

CHAPTER 14 SPECIAL LAND USES

SECTION 14.01 INTENT AND PURPOSE

- A. This Chapter is intended to address the functions and characteristics of an increasing number of new land uses, combined with conclusive experience regarding some of the older, familiar uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the township. Rather than assigning all uses to special, individual, and limited zoning districts, it is important to provide control and reasonable flexibility in requirements for certain uses that will allow practical latitude for the applicant, but will maintain adequate provision for the security of health, safety, convenience, and general welfare of the township's inhabitants.
- B. In order to accomplish this dual objective of flexibility with adequate protections, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location and design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C. There are special land uses that may be necessary or desirable to allow in certain districts but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Grass Lake Charter Township. Land and structure uses possessing these particularly unique characteristics are designated as special land uses and may be authorized by the issuance of a Special Land Use Permit which contains conditions and safeguards necessary for the protection of the public welfare.
- D. The following sections, together with previous references in other Chapters of this Ordinance designate those uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all special land uses indicated.

SECTION 14.02 APPLICABILITY

The provisions of this Chapter shall apply to all conditional land uses approved under previous Zoning Ordinances.

SECTION 14.03 AUTHORITY TO GRANT PERMITS

The Planning Commission shall have the authority to deny, approve, or approve with conditions, requests for special land uses. The decision on a special land use shall be incorporated in a statement of conclusions for the use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

SECTION 14.04 APPLICATION AND REVIEW PROCEDURES

- A. Application for any special land use shall be made to the Planning Commission through the Zoning Administrator. Applications shall be submitted in a sufficient time prior to Planning Commission consideration to permit the required public notices to be completed, mailed, and published, as determined by the Zoning Administrator. Incomplete or partial applications shall not be accepted.
- B. An application shall consist of the following, at a minimum:
1. Completed application form, available from the Township offices.
 2. Preliminary or final site plan, submitted in compliance with the requirements of Chapter 15.
 3. Application fee, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.
 4. Legal description of the property under consideration.
- C. Any expansion or alteration of an existing special land use beyond that approved by the Township shall be considered a new special land use and subject to the review and approval of the Planning Commission in accordance with all procedures and standards set forth herein. See also the provisions of Section 3.21.E related to existing uses.
- D. The Planning Commission shall hold a public hearing upon any application for special land use, notice of which shall be given in accordance with the requirements of Chapter 19 Section 19.06.01.

SECTION 14.05 APPROVAL OF SPECIAL LAND USE PERMIT

- A. Upon review of the application and site plan in accordance with the requirements of Section 14.04, and following the required public hearing, the Planning Commission shall approve, approve with conditions, or deny the special land use permit.
- B. A special land use permit shall not be issued for the uses specified in this Section unless complying with the General Review Standards of Section 14.06 and the Specific Standards of Section 14.07. The Planning Commission may impose additional conditions and safeguards when deemed necessary, in accordance with the requirements of Section 14.05.D.
- C. Site Plan Approval
1. A preliminary site plan may be considered by the Planning Commission and special land use approval granted by the Planning Commission on the basis of the preliminary site plan. However, a Special Land Use Permit shall not be issued until the final site plan has been submitted and approved by the Planning Commission in accordance with the provisions of Chapter 15.

2. Upon approval of the Special Land Use Permit, a copy of the approved final site plan shall be forwarded to the Clerk, Zoning Administrator, and Planning Commission along with full documentation regarding the findings of the review.

D. Imposition of Conditions

1. As part of an approval of a special land use, the Planning Commission may require reasonable conditions necessary to accomplish the following:
 - a. Ensure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity.
 - b. Protect the natural environment and conserve natural resources and energy.
 - c. Ensure compatibility with adjacent land uses.
 - d. Promote the use of land in a socially and economically desirable manner.
2. Conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the holder of the Special Land Use Permit.

E. Voiding of Special Land Use Permit

1. Any Special Land Use Permit granted under this Ordinance shall become null and void unless construction and/or use is commenced and is proceeding toward completion within one (1) year (365 days) following the date of approval.
2. A violation of a requirement, condition or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to consider termination of the Special Land Use Permit.
3. Prior to termination of a Special Land Use Permit, the Planning Commission shall hold a public hearing, in accordance with the requirements related to special land uses in this Chapter.

SECTION 14.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

- A. The Planning Commission shall review the proposed special land use application and preliminary or final site plan in terms of the following general standards, and shall find and record adequate data, information and evidence showing that the use on the proposed site, lot or parcel meets or does not meet these standards. The proposed special land use shall:

1. Be harmonious with and in accordance with the Purposes of this Ordinance.
2. Be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for those services.
4. Not be hazardous or disturbing to existing or future neighboring uses.
5. Not create excessive additional requirements for public facilities and services at the public's cost.
6. Satisfy the Special Land Use Specific Requirements under Section 14.07.

SECTION 14.07 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards of Section 14.06 are basic to all special land uses. The specific and detailed requirements set forth in this Section relate to particular uses and are requirements that must be met by those uses in addition to the foregoing general standards and requirements.

- A. Adult Uses.
- B. Asphalt and concrete mixing plants.
- C. Automobile and vehicle sales.
- D. Automobile repair (major and minor).
- E. Automobile repair (minor).
- F. Automobile service stations.
- G. Automobile washes.
- H. Bed and breakfast establishments.
- I. Building material sales.
- J. Cemeteries, private.
- K. Churches.
- L. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- M. Commercial kennels.
- N. Country clubs, golf courses, riding stables, gun clubs, private athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use.
- O. Day care center.
- P. Farm machinery sales.
- Q. Group day care homes.
- R. Home Based Business.

- S. Hospitals.
- T. Hotels and/or motels.
- U. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses.
- V. Intensive livestock operations.
- W. Manufacturing, processing or packaging of plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products.
- X. Metal fabrication.
- Y. Movie theaters or assembly halls.
- Z. Nursing and convalescent homes, and housing for the elderly.
- AA. Open-air businesses.
- BB. Open Space Preservation Developments.
- CC. Private airports.
- DD. Private athletic grounds and parks.
- EE. Private, elementary, middle, and high schools, and colleges.
- FF. Private campgrounds
- GG. Recycling centers.
- HH. Mining and Extraction Operations. (Amendment 2-9-2021)
- II. Restaurants with drive-through services.
- JJ. Roadside stands for sale of produce grown on the premises.
- KK. Self-service storage facility.
- LL. Skilled trade and general construction contractors' offices, warehouses and yards.
- MM. Solid waste transfer stations and/or solid waste processing facilities.
- NN. State licensed residential group care facilities.
- OO. Taverns.
- PP. Tool and die, job, machine, and skilled trade shops.
- QQ. Trucking terminals.
- RR. Veterinary clinics.
- SS. *Agricultural Business
*(Amendment 6-12-2018)
- TT. Large Solar Energy Systems (Amendment 12-11-2018)
- UU. Medium Solar Energy Systems (Amendment 12-11-2018)

A. Adult Uses

1. Intent and Findings
 - a. In the development and execution of this Section, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. These uses are referred to in this Section as "adult uses."
 - b. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move from

- or avoid the township, increase crime and contribute a blighting effect on the surrounding area.
- c. This subsection describes the uses regulated and the specific standards needed to ensure that the secondary adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts. These deleterious secondary effects of the uses regulated have been recognized and documented in other communities in the form of studies and reports reviewed and considered by the Township.
 - d. It is the purpose of this subsection to regulate adult uses to promote the health, safety, morals and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of adult uses within the township. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this subsection to condone or legitimize the distribution of obscene material.
2. No person shall operate or maintain or cause to be operated or maintained an adult use within five hundred (500) feet of:
- a. A church, synagogue, mosque, temple or other building used primarily for religious worship and related religious activities.
 - b. A public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, public or private elementary or high schools, vocational schools, continuation education schools, special education schools, junior colleges and universities. For purposes of this subsection, the term "school" shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - c. Family day care homes or group day care homes.
 - d. An entertainment use which has as its principal use children or family entertainment.
 - e. A lot devoted to a residential use.
 - f. Any other adult use.
 - g. A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, wilderness area or other similar public land within the township which is under the control, operation or management of the Township.
 - h. The zoning district boundary of a Residential District.

