

ARTICLE 17.00

**SITE DEVELOPMENT STANDARDS
APPLICABLE TO SPECIFIC USES**

Section 17.01 Intent and Scope of Application

Each use listed in this Article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics that are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

Section 17.02 Site Development Standards

A. Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, Group "A" Cabarets, and Massage Parlors or Massage Establishments

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses that, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

- 1. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand (1,000) foot radius (that is, not more than one such use within one thousand (1,000) feet of another). The distance between uses shall be measured horizontally between the nearest property lines.
 - a. Adult Book or Supply Stores
 - b. Adult Motion Picture Theaters
 - c. Adult Motion Picture Arcade
 - d. Adult Motel
 - e. Adult Model Studio
 - f. Adult Live Stage Performing Theaters
 - g. Adult Outdoor Motion Picture Theaters
 - h. Group "A" Cabarets

- i. Massage Parlors or Massage Establishments
2. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a six hundred (600) foot radius of the following:
- a. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Coin-operated amusement centers.
 - d. Disco or dance centers that typically cater to teens.
 - e. Ice or roller skating rinks.
 - f. Pawn shops.
 - g. Indoor or drive-in movie theaters.
 - h. Public parks, playgrounds, or other recreation uses.
 - i. Churches, convents, monasteries, synagogue, or similar religious institutions.
 - j. Day care centers or nurseries.
 - k. Any public, private or parochial nursery, primary, or secondary school.
 - l. Any residentially used or zoned land, including land that is zoned R-1, R-2, R-3, RM-1, RM-2, and RM-3

The distance between uses shall be measured between the nearest property lines.

3. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

B. Adult Care and Child Care Facilities

The following regulations shall apply to adult care and childcare facilities that provide care for seven (7) or more individuals:

- 1. **Licensing**
In accordance with applicable state laws, all such facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards the State of Michigan has outlined for such facilities.
- 2. **Outdoor Play Area - Child Care Facilities**
A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than five

thousand (5,000) square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with Article 19.00.

3. **Loading**
Such facilities shall provide an adequate and safe off-street location for loading and unloading passengers.

C. **Airports and Related Uses**

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted subject to the following conditions:

1. **Plan Approval**
The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
2. **Minimum Standards**
The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.
3. **Clear Zones**
All required "clear zones" (as defined by the FAA) shall be owned by the airport facility.
4. **Aircraft and Vehicle Parking**
Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in Article 23.00.
5. **Approval from Utility Companies**
The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communications towers within two miles of the proposed facility.
6. **Setback**
No portion of any landing strip or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes. The setback shall not apply to landing strips used for private, non-commercial use.

D. **Asphalt, Transit Mix and Concrete Plants**

Concrete plants shall comply with the following regulations:

1. **Setbacks**
In order to reduce the effects of airborne dust, dirt and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than one hundred (100) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial.
2. **Access**

Asphalt, transit mix and concrete plants shall have direct access onto a paved primary road. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

3. **Stacking Spaces**

A minimum of five (5) stacking spaces large enough to accommodate the largest truck expected shall be provided on the premises for trucks waiting to be loaded. All stacking and waiting areas shall be contained on the site.

4. **Layout**

Concrete batch plants and operations shall be entirely enclosed within a building.

5. **Outside Storage**

Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage of processed materials, where necessary, awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed thirty-five (35) feet in height.

6. **Screening**

Plant facilities, including parking and loading areas, shall be screened in accordance with Article 19.00. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts.

7. **Truck Traffic**

Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Planning Commission approval. A schedule for cleaning and other necessary maintenance of roadways at the point of access shall be included on the plan.

8. **Back-up Alarm**

All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device that automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

9. **Truck Washes**

All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.

10. **Pollution Control**

- a. Plants shall comply with the dust and noise standards set forth in Article 25.00. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic.
- b. Plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDEQ groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.

- c. Appropriate measures must be taken to ensure that storm water discharged into drainage ways, storm drains, wetland areas or groundwater meets applicable standards of the Bay County Drain Commissioner.
- d. All hazardous materials used in the production process including additives, fixants and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer’s specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Bay County Health Department.

