.

Before accepting the open space as meeting the requirements of this provision, the Township Planning Commission must find the land thus designated to be sufficient in size for practical uses and suitably located with adequate access. The Planning Commission must further find that sufficient evidence has been presented that adequate arrangements will be made for the maintenance of such designated land to relieve the Township of future maintenance.
 - ii. *Arrangement of Open Space*: All required open space within a planned unit development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street. The intent of the open space shall be to support the needs of residents within the PUD as well as coordinating such open space with linkages to other open space areas that may be utilized by the general public. Retention of an open space perimeter along the public road right-of-way is required in order to retain the general character of the area. All open space within a PUD shall be contiguous with the rest of the PUD.
- g. *Application Procedure and Approval Process*.
 - i. *General*: Whenever any planned unit development is proposed, before any building permit is granted, the developer shall apply for and secure approval of the Special Exception Use in accordance with the following procedures and obtain approval of a Detailed Site Plan from the Township Planning Commission.
 - ii. *Application for Sketch Plan Approval*:

- a) In order to allow the Township Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the Planning Commission. The sketch plan shall be drawn to scale and clearly show the following information;
 - i) Boundaries of the property.
 - ii) Location and height of all buildings.
 - iii) Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.
 - iv) Delineation of the various residential areas indicating for each such area its size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the residential density.
 - v) The interior open space system.
 - vi) The overall storm water drainage system
 - vii) If grades exceed 30 percent, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
 - viii) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal, or their alternatives.
 - ix) General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - x) A location map showing uses and ownership of abutting lands.
- b) In addition, the following documentation shall accompany the Sketch Plan.
 - i) Evidence that the proposal is compatible with the objectives of the community's Comprehensive Plan.
 - ii) General statement as to how common open space is to be owned and maintained.
 - iii) The Sketch Plan shall show the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
- c) The Township Planning Commission shall hold a public hearing or hearings on the application for a planned unit development in accordance with the provisions of Public Act 110 of 2006, as it may from time to time be amended". The notice requirements contained in this ordinance for special exception uses and as provided by Michigan law shall be followed for public hearings on a planned unit development.
- d) Following the public hearing, the Township Planning Commission shall, within 60 days, approve or disapprove the sketch plan and so notify the applicant of its decision. The decision shall state the conclusions and the basis therefor, and shall state any conditions required to be met by the applicant.

- e) Approval of Sketch Plan shall not constitute approval of the detailed site plan, rather it shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed site plan.
 - f) Request for changes in Sketch Plan. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Township Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire Sketch Plan, as amended, to the Township Planning Commission pursuant to the above procedures.
- iii. *Application for Detailed Site Plan Approval.*
- a) After receiving approval from the Township Planning Commission on a Sketch Plan, the applicant may prepare his Detailed Site Plan and submit it to the Township Planning Commission for approval. However, if more than six months has elapsed between the time of Sketch Plan approval, the Township Planning Commission may require a resubmission of the Sketch Plan for further review and possible revision.
 - b) The Detailed Site Plan shall conform to the Sketch Plan that has received approval. It should incorporate any revisions or other features that may have been recommended by the Township Planning Commission at the preliminary review. All such conditions or compliance shall be clearly indicated by the applicant on the plan or by attachment.
 - c) The Detailed Site Plan shall include the following information:
 - i) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities and easements within 300 feet of applicant's property .
 - ii) A topographic map showing contour intervals of four feet of elevation or less shall be provided.
 - iii) A site plan showing location, proposed use and height of all buildings, location of all parking areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and proposed development of screened areas; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
 - iv) A tracing overlay showing all soil types and their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
 - d) Required Standards for Approval. The Township Planning Commission review of the Detailed Site Plan shall include the following:
 - i) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
 - ii) Location, arrangement, appearance and sufficiency of off-street parking. Front yard setbacks of less than 40 feet and/or driveway spacing of less than 20 feet shall require greater review of overall parking within the development.

- iii) Location, arrangement, size and entrances of buildings, walkways and lighting.
- iv) Relationship of the various uses to one another.
- v) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.
- vi) In the case of multiple dwellings, the adequacy of usable open space for playgrounds and recreation.
- vii) Adequacy of water supply, storm water and sanitary waste disposal facilities.
- viii) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
- ix) Compliance with all regulations of the Richland Township Zoning Ordinance.