3. Distance Measurements
 - a. For purposes of the uses listed in subsections 2, a - f of this subsection, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult use to the nearest point of the lot occupied by any of the uses so listed in subsections 2, a - f of this subsection.
 - b. For purposes of subsections 2, g - h, of this subsection, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult use to the nearest point of the property line occupied by the public park or other recreational areas listed or the zoning district boundary of the Residential District.
4. No building, premises, structure or other facility that contains any adult use shall contain any other kind of adult use.
5. Adult uses shall comply with all sign requirements under this Ordinance. Where inconsistencies exist between the provisions of this subsection and the sign requirements in this Ordinance, the provisions of this subsection shall control.
6. No advertisement, display of product or entertainment on the premises, signs or other exhibits which depict, describe or relate to specified sexual activities and/or specified anatomical areas shall be displayed in window areas or any other area where they can be viewed by pedestrians and motorists on any street, sidewalk or other public place.
7. No person shall reside in, or permit any person to reside in, the premises of an adult use.
8. No person operating an adult use shall permit any person under the age of eighteen (18) to be on the premises of the business either as an employee or customer.
9. No person shall become the lessee or sublessee of any property for the purpose of using the property for an adult use without the express written permission of the owner of the property for such use and appropriate approvals from the Township.
10. The building and site, including building openings, entries, exits and windows, shall be designed, constructed and maintained so that material, entertainment and/or performances which depict, describe or relate to specified sexual activities and/or specified anatomical areas cannot be observed by pedestrians and motorists on any street, sidewalk or public right-of-way, or from an adjacent land use.
11. The adult use shall satisfy all landscaping, traffic, and access management requirements of this Ordinance. The site shall include a diagram that shows all land uses and zoning districts as described in subsection 3 of this subsection which are located within five hundred (500) feet of the proposed adult use. The diagram shall be drawn to a scale of not greater than one (1) inch equals twenty (20) feet.

12. Change of Use by Lessee: No lessee or sublessee of any property shall convert that property from any other use to an adult use without the express written permission of the owner of the property for such use and the appropriate approvals from the Township.
13. Expansion
 - a. Adult uses shall not be enlarged, increased or expanded in any manner without first applying for and receiving the approval of the Planning Commission as provided in this subsection.
 - b. Further, if a use subject to the control of this subsection is discontinued or abandoned, the use may not be reestablished without applying for and receiving the approval of the Planning Commission as provided in this Section.
 - c. For purposes of this subsection, enlarging, increasing or expanding an adult use shall mean an increase in floor areas occupied by the establishment or business by more than twenty five percent (25%) as the floor areas exist on the date the special land use permit is granted.

B. Asphalt and Concrete Mixing Plants.

1. Minimum lot area shall be two (2) acres.
2. No parking shall be allowed in the front thirty-five (35) feet of the front yard. This area shall be landscaped.
3. The first ten (10) feet of the rear yard setback area shall be landscaped and not used for parking, loading, or other activities.

C. Automobile and Vehicle Sales.

D. Automobile Repair (Major and Minor).

E. Automobile Repair (Minor).

1. The requirements described in this subsection apply to all of the automobile related uses noted as Section 14.07, C, D, and E.
2. All activity related to vehicle repair shall be conducted entirely within an enclosed building and shall be located not less than one hundred (100) feet from any residentially zoned property.
3. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than thirty (30) days, unless enclosed within an area which is completely screened from view by a solid fence of at least eight (8) feet in height. In no case shall storage be permitted in front of the front building line.
4. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.

F. Automobile Service Stations

1. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and arranged so that motor vehicles shall not be supplied with gasoline or serviced while waiting in, parked upon, or overhanging any public sidewalk, street or right-of-way.
2. All activities related to vehicle service and repair equipment shall be conducted within an entirely enclosed building.
3. Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in the front yard or in any required rear or side yard.
4. Vehicle sales shall not be permitted on the premises of any automobile service station.

G. Automobile Washes

1. All activities related to vehicle washing shall be entirely enclosed within a building.
2. Auto vacuum stations shall be located at least fifty (50) feet from any Residential District or use property line.
3. Sufficient stacking area shall be provided to ensure that vehicles are not waiting on any adjacent public or private street to enter the site.

H. Bed and Breakfast Establishments

1. Each establishment must be occupied and operated by its owner as a primary residence.
2. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
3. No bed and breakfast sleeping room shall be permitted that does not comply with the construction code adopted by the Township.
4. There shall be no separate cooking facilities used for the bed and breakfast use apart from that of the principal resident owner/operator.
5. Bedrooms shall be a minimum of one hundred twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
6. The stay of bed and breakfast occupants shall be no more than thirty (30) consecutive days and not more than sixty (60) days in any one (1) calendar year.
7. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
8. Every bed and breakfast bedroom shall contain a functioning smoke detector. An approved fire extinguisher shall be located on each floor on which such sleeping room is located.
9. One (1) identification sign shall be permitted subject to any approval by the Zoning Administrator, as permitted by Section 17.10.
10. One (1) off street parking space shall be provided within the interior side or rear

area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this subsection and protect the public health and safety.

I. Building Material Sales

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be one hundred and fifty (150) feet.
3. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
4. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
5. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities

J. Cemeteries, Private

1. The cemetery shall be designed to provide principal access directly to a County Primary Road or State highway.
2. The minimum lot area shall be ten (10) acres.
3. No mausoleum, crematory, or chapel shall be erected within fifty (50) feet of the lot or parcel boundary on which the cemetery is located.
4. The perimeter of the site shall be fenced.

K. Churches

1. The minimum lot area shall be three (3) acres.
2. The minimum lot width shall be three hundred (300) feet.
3. All front, side and rear yard setbacks shall be a minimum of fifty (50) feet, unless the District in which the property is located requires a greater setback. Parking shall be permitted within the setbacks if otherwise permitted by the District in which the church is located.

L. Commercial Greenhouses and Nurseries, When Operated Primarily as Wholesaling Operations and Limited Retail Sales

1. Minimum lot width shall be two hundred (200) feet.
2. The Planning Commission may require a six (6) foot tall or greater fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. All such businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The lot area used for parking for customers shall be gravel or other similar surface, unless the Planning Commission requires a paved asphalt or concrete surface. The display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District, provided that no display area shall be located within ten (10) feet of a street right-of-way line.
6. All loading activities and parking areas shall be provided on the same premises (off-street).
7. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

M. Commercial Kennels

1. Kennels shall require a minimum lot size of two (2) acres and a minimum lot width of two-hundred (200) feet.
2. Any building or fenced area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line, and one hundred-fifty (150) feet from any residential dwelling located off the premises.
3. The kennel shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
4. The following minimum setbacks shall be maintained for any buildings housing animals or other activities related to the kennel:
 - a. Front yard setback - sixty (60) feet.
 - b. Side yard setback - thirty (30) feet.
 - c. Rear yard setback - fifty (50) feet.