11. **Plan Approval**

The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Air Quality Control Division, Michigan Pollution Control Commission and MDEQ Ground Water Division. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval.

12. **Excess Asphalt or Concrete**

The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall included a means of sealing the recovery area to prevent leaching of hazardous materials into the ground. Storage of such excess materials on the site shall not exceed the limits specified in the approved recovery plan. Excess asphalt, concrete, or similar materials from other locations shall not be brought onto the site for recovery.

13. **Performance Guarantee**

Prior to issuance of a building permit, the Township may require submission of a performance guarantee.

14. **Height of Structure**

Structures on site including stacks and towers shall not exceed a height of thirty-five (35) feet.

15. **Odor**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air.

E. **Automobile or Vehicle Dealers**

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. **Grading, Surfacing, and Drainage**

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.

2. **Driveway Location**

The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. **Servicing of Vehicles**

Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

- a. Service activities shall be clearly incidental to the vehicle sales operation.
- b. Vehicle service activities shall occur within a completely enclosed building.
- c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building or a six (6) foot privacy fence.
- d. The building containing service operations shall be located a minimum of fifty (50) feet from any property line or the required setback which ever is greater.
- e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

4. **Setbacks**

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and other requirements for parking lots.

5. **Groundwater Protection**

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

F. **Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages**

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler and undercoating shops:

1. **Frontage**

Such uses shall have access to and front upon a paved primary road.

2. **Minimum Lot Width and Area**

The minimum lot width required for such uses shall be one hundred (120) feet. The minimum lot area required for such use shall be one (1) acre.

3. **Minimum Setbacks**

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides that abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

**Minimum Setback
from Right-of-Way Line**

Nearest Edge of Pump Island	30 feet
Nearest Edge of Unenclosed Canopy	20 feet

4. Ingress and Egress

Ingress and egress drives shall be a maximum of thirty (30) feet wide. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

5. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned and so that they do not face onto adjacent thoroughfares unless screened by landscaping.

6. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height.

7. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises are prohibited.

8. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

9. Exterior Lighting.

Exterior lighting shall be confined within the site. Canopy lighting shall be a recessed concealed light source so as not to distract motorist on the adjacent roadways.

G. Automobile Wash or Vehicle Wash Establishment

The following regulations shall apply to Automobile Wash or Vehicle Wash Establishments:

1. **Layout**
All washing activities shall be carried on within a fully enclosed, roofed building. Vacuuming activities shall be permitted in the rear and side yards only. Such activities are to be located at least fifty (50) feet from adjacent residentially zoned property. Entrances and exits shall not face abutting residentially zoned or used property.
2. **Entrances and Exits**
Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
3. **Orientation of Open Bays**
Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto any adjacent thoroughfares unless screened by landscaping or acceptable substitute.
4. **Exit Lane Drainage**
Exit lanes shall be sloped to drain water back to the wash building to drainage grates.
5. **Truck Washes**
Truck washes must be at least one hundred (100) feet from all property line and entirely screened from residential uses. The screening shall include both a wall and landscaping.

H. **Bed and Breakfast Facilities**

Bed and breakfast facilities shall be subject to the following regulations:

1. **Bed and Breakfast as Accessory Use**
The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit that is the principal dwelling on the site. Not more than twenty five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
2. **Maximum Number of Units**
No more than six (6) bed and breakfast sleeping rooms shall be established in a bed and breakfast dwelling unit. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.
3. **Principal Residence**
The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
4. **Kitchen Facilities**
There shall be no separate cooking facilities for the bed and breakfast operation, other than those that serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.

5. **Building Requirements**

A building used for bed and breakfast operations shall comply with the following minimum requirements:

- a. There shall be at least two (2) exits to the outdoors, with separate means of egress provided from each room.
- b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.
- c. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
- d. At least one (1) bathroom shall be provided for each two (2) rooms on the same floor.

6. **Parking**

Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 23.00. Off-street parking in the front yard is prohibited.

7. **Duration of Stay**

Duration of stay of guests shall be limited to a maximum of seven (7) days.

8. **Guest Register**

All Bed and Breakfast operations shall maintain a guest register. Such register is subject to inspection during reasonable hours by the Building Official.

9. **Signs**

Signs shall comply with Article 21.00 of this ordinance.