- iv. *Action on Detailed Site Plan:* The Township Planning Commission shall render its approval or disapproval and so notify the applicant and Building Inspector. The Planning Commission may require formal site plan review for individual elements of the overall PUD based upon the need for greater detail as part of this approval process. Upon approval, the Township may inspect the construction or progress on implementing the project consistent with the approved site plan and ordinance specifications.
- v. *Revocation:* In any case where construction on the Planned Unit Development has not commenced within one year from the date of approval, then the site plan permit shall be null and void.

5. *Residential Accessory Buildings.*

- a. All references to accessory buildings in this Section shall apply only to residential accessory buildings, including: private garages; carports; agriculturally used buildings on lots of five acres or less and boat houses.
- b. No accessory building may be used for human habitation.
- c. Accessory buildings permitted without a special exception use permit:
 - 1. The total combined floor space of the accessory building(s), both attached and detached, on a lot must not exceed the limits set forth in the following schedule:

Lot Size	Distance From Property Line	
	200' or less	More than 200'
1 acre or less	1632 sq. ft.	1632 sq. ft.
1.01 to 2.5 acres	1632 sq. ft.	2208 sq. ft.
2.51 to 4.99	2208 sq. ft.	Unlimited
5.00 acres or more	Unlimited	Unlimited

- 2. An accessory building which is structurally attached to the residence shall, unless expressly provided otherwise, be subject to all requirements of this Section. The attached accessory building shall be constructed of similar materials and appearance as the main building.

3. When an accessory building is not structurally attached to the residence it shall be located in the side or rear yard. A corner lot shall be considered for purposes of this Section as having two front yards. No special exception use approval is required for front yard accessory buildings on parcels greater than 2.5 acres when setback not less than 200 feet from the road right-of-way and not placed in front of the width of the dwelling.
 4. Accessory buildings shall not:
 - (a) Exceed a height of 20 [feet];
 - (b) Occupy more than 40 percent of the total side and rear yard;
 - (c) Exceed, in total floor area, the ground floor area of the residence on that lot. The "ground floor area of the residence" shall not be deemed to include the floor area of any attached accessory building. The ground floor area of the residence shall not be deemed to include the floor area of any attached accessory building and the total square footage of all attached and detached accessory buildings shall be counted in this calculation. This section does not apply to proposed accessory buildings that are both over 200 feet from the road right-of-way and on a lot of 2.5 acres or more.
 - (d) Be located in violation of the building setback requirements for the zoning district in which it is located; or
 - (e) Have a width greater than one-third of the width of the lot, or 24 feet, whichever is greater.
 5. Where two or more contiguous lots are under common ownership and are either wholly vacant or developed with one residence, all such lots shall be treated as one lot to determine the total combined floor area permitted.
- d. Accessory buildings permitted with a special exception use permit:
1. Any accessory building not meeting the size, height, maximum rear yard coverage, or location requirements set forth above, may be allowed as a special exception use, subject to the conditions in 4., 5., 6., and 7. below. If such request is connected to a request for variance for the principal residence, the complete application shall be decided by the Zoning Board of Appeals.
 2. A boat house may be allowed as a special exception use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements in 5., 6. and 7. that follow:
 - (a) Be located adjacent to a navigable body of water, with no minimum setback.
 - (b) Be used to store one or more boats and boating accessories.
 - (c) Be established in compliance with all applicable State and local laws.
 - (d) Complies with all size, height and location requirements set forth in this section, except as otherwise expressly approved by the Planning Commission.
 3. A vacant parcel accessory building may be allowed as a special exception use in the "R/OS", "AB", "A-1", "A", "A2", and "B-1" zoning district classifications, subject to the two conditions below as well as the requirements in 5., 6. and 7. that follow:
 - (a) A building permit application for the accessory building must be accompanied by a building permit application for the principal residence. Only temporary occupancy of the accessory building shall be given until final occupancy is provided for the residence.

NOTE: An application for the principal residence with a proposed detached accessory building may be approved by the Zoning Administrator where no temporary occupancy of the accessory building is requested).