N. Country Clubs, Golf Courses, Riding Stables, Gun Clubs, Private Athletic Grounds and Parks, and Other Similar Uses, Including Related Uses, such as Snack Bars, Small Retail Shops Selling Goods Directly Related to the Primary Use

1. The minimum lot area required for a commercial stable shall be ten (10) acres. Six (6) horses shall be permitted on the first ten (10) acres. Thereafter, one (1) additional horse shall be permitted for each full one (1) acre in excess of the first ten (10) acres. All other uses shall have a minimum lot area of two (2) acres and a minimum lot width of two-hundred (200) feet.
2. Animals shall be confined in a suitable fenced area.
3. The following minimum setbacks shall be maintained for any buildings housing animals or other activities related to the principal use:
 - a. Front yard setback - sixty (60) feet.
 - b. Side yard setback - thirty (30) feet.
 - c. Rear yard setback - fifty (50) feet.
 - d. In no case shall any structure be located any closer than two hundred (200) feet from adjacent residentially zoned or used property.

4. Adequate setbacks, fencing and/or buffering shall be provided to prevent golf balls from landing on adjacent property.
5. All outdoor storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened from view either by a wall or fence at least six (6) feet in height or landscaped in accordance with this Ordinance.
6. The minimum site area for a golf course shall be sixty (60) acres for a nine (9) hole course and one hundred twenty (120) acres for an eighteen (18) hole course. The minimum site area for a par-3 course may be reduced by fifty percent (50%).
7. The location of structures such as the clubhouse and accessory buildings and their operations shall be reviewed by the Planning Commission to ensure minimum disruption of the adjacent properties and that as much distance as is practical is provided between golf course structures and activities and abutting residential properties.

O. Day Care Center

1. A separate drop-off and pick-up area shall be provided and located so as to not create congestion on the site or within a public street.
2. There shall be an outdoor play area that is at least three thousand (3,000) square feet. The play area shall not be located within a required front setback. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height but no higher than six (6) feet.
3. Appropriate licenses with the State of Michigan shall be maintained on file with the Township.

P. Farm Machinery Sales

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

Q. Group Day Care Home

1. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
2. The hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period with a limitation on activity between the hours of 10:00 p.m. and 6:00 am.

3. There shall be an outdoor play area, not located within a required front yard setback, and enclosed by a fence at least four (4) feet in height but no higher than six (6) feet designed to discourage climbing.
4. The home shall be located at least one thousand five hundred (1,500) feet away from other group day care homes, adult foster care group homes, substance abuse treatment centers servicing seven (7) or more people or community correction centers, resident homes and halfway houses for inmates under the jurisdiction of the Department of Corrections.
5. Adequate off-street parking for employees shall be provided.
6. Appropriate licenses with the State of Michigan shall be maintained on file with the Township.

R. Home-Based Business

1. No person other than the resident occupants and one (1) employee who need not be a resident shall be engaged on the premises as part of the operation of the home based business, except that home-based businesses operated on a lot greater than one (1) acre in lot area may be allowed up to three (3) employees who need not be residents to be engaged in the home-based business. This does not preclude the use of additional employees who may be employed by the home-based business but who work in other locations off the premises.
2. The use of the dwelling unit for the home-based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home-based business shall be operated in its entirety on the same premises as the principal dwelling. Accessory buildings meeting the requirements of District in which it is located may be used.
3. The area of the main building dedicated to the operation of the home-based business shall not exceed a floor area equal to twenty percent (20%) of the total floor area of the dwelling unit.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home-based business other than that permitted by this subsection and further that one (1) sign shall be permitted, not exceeding six (6) square feet in area, non-illuminated, and set back at least one-half (1/2) of the setback required for the main building, and be not greater than four (4) feet high.
5. Any traffic generated by such home-based business shall not be so great or occur at such a time so as to cause serious adverse effects within or upon the surrounding neighborhood.
6. No equipment or process shall be used on the premises of the home-based business, which, in the opinion of the Planning Commission may create excessive noise, vibration, glare, fumes, odors, or electrical interference.
7. Parking or storage of vehicles or other equipment related to the home-based business shall not be permitted in any required yard setback. In addition, parking or storage shall be set back a minimum of forty (40) feet from any side yard. The permitted parking or storage area shall be screened from adjoining premises and adjacent streets by landscaping or screening meeting the requirements of this subsection. Any outside parking or storage shall occupy no more than ten

- percent (10%) of the total lot area, to a maximum of two-thousand five hundred (2,500) square feet.
8. Only those goods or products that are clearly incidental to the home-based business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of merchandise shall be displayed on the premises in such a manner as to be visible outside the dwelling.
 9. Home-based businesses existing at the time of the adoption of this amendment shall be permitted to continue but shall be subject to the nonconforming use requirements of Section 3.21, C. Home-based businesses existing at the time of the adoption of this amendment may not be extended to occupy more land without receiving the approval of the Planning Commission in compliance with this Chapter.

S. Hospitals

1. Hospitals shall be developed only on sites consisting of at least ten (10) acres in area or one thousand five hundred (1,500) square feet per bed, whichever is greater.
2. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.
3. The minimum distances between any hospital structure or accessory use and any adjacent Residential District or use property line shall be at least one hundred (100) feet.

T. Hotels and Motels

1. Each unit shall contain not less than two hundred fifty (250) square feet of GFA.
2. Cooking and/or kitchen facilities may be provided upon demonstration by the applicant that all applicable Fire Prevention and Building Codes have been met.
3. The stay of occupants shall be no more than thirty (30) consecutive days and not more than sixty (60) days in any one (1) calendar year.
4. Every room shall have a functioning smoke detector. An approved fire extinguisher shall be located on each floor where resident units are located.

U. Indoor and Outdoor Commercial Recreation Including Bowling, Miniature Golf Course, Outdoor Skating Rinks and Similar Uses

1. The site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.

2. There shall be at least one hundred (100) feet between any main building or outdoor activity area and any adjacent Residential District or use property line.

V. Intensive Livestock Operations

1. All structures and confined lots designed to house or contain livestock or animal waste shall be set back at least two hundred fifty (250) feet from the property line that abuts any County Road or State highway, and five hundred (500) feet from other abutting property lines.
2. All structures and confined lots designed to house or contain livestock or animal waste must be set back seven hundred fifty (750) feet from any existing residences except for that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or private) or public building; and two thousand (2,000) feet from any recorded residential plat, multiple family or site condominium development.
3. The need for the preparation of an environmental impact statement (EIS) and/or a hydrological study shall be determined by the regulating State agency. The Zoning Administrator shall be notified in writing should these requirements be waived by the regulating agencies and the reasons for the waiver. A copy of any hydrological study shall be provided to the Zoning Administrator.
4. The design and construction of all equipment, facilities and structures to be used for disposal of animal waste, shall be approved by and meet the current requirements and standards of the Jackson County Soil and Water Conservation District, and applicable County, State and Federal agencies. Evidence that these requirements have been met and approvals obtained shall be provided to the Zoning Administrator prior to the start of operation of the waste disposal equipment, facilities and structures.
5. The design, installation and operation of all facilities and equipment required to monitor ground water, soil and air contamination, including monitoring and test wells, shall meet the current requirement specified by the applicable County, State and Federal agencies.
6. Proven methods shall be used to minimize odor, smoke, flumes, dust, insects or rodents, generated as a result of the operation.
7. A copy of all reports and results of ground water, soils and/or air quality tests required by the regulating state or federal agency's monitoring program shall be provided to the Zoning Administrator. This requirement shall also apply to intensive animal feeding operations existing at the time of this Ordinance.

W. Manufacturing, Processing or Packaging of Plastic Products such as Laminate, Pipe, Plumbing Products, and Miscellaneous Molded or Extruded Products.

1. To be determined.

X. Metal Fabrication

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten(10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

Y. Movie Theaters or Assembly Halls

1. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adversely affect adjacent properties.
2. The Planning Commission may require a traffic study to determine the most efficient and safest means of providing ingress and egress from the site, and circulation within the site.