I. **Cemeteries and Pet Cemeteries**

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

1. **Size**

The minimum parcel size shall be five (5) acres and have a minimum frontage of three hundred thirty (330) feet on a public road.

2. **Location**

No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for gravesites.

3. **Master Plan**

Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.

4. **Setbacks**

No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

5. **Location of Entrances**

Entrances to cemeteries shall be from a paved primary road, and shall be designed to minimize traffic congestion.

6. **Screening**

Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Article 19.00.

J. **Churches and Religious Institutions**

The following regulations shall apply to all Religious Institutions, including churches, synagogues, temples, and so forth:

1. **Lot Width**

The minimum lot width for religious institutions shall be one hundred fifty (150) feet.

2. **Parking Setback**

Off-street parking shall be prohibited in the front and side setback area and within fifteen (15) feet of the rear property line.

3. **Frontage and Access**

Religious institutions shall be located on a paved primary road.

4. **Landscaping**

Religious institutions shall comply with the landscaping requirements set forth in Article 19.00.

5. **Maximum Height**

Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.

K. **Coal, Coke and Fuel Yards**

Prior to establishment of a coal, coke, or fuel yard (including propane fuel distributors), an impact assessment shall be prepared in accordance with Section 5.19, and submitted to the Planning Commission for review.

L. **Composting Centers**

1. The applicant shall submit an Impact Assessment in accordance with Section 5.19, describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.

2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated) curbing area, landscaped buffers, sales area and fencing.

3. Commercial composting operations shall be at least five hundred (500) feet from any residential district.
4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
6. The applicant shall describe acceptable methods for control of odors.
7. A landscaped screen as described Article 19.00 shall be provided on all sides adjacent to a residential district. A landscaped screen as described in Article 19.00 shall be provided on all other sides unless waived by the Planning Commission in consideration of adjacent uses and topographic features.
8. Access shall be provided solely on Class A truck routes.
9. All storage areas shall be enclosed in a building.

M. Convalescent Homes, Nursing Homes, Rest Homes, and Orphanages and Congregate Care Facilities

The following regulations shall apply to Nursing Homes, Convalescent Homes, Rest Homes, Orphanages, and Congregate Care Facilities.

1. **Frontage and Access**
Such uses shall front onto a paved primary road and the main means of access to the facility for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be from a residential street in a platted subdivision.
2. **Setbacks**
The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.
3. **Open Space**
Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
4. **Minimum lot Area.**
Such facilities shall have a minimum lot area of three (3) acres.

N. Drive-In Establishments

1. **General Provisions**
The following provisions shall apply to all drive-in establishments:

- a. **Location of Driveways**
Driveways serving drive-in establishments shall be located off of a paved primary road. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- b. **Screening**
Shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in Article 19.00.
- c. **Setbacks**
The main and accessory buildings shall be setback a minimum of sixty (60) feet from any adjacent right-of-way or residential property line.

2. **Drive-In Theaters**

The following regulations shall apply to Drive-In Theaters:

- a. **Setbacks**
The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
- b. **Frontage and Road Access**
Such uses shall front onto a paved primary road and the main means of access to the theater shall be via such road. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- c. **Access Drive Design**
The access drive shall be designed with separate entrance and exit lanes that shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.
- d. **Stacking Space**
A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.
- e. **Screening**
The entire drive-in theater site shall be screened in accordance with Article 19.00.

O. **Driving Ranges**

1. **Minimum Dimensions and Setbacks**
Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be three hundred (300) yards, measured from the tee to the end of the range. Tees shall be set back at least twenty-five (25) yards from each side property line,

unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. No netting to prevent the flight of golf balls shall be permitted along any side lot line.

2. **Screening or Slopes**

The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Article 19.00. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

3. **Special Use Requirements for Outdoor Recreation Facilities**

Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 17.02 CC.

4. **Lighting**

All lighting shall be shielded from adjacent properties and rights-of-way and in accordance with the requirements of this Ordinance.

P. **Essential Public Services Structures, Storage Yards and Substations**

Essential public services structures, substations, and similar uses shall comply with the following regulations:

1. **Location**

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of existing development.

2. **Design**

All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Article 19.00. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities cannot be located in the required front yard.