- (b) The building shall comply with all size, height, and location requirements set forth in the site development requirements for the district in which it is located, except as otherwise expressly approved by the Planning Commission.
- 4. An accessory building shall not be located in violation of the building setback requirements for the zoning district in which it is located.
- 5. Proposed accessory building(s) shall not have a material adverse impact upon the owner and occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.
- 6. All applications requiring a special exception use permit hereunder shall be accompanied by seven copies of a diagram of the subject property, drawn to a selected scale, containing the following information:
 - (a) A NORTH arrow and a graphic scale be provided.
 - (b) All property lines shall be shown with their dimensions.
 - (c) Location and dimensions of all existing and proposed structures (including the height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent property within 50 feet of the subject property.
 - (d) Location of any septic tank/or drywell on the subject property.
- 7. An application for a special exception use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.
- 6. *Churches and Private Educational Facilities* subject to the following conditions:
 - a. Such facilities shall be setback no less than 50 feet from the property line and no less than 75 feet from any residence on an adjacent parcel.
 - b. Expansion of facility utilization beyond the prescribed use, other than incidental accessory uses, shall require rehearing on the application or request for an additional special exception if defined within the ordinance.
- 7. *Recreational Facilities* subject to the following conditions:
 - a. Such facilities, due to their unique nature, shall be approved provided the nature of the use does not create a potential for conflict that cannot be mitigated through noise abatement, screening and buffering, limitations on hours of operation, additional setbacks or separation distances.
 - b. Within the R/OS District, such facilities shall be located in areas allowing for the preservation of natural resources and maintenance of an open space perimeter around the site. Clubhouses or other facilities that may be utilized for meeting or gathering shall be supported by necessary parking facilities and centrally located. Promotion of such facilities for more commercial exposure shall not be permitted.
- 8. *Kennels* subject to the following conditions:
 - a. The application shall indicate the number and type of domesticated animals to be boarded, with private boarding for four or more dogs deemed a kennel.

- b. There shall be a 100 foot setback from any adjacent property line for any building or structure for housing the animals and for any pens or runs provided for their exercise.
 - c. All buildings shall be soundproofed and secured by fencing.
 - d. Landscaping (on the subject parcel) shall be provided on the outside of the perimeter fencing where such fencing is within 200 feet of an adjoining residence.
9. *Airport or Private Landing Strip* subject to the following conditions:
- a. The airport or landing strip shall be subject to the approval process of the FAA and any State or County certifications, licensing or regulations relating to the development (runway length, lighting, etc.) or operation (hours, noise levels, etc.)
 - b. The location of the runway (landing strip), hangars or any other storage buildings shall be setback 200 feet from any property line.
10. *Roadside Stand*: Such use shall exceed 30 days of sales per calendar year and include the construction of a building subject to the following conditions:
- a. The stand shall be located no closer than 50 feet to the road right-of-way.
 - b. The building or stand shall not exceed 500 square feet unless approved by the Planning Commission. For each 100 square foot increase in building size, the building setback shall be an additional five feet.
 - c. Off-street parking shall require one space for each 100 square feet of building area and arranged to avoid any backing onto the roadway. The minimum entrance/exit width shall be a combined 24 feet, or may be split into separate entrances and exits if identified.
 - d. One sign, not to exceed 18 square feet in area, shall be located no closer than 20 feet to the road right-of-way and shall not pose a traffic hazard based upon visibility or design. The seasonal hours of operation shall be indicated on the sign.
 - e. The use is limited to the sale of products produced on the land and sales and display of no more than 25 percent of the value of the retail products brought in from other sources. Outdoor display of products shall be limited to 20 feet from the road right-of-way.
 - f. The applicant shall be responsible for removal of outdoor display areas when not in season and maintenance of the property in a safe and healthful manner, including trash receptacles.
11. *High Density Animal Feeding (Intensive Livestock) Operations* subject to the following conditions:
- a. Reserved for future use.
 - b. Reserved for future use.
 - c. Reserved for future use.
 - d. Reserved for future use.
12. *Veterinary Clinic/Animal Hospital* subject to the following conditions:
- a. Such use shall be located along a paved county road and be accessible to the county primary system where feasible.
 - b. The facilities shall include outdoor runs or fenced areas directly attached to the facility. If the facility provides for boarding of animals, such pens or runs shall be setback 100 feet from the property line and 200 feet from any adjoining residence.
 - c. A sign, not exceeding 18 square feet in area shall be setback no less than 20 feet from the road right-of-way and include the days and hours of operation unless posted on the front entrance to the facility.