Z. Nursing and Convalescent Homes, and Housing for the Elderly.

1. The use shall be served by public sewer and water or a private water and waste -water treatment system approved by the Jackson County Health Department.
2. A separate drop-off and pick-up area shall be provided and located so as to not create congestion on the site or within a public roadway.
3. There shall be an outdoor activity area that is at least three thousand (3,000) square feet. The area shall not be located within a required front setback. All outdoor areas shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
4. Appropriate licenses with the State of Michigan shall be maintained on file with the Township.

AA. Open-Air Businesses

1. Minimum lot width shall be two hundred (200) feet.
2. The Planning Commission may require a six (6) foot or greater fence or wall to be constructed along the rear and/or sides of the lot or areas of activity to keep trash, paper, and other debris from blowing off the premises. The fence or wall shall be tall enough to screen the view of the contents of the storage area.
3. All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The Planning Commission may require the owner to furnish a performance guarantee in accordance with Section *19.08 of this Ordinance to ensure strict compliance with any regulation contained herein and required as a condition of special land use approval.

5. The lot area used for parking *and the display or storage areas are subject to approval by the Planning Commission in the Site Plan approval process, shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. In the case of a plant materials nursery*or firewood sales establishment:
 - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District. * Heavy machinery and other processing equipment operation shall be reviewed with emphasis on the impact on existing sensitive noise receptors on adjacent properties. A minimum distance of 300 feet shall be provided between processing equipment operations and the locations of identified existing noise receptors.
 - b. All loading activities and parking areas shall be provided on the same premises (off-street).
 - c. The storage of any *firewood, soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
 - d. No display area shall be located within ten (10) feet of a road right-of-way line.
- *7. In the case of firewood sales establishments firewood tree processing and storage may be allowed on site subject to the approval of the Planning Commission as a Special Land Use as regulated by Chapter 14. The Planning Commission will consider and require additional conditions related to the proposed use, including, but not limited to, the following:
 - a. Time of operation including daily, weekday/weekend and seasonal periods.
 - b. Operations in accordance with Grass Lake Charter Township Police Power Noise Ordinance dated October 11, 2005.
 - c. Location of proposed areas of operation on the property.
 - d. Temporary and seasonal storage of processing equipment including, but not limited to offsite visual impacts from adjacent and proximate properties.
 - e. Other uses necessary or appropriate to limit the property's impact on neighboring properties or the District as a whole.

***Amendment June 2017**

BB. Open Space Preservation Developments

1. Intent. It is the intent of this subsection to promote the goals of the Grass Lake Charter Township Master Plan to permit the development of single-family dwellings in patterns that will:
 - a. Protect rural character and productive agricultural lands.
 - b. Minimize demand for public service.
 - c. Encourage a more creative approach to single family residential development than conventional land division and allow greater flexibility in the placement of units.

-
- d. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, water bodies, and other natural assets.
 - e. Reduce the number of driveways accessing County primary and local roads.
 - f. Encourage the provision of open space.
2. The open space preservation developments shall be located on a minimum of ten (10) contiguous acres.
 3. Criteria: In the review of a proposed development under this subsection, the Planning Commission shall make the following findings:
 - a. That the intent of the open space preservation option, as set forth in this Section is met;
 - b. The parcel contains natural assets that would be preserved through the use of open space development. These assets may include natural stands of large trees; land which serves as a natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; major topographic conditions which make development under normal zoning impractical; or other natural assets that would be preserved; or the parcel contains productive agricultural lands which would be preserved through the use of an open space development;
 - c. Due to the size and shape of the parcel, utilization of the open space preservation option would result in the more creative and efficient use of the property and would not create a negative effect upon surrounding properties.
 4. Site Design Requirements: All open space preservation developments shall conform to the following site design requirements.
 - a. Only single family detached dwelling units are permitted within the development.
 - b. The number of dwelling units permitted under the open space preservation option shall not exceed the number of dwelling units if the site were developed with a parallel plan, using a conventional layout under the existing zoning that would otherwise be approved by the Township and which meets all applicable ordinances and laws.
 - c. The parallel plan shall meet the following minimum requirements:
 - i. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the practical feasibility of the parallel plan.
 - ii. All lots or buildings shown on the parallel plans shall be located on

buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), stormwater detention/retention, and required driveways, streets, or other means of permitted access.

- iii. Rights-of-way or easements designated for road purposes or land that is under water (lakes, streams, water courses, and other similar bodies of water), and other unbuildable areas shall not be included within buildable areas or lot area calculations. Wetlands or other natural features may be included in lots, provided that sufficient lot area exists to permit an adequate building site meeting the requirements of the district.

d. Density Bonus

- i. A density bonus may be allowed in the discretion of the Planning Commission, provided the density shall not exceed permissible density by fifty percent (50%). In consideration of allowing a density bonus, the Planning Commission shall determine that the following criteria are met:
 - (a) Where open space development is used to preserve agricultural lands, the increase in density shall not result in the removal of more agricultural land than if the bonus were not granted.
 - (b) The proposed density shall not result in an unreasonable increase in the need for or burden upon public services.
- ii. An open space preservation development may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space (see g, below)	55% open space	10%
	60% open space	20%
	65% open space	30%
Community or Public Sanitary Sewer Service		30%
Community or Public Water Service		20%
Community or Public - Sanitary Sewer & Water Service		50%

- e. Common Access. No lot or parcel shall have direct driveway access to County designated primary or local roads. All lots or parcels shall have frontage on and direct access to a newly constructed public or private

road meeting one (1) of the following conditions:

- i. A public street which has been accepted for dedication by the Jackson County Road Commission;
- ii. A permanent and unobstructed private street approved and built in accordance with the Grass Lake Charter Township standards for private streets.

f. Setbacks: Minimum setback requirements shall be established in a manner which permits variation in the placement of individual dwelling units in order to encourage creativity in design and compatibility with natural features. The following minimum setback and lot requirements for each dwelling unit shall be applied:

Minimum Lot and Yard Requirements		
Yards	Front	30 ft.
	Side	10 ft.
	Rear	25 ft.
Lots	Width	80 ft.
	Area	15,000 sq. ft.

g. Open Space: When completed, the development shall have a minimum of fifty percent (50%) of area devoted to open space for the use and enjoyment of residents of the development or the public, as applicable, subject to the following standards:

- i. Designated open space shall remain either in its natural state and/or used for specifically designed recreational purposes.
- ii. Designated open space may include area within the development setback as required by subsection h, below.
- iii. Designated open space shall not include: rights-of-way or easements designated for road purposes; areas within lots; or, land which is under water (lakes, streams, water courses, and other similar bodies of water).
- iv. The reservation of open space areas under this subsection shall be conditioned upon recordation of appropriate conservation easements or other instruments for the purpose of providing for long term maintenance and preservation of common areas, open space areas, wooded areas and/or other areas with natural resources or features to be preserved on the property. Any easement and/or other instrumentation shall be in a form and contain the content approved by the Township attorney.
- v. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire development may utilize the available open space.

- vi. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
- h. Development Setback
 - i. Any lot on which a principal use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the development.
 - ii. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
 - iii. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the Intent of the Open Space Preservation Development.
 - iv. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
 - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
 - (b) Have a depth of unoccupied land of at least fifty (50) feet.
 - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - (d) Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
 - v. Sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
- i. Transition from Adjacent Parcels: To provide an orderly transition of density when an open space development abuts a Residential District of equal or lower density, the Township may require open space along the common boundaries; screening in accordance with the requirements of this Ordinance, and/or an area or row of lots generally equal or nearly

equal in size and character with neighboring residential lots.