3. **Off-site Impact**

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Article 19.00.

4. **Security Fencing**

Security fencing may be permitted, subject to the requirements in Article 5.00. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.

Q. **Farms**

The following provisions shall apply to Farms as defined in Article 3.00 and consistent with the provisions of the Michigan Right to Farm Act:

1. **Location**

Feedlots and commercial livestock operations shall not be located within a subdivision, proprietor or assessor's plat or in a floodplain or regulated wetlands.

2. **Minimum Size**

The minimum size for a farm shall be ten (10) acres, except that feedlots and commercial operations for livestock and fowl shall have at least forty (40) acres.

3. **Prohibited Uses**

Farms shall not be used for the disposal of garbage, rubbish, offal from rendering plants, or for the slaughtering of animals except where the animals have been raised on the premises for consumption by residents on the premises.

4. **Setbacks**

Farms shall comply with the following setback requirements:

- a. Farm buildings used to house large animals, feed lots and livestock confinement areas shall be located at least one hundred (100) feet from residentially used or zoned property and all road right-of-way.
- b. Runoff from pasture feeding and watering areas shall be separated from any surface water by vegetative buffer that is at least sixty-six (66) feet in width.

5. **Pesticide Management**

Pesticides shall be located in a lockable building or storage facility that shall be ventilated to dissipate dust and fumes. New pesticide storage facilities shall have a concrete floor that is sloped to a sump for containment of spills. To prevent potential contamination of the groundwater, the storage facility shall not have a floor drain. New bulk pesticide storage areas shall be located a minimum of one hundred (150) feet from any single family residential water well and a minimum of two hundred (200) feet from surface water.

6. **Manure Management**

Manure shall be stored in a manner that minimizes odors and runoff. Consideration should be given to partial paving of confinement areas, storage ponds, and other accepted agricultural practices regarding runoff control. All manure shall be stored at least one hundred (100) feet from any property line.

7. **Exceptions**

These provisions shall not apply to garden plots for single-family residents, or to a collection of farm buildings that is operated for educational, demonstration, or recreational purposes (such as a "petting zoo" or "interpretive farm"). Petting farms shall be limited to buildings only.

R. **Fast-Food and Drive-Through Restaurants**

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. **Minimum Frontage**

The site shall have a minimum of two hundred (200) feet of frontage on a paved primary road.

2. **Location of Driveways**

Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).

3. **Control of Sound Level**
Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
4. **Stacking**
Stacking space and lanes shall be provided as specified in Article 23.00.

S. Funeral Homes or Mortuaries

The following regulations shall apply to Funeral Homes and Mortuaries:

1. **Assembly Area**
A minimum of nine thousand (9,000) square feet (30 car capacity) shall be provided off-street for vehicles to be used in funeral processions.
2. **Screening**
Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Article 19.00.
3. **Caretaker's Residence**
A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building.
4. **Loading Requirements**
One (1) loading berth shall be provided per five thousand (5,000) square feet of gross floor area, and one (1) additional berth shall be provided for each additional ten thousand (10,000) square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.
5. **Location**
Such uses shall front onto a paved primary road and the main means of access shall be via the paved road.

T. Golf Courses and Country Clubs, and Par-3 Golf Courses

The following regulations shall apply to Golf Courses, Country Clubs, and Par-3 Golf Courses:

1. **Lot Size**
Regulation length 18-hole golf courses shall have a minimum lot size of one hundred (160) acres, of which a minimum of one hundred ten (110) acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of ninety (90) acres. Eighteen-hole par-3 courses shall have a minimum lot size of fifty (50) acres. Country clubs shall have a minimum lot size of forty (40) acres.
2. **Setbacks and Fairway Width**
Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred fifty (150) feet subject to review by the Planning Commission. Fairways shall be designed so that existing or future

dwelling units are located a minimum of two hundred ten (210) feet from the center of the fairway.

3. **Access**

Golf courses and country clubs shall have direct access onto a paved public road.

4. **Shelter Buildings**

At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Bay County Health Department and the Township Building Code.

5. **Impact on Water Supply**

A hydrogeological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.

6. **Building Setbacks**

Buildings shall be setback a minimum of one hundred 100 feet from any property line that abuts residentially zoned or used property, and seventy five (75) feet from any other property line.