13. *Hospital/Medical Clinic* subject to the following conditions:
 - a. All buildings or structures shall be setback from any existing residence or residential zone a minimum distance of 200 feet.
 - b. Any entrance for emergency vehicles shall not be located on a residential street or pass through a residential neighborhood unless such access, in the judgement of the planning commission, cannot be otherwise situated.
14. *Residential Care Facilities* subject to the following conditions:
 - a. All such uses shall comply with state licensing requirements and meet the definitions established for such categories of use within Section 1 of this ordinance. The applicant shall indicate the number of persons to be cared for and the contact person for the facility.
- 14A. *Group Child Care Home* subject to the following conditions:
 - a. For group child care homes, the proposed home shall not be located closer than 1,500 feet to any other licensed group child care home, an adult foster care small group or large group home, nor any substance abuse facility providing services to 6 or more people, or a community correction center, resident home, halfway house or other facility provided treatment or incarceration under the jurisdiction of the Department of Corrections.
 - b. The Planning Commission shall consider the impact on the neighborhood and establish requirements for fencing where appropriate. The Planning Commission may also limit the operation of the group child care home between the hours of 10 p.m. and 6 a.m. Such uses shall also adhere to any sign and parking regulations for such use.
15. *Essential Services* subject to the following conditions:
 - a. The proposed use shall be consistent with those uses defined within Section 1 [300.100] of this Ordinance. In most instances, essential services shall be considered a permitted use. Within the Mobile Home Park District they are established as a special exception use based upon potential for conflict due to state approved regulations. Within this district, the Planning Commission may impose conditions that protect and preserve the primary residential use.
16. *Commercial warehouse and mini-storage facilities* subject to the following conditions:
 - a. All storage or warehousing must be done within an enclosed building unless outdoor storage has been approved by the Planning Commission and appropriate screening is identified on the site plan.
 - b. All areas utilized for parking and access shall be paved and provide lighting, with such illumination limited to the property. Fencing and other security measures shall be employed and no business of a retail nature shall be conducted at the storage facility.
17. *Boat Houses and Boat Storage facilities* subject to the following conditions:
 - a. The storage use shall be the primary use and any repair activities shall be secondary and incidental to the primary storage use. Repair activities may only be conducted within an enclosed building.
 - b. Such use shall not be considered accessory to a residential use and shall only be located within a commercial or industrial zone.
18. *Hotels and Motels* subject to the following conditions:
 - a. Such use shall be limited to no more than 16 rooming units per acre and each unit shall be no less than 200 square feet in area without cooking facilities and 300 square feet with such cooking facilities.

- b. The applicant shall adhere to the parking and sign requirements for such use in Section 19 [300.1900] and clearly define the location of such on the required site plan.
19. *Gasoline service station* subject to the following conditions:
- a. The applicant shall not locate any pumps or underground storage tanks within 50 feet of any private property line and no closer than 30 feet to any public right-of-way. This location shall be indicated on the required site plan.
 - b. Any repair activities shall be secondary and incidental to the primary gasoline service or convenience store operation. Such activities may also be conducted within an enclosed building and no more than two vehicles awaiting repair may be parked on the premises.
20. *Drive-in and drive-through establishments* subject to the following conditions:
- a. The applicant must meet the required parking standards for such use as well as identify access and drive-through lanes on the required site plan. The drive-through lane shall be no less than 100 feet in length in order to support at least five vehicles in line and the lane width shall be no less than 12 feet. This lane shall be clearly identified (marked) on the pavement.
 - b. Where such uses are adjacent to a residential use or residential zone, there shall be opaque screening of no less than six feet in height.
21. *Places of Amusement (including commercial recreation)* subject to the following conditions:
- a. Such uses shall include, but not be limited to, bowling alleys, billiard parlors, movie theaters and other indoor facilities, including domed driving ranges, video/arcade or outdoor facilities such as miniature golf. The wide variety of uses shall require the Planning Commission to determine the appropriate screening or buffering of such use from adjoining land use.
 - b. At a minimum, the use shall incorporate parking in the front of the facility in order to reduce conflict associated with turning movements due to peak demand periods. Access shall be clearly marked (enter/exit signs) and be separated depending upon the scope of the facility and the traffic counts along the roadway.
22. *Contractor's establishment/lumber yard or similar use* subject to the following conditions:
- a. Such uses shall include establishments that incorporate either retail or office facilities and outdoor storage of materials or equipment. Such use combines elements of commercial and industrial use and the Planning Commission shall determine appropriate screening or buffering of such use from adjoining land use.
 - b. At a minimum, the use shall not allow for outdoor storage in the front yard and the retail or office use shall include parking separate from the storage area and adjacent to the building where service is provided. Access and parking within the storage area shall be clearly defined and separated from material or equipment storage. The storage area shall be fenced and secured in order to provide security during non-hours of operation.
23. *Trucking related facilities* subject to the following conditions:
- a. The industrial nature of such facilities shall require the Planning Commission to determine appropriate screening and buffering of such use from adjoining land use.
 - b. Any areas defined for truck storage or parking shall be placed within the rear yard. Any repair or service activities shall be conducted within an enclosed building. Due to the size of the vehicles, additional drive width and access lanes shall be incorporated to minimize conflict from turning movements.
24. *Agricultural processing or light manufacturing operations* subject to the following conditions:

- a. The use shall be compatible with adjoining land use or shall be sufficiently screened and buffered to minimize potential conflict.