CC. Private Airports

1. The area proposed shall be sufficient to meet the applicable Michigan Aeronautics Commission and Federal Aeronautics Administration's (FAA) requirements for the class of airport proposed.
2. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport that would fall within the approach zone to any of the proposed runways or landing strips of the airport.
3. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA or any other applicable authority. Satisfactory evidence of air rights or easements acquired from owners of abutting properties in the approach zones shall be submitted with the application.
4. Any building, hangers, or other structures shall be at least one hundred (100) feet from any street or lot line.
5. The site plan submitted for review and approval shall, in addition to the site plan information required by Chapter 15, include the proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangers, buildings and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than five hundred (500) feet distance from the boundary lines of the airport.

DD. Private Athletic Grounds and Parks

1. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.
2. The minimum distances between any main building or outdoor activity area and any adjacent Residential District or use property line shall be at least one hundred (100) feet.

EE. Private Elementary, Middle, and High Schools, and Colleges

1. Except as noted in 2, below, all schools shall conform to the minimum yard requirements for the District in which it is located.
2. The minimum distances between any main building or outdoor activity area and any adjacent Residential District or use property line shall be at least one hundred (100) feet.

FF. Private Campgrounds

1. The minimum lot area shall be twenty (20) acres.
2. A minimum one hundred (100) foot perimeter buffer shall be provided and maintained in its natural state between any campsite, cabin, bathroom, picnic shelter or storage building and adjacent Residential District or use property lines.
3. Where the natural vegetation or land contours are insufficient to buffer the campground from the adjacent Residential Districts or uses, the Planning Commission may require additional setback landscaping and/or berming.
4. Manufactured homes shall not be permitted to be located within a campground, except one (1) manufactured home may be permitted as a caretaker's residence.
5. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements governing these uses in the State of Michigan.

GG. Recycling Center

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

HH. "Mining and Extraction Operations"

1. **Purpose:** The Township recognizes that sand, gravel, and other valuable natural resources within the Township have beneficial uses when extracted from the earth. The Township further understands that mining and extraction operations have the potential to impose very serious consequences, as the term is used in Section 205 of the Michigan Zoning Enabling Act, on township residents and visitors if not appropriately regulated. This section regulates mining and extraction operations to promote utilization of these resources in a manner that is compatible with surrounding land uses and to prevent very serious consequences related to impacts on property values, pedestrian and traffic safety, the environment, other land uses, and other identifiable health, safety, and welfare interests. See Section 205 of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3201 *et seq.*, as amended.

2. Permitting

- a. Permit Required. It is unlawful to conduct a mining and extraction operation without obtaining a special land use permit and meeting all requirements of the Township Zoning Ordinance.

- b. Length of Permit. A mining and extraction operation special land use permit shall be issued for five (5) years. The Planning Commission must annually review special land use permits for mining and extraction operations according to the Annual Compliance Review described below. No renewal of any special land use permit for a mining and extraction operation shall allow such use to continue for more than five (5) years without submission of a new special land use permit application containing all information required by Township Zoning Ordinance.
- c. Annual Compliance Review. As a condition of a special land use permit for a mining and extraction operation, the Township shall annually inspect the operation for compliance with the Township Zoning Ordinance and conditions of a special land use permit before renewing a special land use permit. This review shall consider, but is not limited to, (1) permit holder disclosure of all violations of local, state, and federal laws and regulations by a mining and extraction operation, (2) a physical inspection of a mining and extraction operation for compliance with Township Ordinances, special land use permits, site plans, zoning permits, and local, state, and federal laws and regulations by the Township Zoning Enforcement Officer or any other individual designated to inspect a site by the Township, and (3) a review of the plant material to determine whether any unhealthy or dead plants shall be replaced. Any existing Special Land Use permit may be invalidated, revoked or terminated early based on findings of non-compliance uncovered during the Annual Compliance Review pursuant to the Zoning Ordinance.
- d. Renewal Report. Before renewing a special land use permit for a mining and extraction operation, and 60 days prior to each annual anniversary of a special land use permit, a permit holder must submit to the Planning Commission for approval a report of the land use's operations necessary for the Annual Compliance Review. This Renewal Report shall include:
- i. Materials related to all complaints received by the permit holder and all permit holder actions to resolve such complaints;
 - ii. Copies of all permits obtained and renewed during the past year from local, state, and federal governmental entities related to the operation of a mining and extraction operation;
 - iii. Materials related to all inspection reports conducted on a mining and extraction operation;
 - iv. Information outlining all materials, including aggregates, imported to a mining and extraction operation;

- v. A description of the expected future extraction operations and locations of future extraction operations;
 - vi. A description of restoration and reclamation activities performed to date and plans for reclamation activities in the future;
 - vii. Proof of a financial guarantee and liability insurance compliant with this Ordinance;
 - viii. Information related to any changes in or withdrawal of any permits required by this Ordinance; and
 - ix. Any information reasonably requested by the Planning Commission to determine if a permit shall be renewed.
- e. Inspections. Mining and extraction operations are subject to site inspections as determined by the Township. As a condition of obtaining a special land use permit, applicants and permit holders are deemed to have authorized these inspections and will cooperate fully in making the mining and extraction operations available for inspections. If violations of the conditions of the Special Land Use permit are determined based on the inspection, the Special Land Use permit may be invalidated, revoked or terminated pursuant to the Zoning Ordinance.
- f. Lot Size. Mining and extractions operations shall occur on a parcel with a minimum lot size of 10 acres.

3. Application for Special Land Use Permit for Mining and Extraction Operation

- a. Applicants who apply for a special land use permit for a mining and extraction operation must, in addition to all the information required for a special land use permit application (12 copies of the full application shall be provided), include the following information:
 - i. **Site Plan:** Applicants must submit a preliminary and final site plan under the Zoning Ordinance. Site plans for mining and extraction operations include the following information in addition to the information requirements in Chapter 15 of the Zoning Ordinance:
 - 1. The proposed excavation area;
 - 2. A list of any deed restrictions and easements of record appearing in the chain of title;

3. The location and size of sediment ponds, drainage diversions, and offsite discharge points; and
4. The location of permanent site equipment.

ii. Hydrogeological Report:

1. A Hydrogeological Report is required where a proposed mining and extraction operation plans to extract material from below the water table and requires the use of dewatering, defined as the removal of water from the site. If required, applicants must submit a Hydrogeological Report by a registered professional engineer, certified geologist, or other qualified individual selected and/or approved by the Planning Commission, regarding hydrogeological impacts from a proposed mining and extraction operation. This report shall include the items listed below:
 - a. Evidence that shows an applicant will obtain all necessary permits required by local, state, and/or federal governmental agencies including all permits required by the Michigan Department of Environment, Great Lakes, and Energy or its successor agency.
 - b. Test pumping data at the proposed site and computations used to assess any potential site dewatering impacts;
 - c. Information regarding the direction and rate of groundwater movement and how this movement will be impacted by a proposed mining and extraction operation;
 - d. Information identifying the water up-gradient and down-gradient;
 - e. Information identifying aquifer characteristics when an applicant plans to use soil dewatering or plans to extend extraction operations within 20 feet of the highest recorded groundwater level;
 - f. Information discussing any impacts on surrounding water supply wells;

- g. Identification and locations of any proposed monitoring wells that are consistent with all local, state, and federal laws and regulations;
 - h. Information documenting the effect of the proposed operation on the surrounding area's watershed;
 - i. Information documenting the operation's effect on any wetlands;
 - j. Should an applicant create any water bodies; information outlining the life-span of such bodies of water, the depth of such bodies, and any impacts they will have on surrounding land used; and
 - k. Any other information requested by the Planning Commission reasonably related to whether to grant a special land use permit.
- iii. **Extraction Master Plan:** Applicants must submit an extraction master plan that assesses the operation's impact on natural features of the property and outlines their proposed operation by including:
- 1. A statement outlining compatibility with surrounding land uses;
 - 2. Information describing proposed excavation methods, including projected depths and drainage methods;
 - 3. A plan to control the impacts of dust from the operation;
 - 4. Information regarding the amount of material and types of material to be taken from the site;
 - 5. Information regarding the market's demand for the materials to be extracted from the site;
 - 6. Information regarding proposed clearance methods and debris clean-up;
 - 7. Information regarding how an applicant plans to control erosion;

