

CHAPTER 15 SPECIAL LAND USES

SECTION 15.01 SCOPE

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the Pentwater Community. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 15.04, as applicable.

SECTION 15.02 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted through the Clerk, accompanied by:
1. the payment of a fee as established by the Legislative Body;
 2. a completed application form, as provided by the Community; and
 3. a complete site plan in ten (10) copies, as specified in Chapter 16.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting at which the application is to be considered.
- C. The completed application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing notice of such hearing is in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Community's planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.
- E. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might reasonably result in favorable action upon resubmittal.
- F. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.
1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
 2. The extension shall be approved if the applicant presents reasonable evidence to

- the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- G. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

SECTION 15.03 GENERAL STANDARDS

- A. In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 16.08 hereof, and conditions, as authorized and governed by Section 16.09 may be placed upon a Special Land Use.
- B. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use meets the following standards and, in addition, that each use of the proposed site will:
1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
 2. be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
 3. not create excessive additional requirements at public cost for public facilities and services; and
 4. not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons or property in the vicinity, or the general welfare, by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors or other effects determined relevant by the Planning Commission.
- C. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 15.02, G.

SECTION 15.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 15.03, B, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

A. Adult Uses.

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. Adult uses shall comply with the following requirements:
 - a. The adult use shall not be located within a one thousand (1,000) foot radius of any other such use or be located on a lot or parcel within five hundred (500) feet of a public park, school, child care facility, church, or place of worship.
 - b. Any sign or signs proposed for an adult use must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
 - c. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
 - (1) "Persons under the age of 18 years are not permitted to enter the premises." and,
 - (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 - d. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
 - e. All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing.
 - f. No adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
 - g. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by

the Community, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.

- h. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

B. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a paved public road.
3. Such uses shall only be established in a detached single family dwelling.
4. Parking is required in accordance with Chapter 17 and shall be defined as such for guest parking and it shall be located to minimize negative impacts on adjacent properties.
5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.
7. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
8. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half ($\frac{1}{2}$) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
11. Meals may be served only to the operator's family, employees, and overnight guests.

C. Bulk oil and gasoline distribution (including warehousing and transport facilities).

1. The minimum lot size shall be five (5) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to a property line of any adjacent Residential District or use.
4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.

D. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1 District.
3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum required ten (10) spaces, to be located adjacent the rental office, for the use of customers.
6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

E. Funeral homes and mortuary establishments.

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon a paved public street. All ingress and egress shall be from said thoroughfare.

F. Group day care homes and facilities.

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

G. Hotels and motels.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet, except that such uses located on waterfront

- lots shall maintain a rear yard setback of at least twenty (20) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- H. Intensive livestock operations.
1. Minimum lot area shall be forty (40) acres.
 2. Any part of the operation, including storage pens, manure storage, feeding areas, and other similar activity areas shall be set back a minimum of five hundred (500) feet from the property lines of an adjacent Residential District or use, or a standing body of water, or flowing stream.
 3. No direct runoff from any part of the proposed operation shall be permitted to flow onto any adjacent property.
 4. All buildings, structures, enclosed areas, and storage areas for animals or animal waste associated with the operation shall be located at least one hundred (100) feet from a water well.
 5. No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
 6. Manure and urine storage facilities must be of a sufficient capacity, design and maintenance to store all animal waste until such time as such waste can be transported and/or used as fertilizer. Storage facilities for manure and related waste must be designed, sited, constructed, maintained and operated so as to prevent any escape of livestock waste which may cause pollution or degradation of any surface water, groundwater or soil and be constructed and operated in accordance with an approved Animal Waste Management Plan, as required by this subsection.
 7. Field storage of manure shall be sited and contained so as not to cause pollution or degradation of surface water, groundwater or soil.
 8. No such operation shall be permitted where any lot line is within one thousand (1,000) feet of another intensive livestock operation's lot line.
 9. Site plans shall be submitted in accordance with the requirements of Chapter 16 and contain the following additional information:
 - a. Locations of principal buildings, manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted.
 - b. Separation distances between all facilities and uses associated with the Confined Feed Lot and: adjacent property lines; on-site water wells; private homes; and any water body or flood plain, including wetlands, streams, or designated county drains.
 10. Animal Waste Management Plan: Upon commencement or expansion of an intensive livestock operation, the owner of the operation shall submit a written Animal Waste Management Plan (herein referred to as "the Plan") prepared and signed by a professional agrologist, a person certified to develop such plans (e.g., the Certified Crop Advisor Program of the American Society of Agronomy), or a qualified State agency official (e.g., cooperative extension agent). The Plan shall be prepared using generally accepted agricultural and management practice guidelines including but not limited to adopted procedures prepared by the Michigan Agricultural Commission, Natural Resource Conservation Service (Field Office Technical Guide), and Cooperative Extension Service (Resource Notebook). Such Plan shall be submitted as part of the Special Land Use

application and include and conform to the following narrative description including necessary drawings and/or diagrams as applicable:

- a. Runoff control and wastewater management methods (for all areas where livestock density precludes sustaining vegetative growth on the soil).
- b. Design, construction, operation, and maintenance methods for the treatment, storage and transportation of animal waste.
- c. Method and quantities of manure utilization for crop production based on crop nutrient needs and soil nutrient levels.
- d. Specifications on how excess manure that cannot be used for crop nutrients or another beneficial purpose will be treated to minimize environmental threats.

I. Junk yards and salvage yards.

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a paved County Primary street to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only incidental signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for such facilities shall be six (6) acres.