25. *Adult Entertainment uses* subject to the following conditions:

Purpose: Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of Township residents through the establishment of conditions by which such use may be approved. The intent is to minimize the negative impacts of such use, including potential blight and nuisance activity associated with such adult uses. It is not the intent of this ordinance to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.

District: Adult entertainment uses are special exception uses within the "E" Industrial District. Such use is deemed to be incompatible with uses permitted within the agricultural, residential and commercial districts and the site development regulations provide for increased set back and lot area to further reduce such incompatibility.

Definitions: Such uses defined are not intended to be an exclusive list of adult entertainment. Any such use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this subsection:

Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.

Adult book store, adult novelty store or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25 percent of the usable floor area and less than 25 percent of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment".

Adult cabaret, nightclub, theater or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of "Specified Anatomical Areas" or describe "Specified Sexual Activities".

Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas". Such facilities shall clearly advertise the availability of such adult entertainment.

Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude as defined as having attire which reveals "Specified Anatomical Areas".

Specified Anatomical Areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

Conditions: In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:

1. All such facilities shall meet any State licensing requirements, fire regulations or other state or local requirements for operation.
2. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
3. The entrance to such facilities shall be clearly posted "For Adults Only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.
4. Signage shall adhere to the Township sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as "Specified Sexual Activities" or Specified Anatomical Areas" or any language considered slang providing for the same description.
5. A site plan shall be submitted which meets the Township's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
6. The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools or other public buildings.
7. The site for such adult entertainment use shall not be located within 500 feet of any residence or from a residential zoning district.
8. The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this ordinance.
9. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.

Exempt Uses: Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

26. *Agri-tainment* subject to the following conditions:

- a. The use shall be based on the products produced on the parcel with the educational or entertainment element linked to such products or production.
- b. The commercial aspect of the business may include retail sales of products or by-products, educational presentations related to history of the product or planting or processing methods, entertainment or amusement or similar linkages related to the following uses or crops on a seasonal basis as follows:
 1. Orchards (Apples or other fruit).
 2. Corn (maze).
 3. Pumpkin (patch).
- c. Facilities established for the support of the activity shall be subject to site plan review and approval. Parking calculations shall be based upon the collective uses undertaken on site, the seasonal nature of the operation and/or the projected attendance for the amusement activities.

27. *Restaurants* subject to the following conditions:

- a. The approval shall be based upon an established listing of hours of operation, type of approved liquor license (if any) and maximum number of patrons that can be served from the premises.

28. *New and Used Vehicle Sales and Service*, with such use including farm machinery, manufactured or mobile homes, or similar vehicle or equipment sales and service subject to the following conditions:
 - a. The application shall list the number and location of vehicles for sale and the anticipated number of employees required for that percentage of the business.
 - b. The application shall list the number of service stalls and the location of vehicles awaiting repair and the anticipated number of employees required for that percentage of the business.
 - c. The required site plan shall indicate the layout and design of such facilities, indicating the display areas, the required parking for employees and the location for service activities. The display areas shall be setback at least 50 feet from the road right-of-way.
29. *Open Air Display* shall be considered a special exception use whether it be the primary use or secondary to the principal permitted or special exception use, subject to the following conditions:
 - a. The display area shall be clearly indicated on the approved site plan and the type of materials or equipment displayed shall be specifically listed on the application.
 - b. Open air display areas shall be paved or have a gravel surface, as specified by the Planning Commission. The Planning Commission shall have authority to waive this requirement if the Planning Commission determines, in its sole reasonable discretion, that because of the nature of the outdoor display, the nature of the site upon which it is located and/or the nature of the surrounding area, the waiver will not have a material adverse impact on the ability of the open air display area(s) to satisfy the applicable standards for special exception use approval and/or site plan approval set forth in this ordinance.
 - c. The materials or equipment shall be displayed in an area that meets the yard setback regulations for buildings within the district in which it is located. The Planning Commission may require screening along any property line where such display area would negatively impact such adjoining property.
 - d. No additional signs may be utilized for advertising unless incorporated into the approved sign permit with the location indicated on the approved site plan.
 - e. There shall be no use of tarps, tents or any other type of covering or structure unless such use has been approved as part of this special exception use and is within the required building envelope established by the yard setback requirements.
 - f. Not less than a twenty (20) foot deep landscape strip shall be developed and maintained adjoining any public road right-of-way, unless specifically waived by the Planning Commission.
 - g. The proposed display area shall not eliminate any of the parking spaces for the approved use unless the applicant has surplus parking beyond that required or provides a revised site plan showing where the additional parking spaces shall be located. The Planning Commission may waive required parking standards where such use is limited to temporary or seasonal display.
 - h. The Planning Commission may limit the duration and/or the days and hours of operation based upon the nature of the open air display and the impact upon the surrounding area.
30. *Two Family Dwellings* subject to the following conditions:
 - A. The minimum lot area and minimum lot width shall adhere to the site development regulations for such use within the "A-2" zoning district.
 - B. Where such two-family dwelling is abutting a single family dwelling in the same zone, the side yard setback shall be no less than 20 feet. Where such two-family dwelling is abutting a single family dwelling in a higher zoning district, the side yard setback shall be no less than 30 feet.
 - C. The Planning Commission may impose landscape or screening requirements where such buffer is needed beyond the required side yard setbacks.