8. Information regarding the control or storage of ponded or surface water;
9. A statement outlining the type of mobile and nonmobile equipment to be used at the site, including, but not limited to, available manufacturer specifications regarding noise levels, size, height, and operational characteristics;
10. The location of the proposed haul routes including where traffic will enter and exit the proposed mining and extraction operation;
11. A vertical aerial photograph enlarged to a scale equal to one (1) inch equal two hundred (200) feet, which identifies site boundaries, land uses within one half (1/2) mile of the parcel, and proposed locations of all extraction activities and phases;
12. Proposed plans regarding fencing and signage;
13. Information relating to the time, duration, phasing, and proposed work schedule of the total project;
14. Identification of all materials, including fill imported to the site and its necessity to a mining and extraction operation;
15. Information discussing necessary permits from any local, state, and/or federal governmental entity necessary to conduct the proposed operation and how the applicant intends to obtain or has obtained the necessary permits. An applicant must provide a sworn affidavit that they will obtain and comply with all necessary permits from governmental agencies and provide a copy of the permits to the Planning Commission for review, before operating a mining and extraction operation;
16. Information related to proposed drainage systems, settling ponds, and retention ponds as appropriate;
17. A description of the area from which extraction will take place in the first year of operation and likewise for each successive year to completion; and
18. Topography information based on United States Geological Survey (USGS) or North American Vertical Datum (NAVD) data

for the site, or similar acceptable sources, and 100 feet of adjoining property showing:

- a. Existing and Proposed Contours at two (2) foot intervals for property 5 acres and greater;
- b. Existing and Proposed Contours at one (1) foot intervals for property less than 5 acres.

19. Any other information deemed reasonably required by the Planning Commission to determine whether a permit should be issued or not.

iv. **Land Reclamation Plan:** Applicants must include a land reclamation plan prepared by a State of Michigan licensed professional engineer, landscape architect, or other State of Michigan licensed qualified professional, selected and/or approved by the Planning Commission, that identifies, at the minimum, the following:

1. The anticipated future use of the restored land;
2. Steps to be taken to preserve topsoil;
3. The placement of a three (3) inch layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use;
4. Identification of all structures and equipment that must be removed from the premises upon completion of the extraction activity other than those necessary for reclamation;
5. The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:4;
6. Identification of fill and soils to be used. Fill and soils must be of sufficient quality to be well-drained and non-swelling and cannot be overly compacted. To the extent the reclamation plan involves the construction or development of buildings, fill and soils must be of proper bearing capacity to support foundations and waste disposal systems.

7. Location and extent of all natural features to be retained after extraction operations, including but not limited to wetlands, streams, and wooded areas;
8. The slope of all restored areas;
9. Proposed completed topography at contour intervals of not more than five feet;
10. A schedule describing the phases of reclamation. All areas shall be progressively restored to mitigate hazards and to blend with the general surrounding environment to appear reasonably natural. Applicants must restore land as soon as reasonably practical once extraction activities cease on a portion of a mining and extraction operation;
11. Proposed ground cover and other plants to stabilize the soil surface and to restore the area;
12. A description of the methods and materials to be utilized restoring the site;
13. A sketch plan of the proposed use of the restored site when restored;
14. An estimate of the costs to restore land impacted by the mining and extraction operation in compliance with the Township Zoning Ordinance including an itemized list of how the applicant calculated such costs; and
15. Any other information deemed reasonably required by the Planning Commission to determine whether a permit should be issued or not.

4. Financial Guarantee

- a. Guarantee. To ensure successful restoration of a mining and extraction operation, an applicant must deposit with the Township cash, a certified check, irrevocable bank letter of credit, or a performance bond acceptable ("Financial Guarantee") to the Township before issuance of a special land use permit. The Planning Commission will review and determine the amount required in the Financial Guarantee so it can sufficiently restore the disturbed area of the site. In determining the amount of such security, the Planning Commission shall take

into account the size and scope of the proposed excavation, probable cost of reclamation of the site upon default of operator, recommendation of appropriate consultants, estimated expenses, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. The costs of restorations will include the administrative costs to the township for performing restoration. In addition to the Financial Guarantee, applicants must enter into a Restoration Agreement with the Township to the satisfaction of the Township that outlines when the Township may draw from the Financial Guarantee to restore a disturbed site.

- b. The Financial Guarantee shall be submitted by applicant prior to the issuance of any permit and shall be held by the Township until restoration is completed and has been approved by the Township. At no time shall any excavation be undertaken or continued unless, and until the Township receives an acceptable Financial Guarantee and an executed Restoration Agreement
- c. Insurance. The applicant shall maintain liability insurance (for property damage and bodily harm specific to proposed site) in an amount determined reasonable by the Planning Commission, shall name the Township as an additional insured, and provide the Township with a copy of the insurance policy to be kept on file with the Township Clerk.

5. Specific Operating Requirements

A mining and extraction operation is subject to all the Specific Operating Requirements below.

- a. Setbacks.

Activity	Setbacks ¹ (ft.)		
	From Adjoining Property Line		From Public Streets
	Adjoining Property With Residence	Adjoining Property Without Residence	
Mining/Excavation	200	100	100
Loading and Weighing ²	200	100	300
Processing:			
Stationary Plant ³ : Screening and Washing	500	300	300
Portable Plant ⁴ : Screening and Washing	200	100	100
Stockpiling	200	150	150
Landscaping Berm⁵	10	10	10
Natural Features ⁶	--	--	--

¹Setback: defined as the distance from the property line or edge of the public street. The setback for mining operations may not be used for any use related to an extraction operation, except access roads, berms, fencing, and public notice signs identifying the use as an excavation.

²Weighing via on-board scales

³Stationary Plant: immobile mining equipment/machines that are fixed in place.

⁴Portable Plant: mining equipment/machines that are easily moved and transported.

⁵Landscaping Berm: the berm shall be located within the mining operation setbacks listed in the table above. Refer to this Ordinance for further discussion regarding landscaping berm.

⁶Natural Features: 50 foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainageway or regulated wetland.

- b. The setback areas shall not be used for any use related to an extraction operation, except access roads, berms, fencing, and public notice signs identifying the use as an excavation. All physical limits on the extent of extraction shall be clearly identified on the site plan and restoration plan approved by the Planning Commission.
- c. Complaint Resolution. Mining and extraction operations must provide and post on an area accessible to the public a sign that notes a telephone number to call with any complaints related to a mining and extraction operation. Permit holders must keep a log of all complaints received from the number referenced above and detail: (1) all complaints received and a description of each complaint; (2) action taken to resolve each complaint; and (3) any action taken to prevent future similar complaints.
- d. Building Line for Operation Structure. To reduce effects of airborne dust, dirt, and noise, all equipment and structures for sorting, crushing, and loading, excluding scales, shall not be built or located closer than five hundred (500) feet from any public street right-of-way or from any adjoining property line.
- e. Access/Road Maintenance Agreement. All means of access to the property shall only be from roads designated by the Jackson County Department of Transportation and shall not be from private roads unless authorized by the Planning Commission. The Planning Commission shall have the discretion to review and approve all proposed haul routes. The first 150 feet of access into a mining and extraction operation from the edge of a public road may not be gravel and must be paved (e.g. by asphalt concrete or Portland cement concrete). Permit holders must enter into a road maintenance agreement with the Jackson County Department of Transportation or other applicable governmental entity to maintain roads utilized as part of an operation's haul route in a well-maintained manner that ensures pedestrian and traffic safety.
- f. Gates and Fences. All access points to a mining and extraction operation must include a lockable gate. Said gates shall be closed and locked at all times except

during the permitted hours of operation. The perimeter of the operation where excavation has occurred or is being conducted shall be fenced with a six (6) foot high woven wire fence. The fence shall well-maintained at all times and in good repair. All required gates and fencing must be installed before any mining or extraction operation commences unless waived by the Planning Commission.