7. **Turf Maintenance Plan**

The proposed turf maintenance plan and chemical application plan for the first year and for long-term turf maintenance shall be submitted for review.

8. **Chemical Storage**

Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean up shall also be provided.

U. **Hospitals**

The following regulations shall apply to Hospitals:

1. **Frontage and Access**

Hospitals shall have a minimum of six hundred sixty (660) feet of frontage on a primary road and the main means of access to the hospital for patients, visitors, and employees shall be via the arterial or highway. In no case shall access to a hospital be off of a residential street. A minimum of two (2) entrances/exits shall be provided located no less than three hundred thirty (330) feet apart.

2. **Setbacks**

The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two (2) stories, up to a maximum of six (6) stories.

3. **Screening**

Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Article 19.00.

4. No power plant or laundry facility shall be located closer than three hundred (300) feet to any adjacent residential use or zoning.

V. **Junk Yards or Salvage Yards**

The following regulations shall apply to Junk Yards and Salvage Yards:

1. **Setbacks**
A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line which abuts a residentially-zoned district.
2. **Screening**
The entire junkyard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with Article 19.00. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
3. **Surfacing**
All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine any wind-borne dust within the boundaries of the site.
4. **Regulated Activities**
Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
5. **Permits**
All required Township, County, and State permits shall be obtained prior to establishing a junkyard.
6. **Stacking**
Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

W. **Kennels**

The following regulations shall apply to Kennels as defined herein.

1. **Operation**
Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.
2. **Lot Size**
The lot on which any such kennel is located shall be a minimum of five (5) acres in size.
3. **Setbacks**

Buildings in which animals are kept, animal runs, and exercise areas shall be located at least one hundred (100) feet from any property line.

4. **Sound Control**

All animals shall be housed in a masonry building that is fully soundproofed, using insulation, soundboards, and acoustic tile. The animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.

5. **Odor Control**

Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

6. **Kennels Prohibited in Subdivisions**

Regardless of lot size, kennels shall not be permitted in platted residential subdivisions or condominium developments.

X. **Reserved**

Y. **Mini-Warehouses**

The following regulations shall apply to Mini-Warehouses:

1. **Permitted Use**

Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building. No water service shall be provided. Electric service shall be limited to one hundred (100) amperes, telephone service shall be allowed only when an alarm system is installed.

2. **Site Enclosure**

The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high fence, constructed in accordance with Article 19.00.

3. **Exterior Appearance**

The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

4. **Resident Manager**

A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.

5. **On-Site Circulation and Parking**

a. All one-way driveways shall be designed with one twelve (12) foot wide loading/unloading lane and one fifteen (15) foot travel lane.

b. All two-way driveways shall be designed with one twelve (12) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.

- c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

Z. Motels and Hotels

The following regulations shall apply to Motels:

- 1. **Design**
Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- 2. **Services**
Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service.
- 3. **Parking**
Off-street parking for semi-trailers shall be specifically designated and separated from passenger vehicles.
- 4. **Fire Protection**
The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Department.

AA. Oil and Gas Processing Plants

The following regulations shall apply to oil and gas processing or sweetening plants:

- 1. **Setbacks**
 - a) Oil and gas processing plants shall be located a minimum of thirteen hundred (1,300) feet from any property line, wetlands, or surface water and a minimum of five hundred (500) feet from any residential zoned property.
 - b) Oil and gas processing plants shall be located a minimum of two thousand six hundred and forty (2,640) feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.
- 2. **Density**
There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
- 3. **Screening**
Oil and gas processing facilities shall be screened in accordance with Article 19.00.
- 4. **Air Pollution Control**
Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times. The operator also provide the Township with an emergency

preparedness plan in the event a complaint requires a plant shut down, and submit an odor complaint response plan for Planning Commission approval.

5. **Fire Detection**

The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief.

6. **Automatic Alarm System**

In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher and plant operating personnel.

7. **Site Security**

The following security measures shall be maintained on the site:

a) **Fencing**

The site shall be fully enclosed with an eight-foot fence or masonry wall.

b) **Locking of the Facility**

All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.

c) **Signs**

"Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.

d) **Telephone Monitoring System**

In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.