31. *Light Industrial Uses* may be permitted within the "D" Regional Commercial District subject to the following conditions:
 - a. There shall be an existing facility on the site that either has been used for industrial purposes in the past or is of such square footage or design where industrial utilization is clearly more marketable than a permitted commercial use within the zoning district.
 - b. The lot area shall be a minimum of five acres.
 - c. No more than five residential dwellings shall be within 500 feet of the existing building or any building expansion area of the site.
 - d. Such use shall front directly onto an existing state highway (M-89 or M-43).
 - e. The industrial utilization of the site shall not be detrimental to existing commercial uses or the development of new commercial uses located on any land zoned for commercial use.
32. *Parent/Grandparent Accessory Apartment (PGAA)*, subject to the following conditions:
 1. The PGAA may only be occupied by a parent or grandparent of an occupant of the principal dwelling and/or the spouse or widow/widower of such parent or grandparent.
 2. The PGAA shall be physically attached to the principal dwelling.
 3. The PGAA and the principal dwelling shall be internally accessible to one another.
 4. Other than a separate entrance/exit, there shall be no external evidence of the existence of the PGAA.
 5. No more than two persons may reside in the PGAA.
 6. An application for a special exception use permit for a PGAA shall include a written statement from the applicant setting forth the measures that will be taken by the applicant to reintegrate the PGAA into the principal dwelling as one combined dwelling unit (e.g. removal of kitchen facilities, removal of door(s) separating the PGAA and the principal dwelling) once the PGAA ceases to be occupied in the manner set forth in condition "1" above. Failure of an applicant and/or his/her successor in interest to act in accordance with this statement (or to take alternative measures approved by the Planning Commission) shall be a violation of this Ordinance.
 7. The PGAA shall not have a material adverse impact upon the owners and/or occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions to assure compliance with this standard.
 8. The PGAA shall be subject to annual inspection by the Richland Township Zoning Administrator or other official designated by the Richland Township Board to assure continued compliance with this Ordinance.
 9. Prior to any special exception use permit approval hereunder taking effect, the applicant shall file with the Planning Commission an affidavit that:
 - a. Is in a form recordable with the Kalamazoo County Register of Deeds and approved by the Planning Commission;
 - b. Contains a legal description of the lot or parcel on which the PGAA is located;
 - c. Gives notice that the PGAA may only be utilized in accordance with the terms of the Richland Township Zoning Ordinance and the special exception use permit granted for the PGAA, which terms run with the land and are binding upon any successor owners of the land;

- d. Contains a statement acknowledging that the affidavit may be recorded by Richland Township with the Register of Deeds of Kalamazoo County, Michigan; and
- e. Contains the notarized signatures of all of the owners of the subject land.