- g. Signs. Mining and extraction operations must post warning signs at 200-foot intervals along the perimeter of the property that inform the public to keep out of the property.
- h. Noise, Vibration, and Air Pollution. Any noise, odors, smoke, fumes, or dust generated on said property by any digging, excavating, loading or processing operation borne, or able to be borne, by the wind shall be controlled so as not to cause a nuisance or hazard to any adjoining property or road.
- i. Pollution of Waters. The removal or storage of materials shall not cause unauthorized contamination by any material to any body of water.
- j. Access Roads. All private access roads shall be treated to minimize dust creation.
- k. Slopes. Finished and restored slopes of the banks of the excavation shall in no event exceed a minimum of four (4) feet to one (1) foot (four feet to one foot vertical). Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of five (5) feet.
- l. Elevation of Plant Site. Wherever practical, all aggregate processing plants shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual and noise of the plant structure.
- m. Stockpiles. There shall be no stockpiling or equipment storage or repair on the site outside of any required screening berms or closer than two hundred (200) feet from any property line or any public highway right of way. Stockpiles of stripped topsoil shall be seeded with grass or other materials so to prevent erosion.
- n. Water and Sewage Disposal. On-site domestic water supply and domestic sewage disposal systems shall be approved, if required, by the Jackson County Health Department.
- o. Survey Markers. Permanent and readily visible markers shall be placed and maintained which show where surveyed lines of road rights-of-way, property lines, and setback lines exist. The markers shall be a minimum of five (5) feet in

height and be placed along the required locations around the site. Such shall be placed at a distance, not to exceed three hundred fifty (350) feet for each marker. The markers shall be placed at intervals so that the line of sight from one marker to two adjacent markers is visible.

- p. Material Importation. Mining and extraction operations may not import any materials, including aggregates or soils, unless disclosed in an approved Extraction Master Plan or Land Reclamation Plan.
- q. Crushing. Crushing of non-native or imported material is prohibited.

6. Hours of Operation

- a. Mining and extraction operations may only occur between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday, and between 7:00 A.M. and 2:00 P.M. on Saturday. Operations on Saturday shall be for load out only, no extraction or processing.
- b. Transporting and Loading. No transporting or loading of aggregates from the site shall be permitted prior to 7:00 A.M. and after 6:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 2:00 P.M. on Saturday.
- c. Repair of Equipment. Repair and maintenance of equipment site shall be permitted only during the hours of 6:00 A.M. through 9:00 P.M. Monday through Friday and 6:30 A.M. through 5:00 P.M. on Saturdays.
- d. Sunday Operations. No operations may occur on Sundays.
- e. Operations on Holidays. No operations may occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.

7. Landscaping

- a. Landscaping Plan Required: A separate detailed landscape plan must be submitted as part of a special land use permit for a mining and extraction operation to minimize negative impacts on adjacent properties. The landscape plan shall be prepared at a minimum scale of 1"= 100' and identify all berms. The landscape plan shall include the following items:
 - i. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Ordinance.

- ii. Identification of grass and other proposed ground cover and method of planting.
 - iii. Identification of existing trees and vegetative cover to be preserved.
- b. Berms. The construction of a screening berm shall be initiated immediately upon the initiation of extraction operations on a site and shall be completed within three months of the of such extraction operations. Berms serve to visually screen the operations on the site as well as reduce noise and dust from properties. Berms shall be located as indicated on the approved site and landscaping plans and shall meet the following requirements.
- i. Berms shall be located along all sides of active extractive or processing operations that abut a public or private road or a parcel requiring a 200-foot setback under this Ordinance and on which a dwelling is currently.
 - ii. Berms shall be of a slope of one foot of vertical rise for each two feet of horizontal run. The location and height of berms must be adequate to visually screen the operation.
 - iii. Berms must be designed to prohibit changes in drainage patterns on abutting properties and rights-of-way.
 - iv. Berms must be seeded or otherwise planted maintained with vegetative character of the area. Trees, shrubs and ornamental grasses may be included in the landscaping to enhance the screening function.
 - v. Berm plantings include at a minimum, one coniferous tree of at least six feet in height per forty linear feet of berm where the Planning Commission finds such screening is necessary to minimize negative visual or audio impacts upon abutting roads and parcels. The trees shall be located between the berm and the property but not in any right of way, or located on the berm. All plantings proposed along or on berms or otherwise in setback areas shall be of an informal character, such as but not limited to shrubbery or ornamental grasses, rely on native species, and include a combination of coniferous and deciduous plant material.
 - vi. Berms may be removed in the process of reclamation when the operations that were being screened have moved or have been completed.

- c. Quality of Plant Material. Plant material and grasses shall be of acceptable varieties and species, free of insects or diseases, and hardy to the climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength, and/ or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless authorized by the Planning Commission. Plant material shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within (1) year of or death or the next appropriate planting period, whichever comes first.
- d. Unexcavated Areas. Unexcavated areas shall be left in such a condition to ensure growth of vegetation, soil stabilization and erosion control. Topsoil of a quality equal to that occurring naturally in the area shall be replaced, if necessary, to a depth of four (4) inches on unexcavated areas that have been disturbed.

8. Waiver and Modification

- a. Permit holders must notify the Township of any changes of operations contrary to any application materials submitted as part of a special land use permit for a mining and extraction operation. The Township Planning Commission must approve these changes in writing.
- b. The Planning Commission reserves the rights to waive requirements in this section if it determines that some requirements are not necessary or do not apply to a proposed mining and extraction operation.

II. Restaurants With Drive-Through Services

1. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.
2. Driveways shall meet the applicable District Regulations and be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
3. Minimum lot width shall be two hundred (200) feet.
4. Sufficient stacking area shall be provided to ensure that vehicles are not waiting on any adjacent public or private street to enter the site.

JJ. Roadside Stands for Sale of Produce Grown on Premises

1. Only produce grown by the farm on which the roadside stand is situated shall be sold.

2. The Planning Commission may require a six (6) foot or greater fence or wall to be constructed along the rear and/or sides of the area used for the roadside stand to keep trash, paper, and other debris from blowing off the premises.
3. All such businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. No display area shall be located within ten (10) feet of a street right-of-way line.
5. The area used for parking for customers shall be off-street, out of the street right-of-way, and no closer than twenty (20) feet from the pavement.
6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from the nearest part of any street intersection.

KK. Self-Service Storage Facilities

1. Self-service storage facilities shall be devoted exclusively to the rental of enclosed storage space and outside storage space for vehicles. No other wholesale, retail, industrial or other business use shall be operated from the facility.
2. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited.
3. Other than the storage of vehicles, all storage shall be contained within a building. All vehicle storage shall be screened from the view of neighboring properties and public streets.
4. All storage units must be accessible by safe drives, clearly marked to distinguish direction of traffic flow and separate from the parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveway must maintain the following minimum standards:
 - a. When storage units open onto both sides, thirty-six (36) feet of width shall be provided for one-way traffic, and forty (40) feet of width for two-way traffic
 - b. When storage units open on one (1) side only twenty-six (26) feet of width shall be provided for one-way traffic and thirty (30) feet for two-way traffic.

LL. Skilled Trade and General Construction Contractor's Offices, Warehouses, and Yards.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for

parking, loading, or other activities.