8. **Preventative Maintenance**

The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.

9. **Site Closure**

In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of thirty-six (36) inches below grade. The entire site shall be evenly graded and re-seeded.

10. **Other Approvals**

The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Natural Resources (MDNR) Waste Management Division, Michigan Pollution Control Commission, Bay County Health Department, Bay County Road Commission, Bay County Drain Commission, MDNR Environmental Response Division, and Michigan Department of State Police Fire Marshal Division.

11. **Performance Guarantee**

Prior to issuance of a building permit, the Township may require submission of a performance guarantee.

BB. **Open-Air Business, Commercial Outdoor Display, Sales or Storage**

The following regulations shall apply to all such uses, whether operated year round or on an intermittent basis, or as a principal or accessory use:

1. **Driveway Location**

The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.

2. **Lot Width**

The minimum lot width for open-air businesses shall be one hundred (100) feet.

3. **Loading and Parking**

All loading, truck maneuvering and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or property.

4. **Storage**

Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.

5. **Sales and Display**

All outdoor sales and display areas shall have an approved paved or aggregate surface and a stormwater drainage system.

6. **Screening**

All outdoor sales, display or storage area property lines adjacent to a residential district shall be screened in accordance with Article 19.00.

7. **Outdoor Display of Vehicles**

The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 17.02.E.

8. **Plant Material Nursery**

Nurseries that deal with plant materials shall comply with the following:

- a) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
- b) The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

9. **Flea Markets**

Flea markets shall not be permitted as a year round use.

10. **Christmas Tree Sales**
The sale of cut trees that are displayed and sold during the Christmas Season shall be permitted. A temporary permit must be obtained from the Township. All trees, poles, lights, or other items incidental to this use shall be removed from the premises by December 31st, and no trees shall be stored or displayed within ten (10) feet of a right-of-way or property line. Off-street parking areas must be provided.
11. **Permit Required**
A temporary use permit shall be required for all intermittent uses.

CC. **Recreation**

1. **Campgrounds**
Campgrounds for travel trailers, tents, tent-campers, and motor homes, shall comply with the following requirements:
 - a. **Setbacks.**
Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines, and shall be screened in accordance with Article 19.00.
 - b. **Minimum Campsite Size.**
Each campsite shall be at least two thousand (2,000) square feet in size for campsites designed to serve motor homes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
 - c. **Utilities.**
Each campsite shall either be provided with individual electric and water hookups approved by the Bay County Health Department, or shall have convenient access to approved service buildings. Sewer hook-ups are optional.
 - d. **Minimum Parcel Size.**
A campground shall have a minimum of ten (10) acres.
 - e. **Temporary Residency.**
Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
 - f. **Accessory Use.**
Accessory uses shall include but not be limited to rental cabins and trailers, swimming docks, and game rooms.
 - g. **Phone**
Each facility shall be provided with at least one (1) public phone.
 - h. **Access**
Such use shall provide direct vehicular access to a paved primary road.
2. **Commercial Outdoor Recreation Facilities**

Outdoor recreation facilities, such as, but not limited to recreational fields, rinks or courts, including football, softball, soccer, tennis basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, shall comply with the following regulations:

- a. **Setbacks.**
Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.
 - b. **Access.**
Outdoor recreation uses shall have direct access onto a primary road.
 - c. **Impact on Surrounding Properties.**
The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
 - d. **Nuisance Impacts.**
Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired. The site shall be periodically cleared of debris.
 - e. **Parking.**
All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Article 23.00, and setback a minimum of forty (40) feet from any residential district.
 - f. **Screening.**
Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Article 19.00.
 - g. **Accessory Facilities.**
Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.
3. **Off-Road Vehicle and Snowmobile Trails, Outdoor Gun Ranges, and Auto Racing Tracks**
Courses or trails for off-road vehicles, snowmobiles, gun ranges or similar use shall comply with the following regulations:
- a. **Minimum Parcel Size.**
A minimum of eighty (80) acres shall be required for such uses or other size parcel deemed appropriate for the proposed use by the Planning Commission.
 - b. **Location.**

The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.

c. **Operations Plan.**

The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning Commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.