33. *Wind Energy Conversion Systems (WECS)*

- a. *Purpose:* The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.
- b. *Definition:* Wind energy conversion systems: A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.
- c. *Special exception use:* Due to the concerns related to health, safety and welfare, such systems shall be regulated as special exception uses within all zoning districts. Any "small turbine, on site" system not exceeding 50 feet in height shall be exempt from these special exception use requirements. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:
 - 1) In addition to the requirements for site plan review, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within five hundred (500) feet of the WECS.
 - 2) Each special exception use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; Detailed instructions for operation and maintenance of the WECS on site; A copy of all warnings and/or documents provided by the manufacturer of the WECS; Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters). In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator. The following information shall also be included with the application: The name, address, and telephone number of the owner of the tower/subsystem; Manufacturer's name and address; Model number; Emergency and normal shutdown procedures; The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator.

Following installation, the Name of installer; Name of person responsible for maintenance; Emergency telephone number in force for the installer and the person responsible for maintenance shall be attached to the base of the tower.
 - 3) *Electromagnetic Interference:* The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Commission Rules.
 - 4) *Noise:* The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the

WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

- d. *Site development:* The following site development requirements shall apply:
- 1) *Lot Area/Setbacks:* No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one (1) acre in area and no "large turbine/utility grid" WECS shall be erected on any parcel less than twenty (20) acres in area. The tower(s) shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to above-ground utility lines and/or property lines than 150% of the height of the tower as defined in [2] below. For roof-mounted systems, the minimum setback from any property line shall be no less than 110% of the combined height of the roof location and system, including any blades.
 - 2) *Height:* The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be forty (40) feet for parcels of one (1) to less than five (5) acres, eighty (80) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and twenty (120) feet for parcels of ten (10) acres or more. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be three hundred (300) feet. The Planning Commission may waive this height requirement where this would not negatively impact adjoining properties. *Ground Clearance:* For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the blade clearance above ground level is not less than 20 feet.
 - 3) *Accessibility:* Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
 - 4) *Connection to power grid:* In the case of a WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto.
 - 5) *Vibration:* Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
 - 6) *Additional studies:* The applicant may offer and submit, or the Planning Commission may require that the applicant submit, studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, studies may be required to address avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues related to the compatibility of the proposed use in the requested location.
- e. *Plan for WECS Removal:* The applicant shall submit with its application a plan that indicates the design life of the WECS, the estimated cost for the removal of the WECS and the manner in which the WECS shall be removed and the site reclaimed once the WECS is no longer in operation. The owner of the WECS shall within 120 days after the WECS ceases to be in operation either (1) remove the WECS in accordance with the removal plan submitted hereunder or (2) repair or replace the deficient WECS component(s) and resume operation of the WECS. All replacement components shall conform in all material respects to the components they replace, (e.g., height, setback, noise, vibration, shadow flicker, wildlife impact, other impacts on the surrounding area) or receive amended special exception use permit approval from the Planning Commission. The Planning Commission shall have authority, if it deems it necessary to assure satisfaction of the general standards for special exception use permit approval, to require the applicant to file and maintain with the Township a financial guaranty in an adequate amount to cover the cost of the proper removal of the WECS. The financial guaranty shall be in the form of cash, certified check or an irrevocable bank letter of credit in a form acceptable to the Township and shall give the Township the right, but not the obligation, to use such funds to cause the removal of the WECS if the owner fails to do so within the time frame prescribed herein.

34. *Bed and Breakfast Inn, subject to the following conditions:*
1. The Inn shall include only the kitchen facilities serving the primary residence and no such facilities shall be provided for in the guest sleeping rooms. The use of any accessory buildings for purposes of large gatherings shall either use such kitchen facilities serving the residence or shall be catered from outside sources.
 2. No more than six (6) separate guest sleeping rooms are permitted to be utilized for compensation. No conference rooms, gift shops or similar retail use shall be permitted unless specifically approved by the Planning Commission. The use of any accessory buildings for purposes of large gatherings or events may be permitted subject to Planning Commission approval.
 3. There shall be parking provided based upon two (2) spaces for the primary residence and not less than one (1) additional space for each guest sleeping room. Such parking area shall not be located in the front yard unless setback not less than 100 feet from the road right-of-way. Approval of accessory buildings for large gatherings or events shall be subject to temporary or seasonal parking equivalent to one space for every four (4) persons attending such event.
 4. No more than one (1) non-resident employee is permitted with the exception of temporary workers during special events.
35. *Brewery, Micro-Brewery, Brewpub, Wine Maker or Spirit Manufacturing and Sales, C-1, C-2, D, D-1 Districts, subject to the following conditions:*
1. Such use may not be located within 500 feet of a church or school, unless such entity does not file an objection with the Liquor Control Commission.
 2. Such use shall be subject to State licensing requirements and provide the Township with a copy of their license and notify the Township of any changes in its licensing status.
36. *Reserved.*
37. *Solar Energy Systems.*
- (A.) A private solar energy system shall be a permitted use in all districts if roof or building mounted or utilizing building integrated photovoltaics, subject to the following:
1. The location of the system on the roof or building does not exceed height or setback requirements for the zoning district in which it is located. In no instance shall the panels on the roof extend more than five feet from the roof surface.
 2. For wall-mounted, the panels shall not be located on the front of the building nor extend beyond the eave, either in height or depth.
 3. The Building Official/Zoning Administrator may require that the applicant provide certification and specifications related to the structural integrity of the roof or building to support such installation.
 4. All systems shall be installed, maintained and used in accordance with the manufacturer's instructions. The installation shall be subject to compliance with the Township's construction code, electrical code and other township, county, state and federal regulations.
- (B.) All other systems, being either private ground-mounted or commercial systems, shall be subject to the above (A. 1-4) and the following conditions as part of the review and approval of the special exception use:
1. The installation of a ground-mounted system shall require the submission of a site plan complying with the provisions under Section 18.A. of this zoning ordinance.