MM. Solid Waste Transfer Stations and/or Solid Waste Processing Facilities

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

NN. State Licensed Residential Group Care Facilities

1. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
2. It shall be located at least one thousand five hundred (1,500) feet away from other group day care homes, adult foster care group homes, substance abuse treatment centers servicing seven (7) or more people or community correction centers, resident homes and halfway houses for inmates under the jurisdiction of the Department of Corrections.
3. Adequate off-street parking for employees shall be provided.
4. Required state licenses shall be maintained with the Township.

OO. Taverns

1. No person shall operate or maintain or cause to be operated or maintained a tavern within five hundred (500) feet of:
 - a. A church, synagogue, mosque, temple or other building used primarily for religious worship and related religious activities.
 - b. A public or private educational facility, including child day care facilities, nursery schools, preschools, public or private elementary or high schools, vocational schools or special education schools. For purposes of this subsection, the term "school" shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - c. Family day care homes or group day care homes.
 - d. A lot devoted to a residential use.
2. Driveways shall meet the applicable District Regulations.
3. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.

PP. Tool and Die, Job, Machine, and Skilled Trade Shops

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

QQ. Trucking Terminals

1. Minimum lot area shall be three (3) acres and minimum lot width shall be two hundred and fifty (250) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet from the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

RR. Veterinary Clinic

1. Any building or fenced area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line, and one hundred-fifty (150) feet from any residential dwelling located off the premises.
2. The clinic shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
3. The following minimum setbacks shall be maintained for any buildings housing animals or other activities related to the clinic:
 - a. Front yard setback - sixty (60) feet.
 - b. Side yard setback - thirty (30) feet.
 - c. Rear yard setback - fifty (50) feet.

SS. *Agricultural Business

1. **Intent.** The intent of this section is to promote the preservation and viable use of existing property and structures of recognized agricultural heritage in a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.

2. **Permitted Use of Agricultural Business.** Consideration of a Special Land Use Permit for Agricultural Business requires review of the following conditions, in addition to the conditions generally applicable to all Special Land Uses as described in Chapter 14.
- a. All parking must be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved. There shall be sufficient on-site parking provided to accommodate all vehicles related to the events with no on-street parking or parking on a neighboring parcel without the written permission of the owner and occupant of that parcel. All parking areas shall be clearly marked and shall be adequate to satisfy the volume of anticipated or actual use. Dust and drainage from the parking area shall not create a nuisance or hazard to adjoining property or uses. Parking shall not be within any recorded conservation easement.
 - b. All events shall be located on-site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved.
 - c. Sight and sound barriers such as walls, berms and/or vegetation screens may be required in order to minimize impacts to neighboring properties.
 - d. Applicant must demonstrate, via specific and certified written plans, approved by the Township, that all structures related to an Agricultural Business are structurally safe and adequately protected against the risk of fire. The maximum occupancy of all such structures shall be included in any application for an Agricultural Business.
 - e. All event areas shall be depicted on a site plan as required by Chapter 15 of this Ordinance.
 - f. Applicant shall provide a notarized written statement, satisfactory to the Township, indemnifying and holding the Township harmless for any loss, damage, personal injury, or other liability associated with an Agricultural Business. This statement shall include a provision agreeing to pay any attorney's fees the Township incurs in defending itself in a suit related to an Agricultural Business occurring on the relevant property or the activities occurring as a part of such events, including if such a suit is filed challenging the approval of a permit authorized by this Section.
 - g. Applicant shall provide proof of proper insurance naming Grass Lake Charter Township as an additional insured. This proof of insurance shall be provided to the Township annually, or upon demand of the Township Zoning Administrator. A certificate of insurance shall not be adequate to satisfy the requirements of this Section.
 - h. A Special Land Use Permit for an Agricultural Business shall be valid for five (5) years from the date of issuance. Upon expiration, a Special Land Use Permit may be reissued after an additional application as provided by this Section.
 - i. Applicant shall provide a plan detailing the management and operation of an Agricultural Business. The plan must address the following:

1. How the use meets the intent of this Section, the Zoning District in which the Agricultural Business will take place, and the Ordinance as a whole;
2. Proper sanitation, including the type, location of, and frequency of trash or garbage disposal;
3. Preparation and source of food related to Agricultural Business will be prepared and served;
4. Availability and service of alcoholic beverages will be provided and served, including whether proper licenses have been obtained regarding the same;
5. Potential traffic concerns, including a description of the volume and frequency of increased traffic, and, if alcoholic beverages are to be served at an Agricultural Business, measures Applicant will have in place in order to prevent drunk driving;
6. Use of outdoor areas, including a description of where each specified use is anticipated to occur;
7. The volume and duration of music played in connection with an Agricultural Business, including whether such music is to be provided by a live band or disc jockey, whether amplification equipment shall be used, and measures to be taken to mitigate the effects of any sounds originating from an Agricultural Business on neighboring properties;
8. Operating hours and frequency of events;
9. Security to be provided while an Agricultural Business is operational;
10. Measures to ensure that events shall end on a timely and consistent basis;
11. Anticipated size and location of all structures or outdoor areas in which an Agricultural Business will occur, the average attendance during normal operation of the Agricultural Business, and the minimum and maximum number of people permitted at the same;
12. The location, type, and hours of operation of outdoor lighting associated with an Agricultural Business, including measures to prevent such light from interfering with the use or enjoyment of neighboring properties.

*(Amendment 6-12-2018)

TT. Large Solar Energy Systems

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Agricultural and Light Industrial Districts as a Special Land Use.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn

to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All requirements for a site plan contained in Chapter 15 of the Zoning Ordinance.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and

- access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomic or an Abandoned Solar Energy System.
 13. A copy of the manufacturer's safety measures.
 14. Planned lighting protection measures.
 15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - a. Impact on area water resources
 - b. Impact on air quality
 - c. Noise impacts caused by the Solar Energy System
 - d. Impact on utilities and infrastructure
 - e. Protection of neighboring property owners and children
 - f. Impact on wildlife
 - g. Effects on floodplains and wetlands
 - h. Unique farmlands or soils
 - i. Areas of aesthetic or historical importance
 - j. Archeological or cultural concerns
 - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility

16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Jackson County Drain Commission.
 17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
 18. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Special Land Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- D. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Special Land Use Permit under this section.

- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.
- F. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- H. Setbacks: A minimum setback distance of forty (40) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this

Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Land Use Permit.

2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Land Use Permit previously granted.
 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- K. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Land Use Permit or other applicable law.
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of

the project.

- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- O. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review prior to issuance of the Special Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- Q. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit unless it finds that all of the applicable standards for Special Land Uses contained in Chapter 14 of this Ordinance are met, or will be met through the implementation of appropriate conditions.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- S. Conditions and Modifications: Any conditions and modifications approved

by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

- T. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- U. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- V. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Jackson County Department of Transportation or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- W. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:

1. Continuing Restoration Security: If a Special Land Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Land Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- X. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a Special Land Use.
- Y. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Special Land Use Permit is granted, and must be completed within a period of three (3) consecutive years from the date a Special Land Use Permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval. Failure to complete construction within the permitted time period shall result in the approved Special Land Use Permit being rendered null and void.
- Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
- AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.
(Amendment 12-11-2018)

UU. Medium Solar Energy Systems

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Medium Solar Energy Systems within the Agricultural and Light Industrial Districts as a Special Land Use.
- B. Requirements: Medium Solar Energy Systems require a Special Land Use Permit and are subject to all provisions applicable to Large Solar Energy Systems as set forth in Chapter 14, Section 14.07(TT) of this Ordinance, except the following subsections or parts thereof:
1. Subsection (B), part 3;
 2. Subsection (B), part 17;
 3. Subsection (Z). (Amendment 12-11-2018)