4. **Private Institutional or Community Recreation Facilities and Athletic Clubs.**

a) **Enclosure.**

Outdoor swimming pools in single-family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Article 5.00 and 19.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.

b) **Setbacks.**

In all districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.

c) **Swimming Pool Clubs.**

Swimming pool clubs in residential districts shall be incorporated as non-profit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly defined geographic area as specified in the club's articles of incorporation.

d) **Site.**

The proposed site for any of the uses permitted herein which would attract persons from or are intended to serve areas beyond the immediate neighborhood shall have at least one property line abutting an arterial road, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.

e) **Landscaping.**

All such landscaping shall be maintained in a healthy condition. There shall be no parking or obscure the use from abutting residential districts. Front, side and rear yards shall be landscaped in trees, shrubs and grass.

f) **Parking.**

Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

- g) **Other Standards.**
Swimming pools shall meet the standards of this Ordinance, all applicable building and health codes.

5. **Indoor Recreation Facilities**

Indoor recreation facilities, such as, but not limited to, bowling establishments, fitness centers, indoor archery ranges, indoor firearms ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

- a) **Setbacks.**
Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line that abuts a residential district.
- b) **Adverse Impacts.**
The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
- c) **Buildings.**
All uses shall be conducted completely within a fully enclosed building. The buildings shall be soundproof.
- d) **Access.**
Indoor recreation uses shall have direct access onto a primary road.

6. **Private Swimming Pools**

- a) **Permits**
For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit and electrical permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Township or the County Health Department shall also be submitted.
- b) **Encroachment**
No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- c) **Setbacks**
Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear or side yard

setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than four (4) feet between pool wall and any building on the lot.

d) **Enclosure**

All swimming pools shall be completely enclosed by a chain-link fence or a fence of comparable safety not less than four (4) feet nor more than six (6) feet in height, and set a distance of not less than four (4) feet from the outside perimeter of the pool wall. Except, that if a building is located on a lot not having any means of public access, a fence shall not be required on any such side, except for swimming pools above grade (e.g. portable) which have a side wall with a smooth surface not less than four (4) feet in height and with all means of access being secured, raised and/or locked to prevent unauthorized use. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamperproof lock when the pool is not in use. Provided, however, that if the entire premises is enclosed by fence or wall, then said fence requirement may be waived by the Building Inspector, after due inspection and approval.

e) **Electrical requirements**

All electrical installations or wiring in connection with swimming pools shall conform to the provision of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

f) **Location**

A private swimming pool shall be located in only the side or rear yards. On a waterfront lot, swimming pools may be located in the waterfront yard or front yard following Zoning Board of Appeals approval, and subject to the special requirements in Section 5.03 C.2.

DD. **Roadside Stands**

The following regulations shall apply to all Roadside Stands, which shall be temporary uses, as defined in Article 3.00:

1. **Use**

Each farm may have a maximum of one (1) seasonal roadside stand, and all produce or products for sale shall be grown on the premises or be made from produce grown on the premises.

2. **Building Size**

Any roadside stand shall not be greater than two hundred fifty (250) square feet in size, nor shall it have more than one (1) story. The stand shall be of portable construction, permitting it to be removed from its roadside location during seasons when it is not in use.

3. **Site Maintenance**

Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out of view.

4. **Building Setbacks**
Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the paved surface of any paved public road, and no closer than forty-five (45) feet to the improved gravel surface of any unpaved public road.
5. **Parking**
Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 23.00, except that hard-surfacing shall not be required. Parking maneuvering shall not conflict with traffic flow on the road.
6. **Signs**
Signs used in connection with the roadside stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way and shall meet clear vision requirements.

EE. **Schools, Public/Private/Parochial**

Public, private and parochial elementary, intermediate or high schools licensed by the State of Michigan to offer courses permitted subject to the following conditions:

1. The minimum lot or parcel width shall be three hundred (300) feet.
2. The minimum lot or parcel area shall be:
 - ten (10) acres for elementary schools
 - twenty (20) acres for intermediate schools
 - forty (40) acres for high schools
3. The lot or parcel location shall be such that at least one (1) property line abuts a primary road. All ingress and egress shall be directly onto said road.