14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Community. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

J. Kennels.

1. The minimum lot size shall be two (2) acres.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.

K. Marinas.

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
2. No building, structure, dock, or parking area which is part of marina or boat launch area shall be located closer than five (5) feet to any lot line, except the setback shall be thirty five (35) feet to any lot in the R-R and R-1 Districts.
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.

L. Multiple family dwellings.

1. All buildings and dwelling units shall comply with the applicable provisions of Section 7.04.
2. Notwithstanding any other provision of this Ordinance, multiple family dwellings shall not be permitted within the Waterfront District.
3. Parking areas shall have a minimum front yard setback of twenty (20) feet and minimum side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

M. Open air businesses.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Except in the R-R District, the Planning Commission may require a six (6) foot 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.
4. All open air businesses shall comply with all applicable Health Department

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- regulations regarding sanitation and general health conditions.
 5. The Planning Commission may require the applicant to furnish a performance bond in accordance with the requirements of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
 6. The lot area used for parking shall be hard-surfaced and 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.
 7. 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 an intersection.
 8. All lighting shall be shielded from adjacent residential areas.
 9. Except as noted in 10, below, no display area shall be located within ten (10) feet of a road right-of-way line.
 10. In the case of a plant materials nursery:
 - a. Any storage or display areas shall meet all the yard setback requirements applicable to any main building in the District.
 - b. All loading activities and parking areas shall be provided on the same premises (off-street).
 - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- N. Public or private boat launches.
1. The boat launch site shall contain no more than one (1) ramp and be at least one (1) acre in size. One (1) additional ramp may be permitted for each one (1) acre, or fraction thereof.
 2. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
 3. No building, structure, dock, or parking area which is part of a boat launch area shall be located closer than five (5) feet to any lot line, except the setback shall be thirty five (35) feet to any lot in the R-R and R-1 Districts.
 4. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
 5. A minimum of ten (10) parking spaces shall be provided. If, after evaluation of the site, it is found by the Planning Commission that parking will be inadequate to satisfy user demand, the Planning Commission shall reserve the right to require additional parking.
 6. A seventy-five (75) foot vehicle turn-around shall be provided.
- O. Public or private campgrounds.
1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
 2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
 3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty

- (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.
4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
 5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
 6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
 7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Oceana County.
 8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
 9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- P. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. No soil, sand, gravel, or other earth material shall be removed from any land within the Community without Special Land Use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township or Village;
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
 - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
 - d. The earth removal involves less than three hundred (300) cubic yards;
 - e. The earth removal is for the purpose of construction of a swimming pool.
 - f. The soil removal will not be in violation of any other section of this ordinance, other Township or Village ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
 2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
 - (1) A north arrow, scale, and date;
 - (2) shading indicating the extent of land area on which mineral

- removal operations and activities will take place;
 - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - (4) the location and nature of all structures on the lands;
 - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
 - (6) existing elevations of the lands at intervals of not more than five (5) feet;
 - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
 - (8) mineral processing and storage areas;
 - (9) proposed fencing, gates, parking areas, and signs;
 - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - (11) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
 - (12) areas to be used for ponding.
 - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
 - d. A site rehabilitation plan including the following:
 - (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
 - (2) a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
 - (3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Pentwater Community Master Plan and all applicable requirements of this Ordinance.
 - e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:

- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential District.
5. The Planning Commission shall approve routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to nearby properties. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may allow some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
9. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Village or Township of Pentwater as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the

Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.

- a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
- b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

Q. Residential dwellings accessory to commercial or office uses.

1. The gross floor area for all residential units shall not exceed the gross floor area of the commercial or office uses to which they are accessory.
2. Residential dwelling units shall meet the minimum floor area requirements applicable to such units in the R-3 District.
3. Separate parking facilities will be provided for all such dwelling units in accordance with the requirements of Chapter 17.

R. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way with a minimum of ten (10) stacking spaces. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through facility.
2. In addition to parking space requirements, at least three (3) parking or waiting spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Any paved area shall have minimum side and rear yard setback of twenty (20) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

S. Retail building supplies.

1. Minimum lot width shall be two hundred (200) feet.
2. 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 an

- intersection.
3. All lighting shall be shielded from adjacent Residential Districts or uses.
 4. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.
- T. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within an enclosed building
1. Public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of said access.
 2. Any principal building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
 4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.
- U. Theaters (indoor) and commercial recreation centers, such as bowling alleys, skating rinks, and other similar uses.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
 2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
 3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
 4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.
- V. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
1. Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved tower within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within a three (3) mile radius

- cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
- d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
 3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 4. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
 - a. Residential Districts: The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
 - b. Nonresidential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line.
 - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
 5. The Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
 6. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
 7. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.
- W. Truck and freight terminals.
1. Minimum lot size shall be three (3) acres.

2. The lot location shall be such that at least one (1) property line abuts a paved County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
 3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
 4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- X. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 2. Any such building shall comply with the yard setback requirements for main buildings of the District in which it is located.
- Y. Vehicle service stations, excluding body shops.
1. Minimum lot area shall be fifteen thousand (15,000) square feet.
 2. Minimum lot width shall be one hundred (100) feet.
 3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
 4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.
 5. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
 7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
 8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
 9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
 10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
 11. The rental of trucks, trailers, and any other vehicles on the premises is expressly

prohibited without specific approval by the Planning Commission . If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission .

12. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
15. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

Z. Vehicle wash establishments, either self-serve or automatic.

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in any required yard.
3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

AA. Veterinary hospitals and animal clinics.

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public,
2. No dog runs and/or exercise areas shall be located in any required front, rear or side yard setback area.