2. The installation of the system shall generally be neutral in color and substantially non-reflective of light. A system shall not be installed or located so that sunlight or glare is reflected onto neighboring properties or abutting roads.
 3. The maximum height of a ground-mounted system shall not exceed 15 feet in height and the base of the system shall be screened by no less than a 6-foot opaque fence or landscape screening that achieves the 6-foot height at the time of planting. The Planning Commission, in their sole reasonable discretion, may waive this requirement where such screening is deemed unnecessary.
 4. The installation of the system shall be limited to the side or rear yard and private systems shall be setback twice (2x) the required setback for the zoning district in which they are located.
 5. Commercial systems that are the principal use of the property shall be required to have a minimum of 20 acres and the front-yard setback shall be not less than 100 feet from any abutting property line and the road right-of-way. They shall only be permitted within the "A-1", "AB", "D-1", "E" or "RP" zoning districts.
 6. Commercial systems that are accessory to the principal use shall be setback not less than 50-feet from any abutting property line and be located in the side or rear yard.
 7. A system shall be considered abandoned if not in operation for more than one year and shall be removed by the owner/operator within 6 months of the date of abandonment. The Planning Commission may impose a condition that a financial guarantee (cash bond, irrevocable letter of credit or a performance bond) be provided within 15 days of approval to secure removal of the system. The applicant's engineer shall provide a breakdown of costs associated with such removal and the Township may impose a 150% amount of that estimate to ensure security for such removal.
 8. The Planning Commission, in its sole reasonable discretion, may require the submission of any additional information, including acceptance by the electric utility via letter related to interconnection or a signed power purchase agreement.
38. *Wedding Barns (special exception use in the "A-1" and "AB" Districts) subject to the following:* (1) The minimum lot area shall be 10 acres in the "A-1" District; (2) The use shall be limited to hours not to exceed 11:00 p.m. and comply with the Township's noise ordinance provisions; (3) Any food and drink shall be subject to County Health Department and State Liquor Control regulation; (4) Required parking shall be paved or other hard surface (gravel), with this subject to waiver by the Planning Commission if less than 12 events are held per year.

(Ord. No. 179, adopt. 7-2-2002; Ord. No. 185, adopt. 11-12-2002; Ord. No. 188, adopt. 2-12-2003; Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 202, adopt. 8-10-2004; Ord. No. 216, adopt. 4-11-2006; Ord. No. 218, adopt. 7-11-2006; Ord. No. 220, adopt. 1-2-2007; Ord. No. 227, adopt. 2-5-2008; Ord. No. 235, §§ III, IV, adopt. 3-3-2009; Ord. No. 238, §§ IV—VI, 5-18-2010; Ord. No. 243, §§ I, II, 7-19-2011; Ord. No. 244, § II, 10-18-2011; Ord. No. 246, § XV, 1-17-2012; Ord. No. 252, adopt. 11-20-2012; Ord. No. 263, § 1A—E, 3-15-2016; Ord. No. 264, § 7A—C, 8-16-2016; Ord. No. 266, adopt. 6-20-2017; Ord. No. 270, adopt. 9-18-2018; Ord. No. 274, § 1, adopt. 3-19-2019; Ord. No. 276, §§ 2—7, 15, adopt. 7-16-2019; Ord. No. 279, § 4, adopt. 1-21-2020)