FF. **Stables and Riding Arenas**

1. **Private Stables**
Private stables, as defined in Article 3.00 of this Ordinance, are intended for the keeping of any horses for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements. (amended 01/07/08)
 - a) **Minimum Size**
Private stables shall have a minimum of five (5) acres with one (1) acre of open pasture per horse.
 - b) **Setbacks**
All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line.
 - c) **Maintenance**
All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

2. **Public Stables**

Public stables, as defined in Article 3.00 of this Ordinance, are intended for the housing of horses on a fee basis. Public stables shall comply with the following requirements. (amended 01/07/08)

a) **Minimum Size**

Public stables shall have a minimum of one (1) acre per animal, but in no event shall there be less than twenty (20) acres.

b) **Setbacks**

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the Planning Commission.

c) **Maintenance**

All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

3. **Riding Arenas**

Riding arenas may be permitted as an accessory use subject to the following requirements:

a) **Minimum Size**

Riding arenas shall have a minimum of one (1) acre per animal, but in no event shall there be less than ten (10) acres.

b) **Setbacks**

The riding arena shall be located at least one hundred (100) feet from any property line. Outdoor tracks shall be permitted provided they are setback at least fifty (50) feet from any property line.

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line.

c) **Maximum Height**

Riding arenas shall comply with the height requirements for the district in which they are located.

d) **Maintenance**

Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

e) **Permitted Use**

Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables.

f) **Approval Criteria**

The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:

- 1) All requirements set forth in this sub-section will be complied with.
- 2) The arena will be for private use only for riding horses that are permanently stabled on the same property.
- 3) No living quarters will be located in the arena building.
- 4) The arena will be compatible in terms of appearance and function with surrounding land uses.
- 5) The arena is not likely to negatively affect the value of other property in the area in which it is located.

4. **Stables for Breeding and Training Horses**

Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in Article 3.00, and shall be subject to the regulations applicable to farms.

GG. **Veterinary Clinics**

Veterinary clinics shall comply with the following requirements:

1. **Small Animal Clinics**

All activities shall be conducted within a completely enclosed building. If the small animal clinic does not include outdoor kennels, animal runs or exercise areas, the setbacks of the district for principal buildings shall apply. Outdoor animal runs and kennels shall meet the setback requirements for kennels.

2. **Large Animal Clinics**

a) **Range of Services**

The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

b) **Accessory Office Uses**

Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

c) **Setbacks**

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building to be used by the public.

d) **Maintenance**

All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All

manure shall be removed from the premises or spread and cultivated so as not to be a nuisance and to control odors and flies.

e) **Setback of Stable or Paddock**

No stable or confined paddock area shall be located nearer than one hundred (100) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

HH. **Marinas, Boat Liveries, and Bathhouses**

1. All dredging, construction or development of any marina or boat livery shall be subject to all applicable requirements of the Township, County and State, and federal ordinances, licenses regulations and requirements.
2. **Discharge of Waste**
The flushing or discharge of boat toilets, discarding of other waste or refuse from boats in marinas is prohibited unless there is an authorized pump-out facility.
3. **Restroom Facilities**
Each marina or livery shall provide suitable, safe and sanitary toilet and refuse facilities within buildings designed for this purpose. No less than one (1) toilet shall be provided for each forty (40) boat spaces or less within not more than five hundred (500) feet of walking distance of each boat space or launch area.
4. **Trash Receptacles**
Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners. Such containers must be screened in accordance with the standards of this Ordinance and located within one hundred and fifty (150) feet of walking distance of each boat space or launch area. All such facilities shall be subject to the approval of the Township and Bay County Health Department.
5. **External Illumination**
Lighting for the external illumination of said facilities shall be directed away and be shielded from adjacent residentially zoned or used districts. External lighting shall be provided for parking areas, buildings, grounds and water areas.
6. **Site Layout and Landscaping**
The general design, layout and locations of uses and support systems shall be developed to enhance the waterfront property and the natural environment. A minimum fifty (50) foot landscaped setback shall be maintained between the shore's edge and any marina development. The Planning Commission may approve alternatives, as it deems necessary to accommodate peculiar circumstances of unforeseen problems in order to carry out the spirit and intent of this Section.
7. **Fire Protection.**
All marina and livery facilities shall conform to all applicable Township, county, state and federal fire codes and standards.