

## **CHAPTER 19 SPECIAL LAND USES**

### **SECTION 19.1 APPLICATION PROCEDURES**

Application for a special land use permit shall be made to the Ordinance Administrator and shall include the following:

- A. A completed application form.
- B. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Village Council.

### **SECTION 19.2 NOTIFICATION, HEARING, PROCESS AND AUTHORITY**

- A. Upon receipt of an application for a special land use permit, the Ordinance Administrator shall schedule a special land use public hearing, notice of which shall be given according to *Section 21.6, Publications*.
- B. The public hearing shall be held by the Planning Commission, who shall review the special land use application, and recommend action to the Village Council, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Ordinance.
- C. The Village Council, after receiving a recommendation from the Planning Commission, and after the appropriate public hearing has been held, may approve, approve with conditions, or deny the special land use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing and by the Planning Commission, and the applicable standards of this Ordinance.

### **SECTION 19.3 GENERAL STANDARDS FOR APPROVAL**

A special land use permit request may be approved only upon a finding that all of the following general standards are met:

- A. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

- D. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
- E. The site plan proposed for such use demonstrates compliance with the special land use specific design standards contained in this Chapter.
- F. If proposed in a Residential District, the use will be compatible with the surrounding residential neighborhood, and the scale, density, or bulk of the use will be consistent with neighborhood character. Demolition of existing residential buildings is presumed to be inconsistent with maintaining the residential character of the Village.

**SECTION 19.4 CONDITIONS OF APPROVAL**

- A. The Village may impose reasonable conditions, in conjunction with approval of a special land use permit which are deemed necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- B. Conditions imposed shall:
  - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
  - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
  - 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

**SECTION 19.5 APPROVAL TERM AND EXPIRATION**

A special land use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

- A. A special land use approval granted by the Village shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction has occurred and is progressing meaningfully toward completion.
- B. The Village may grant up to one (1) additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration of the original twelve (12) month period, upon showing that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will precede within the extension period.
- C. If the above provisions are not fulfilled or the extension has expired prior to construction, the special use approval shall become null and void.

**SECTION 19.6 SPECIAL LAND USE SPECIFIC DESIGN STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Chapter. The following uses have such conditions, standards, or regulations:

**A. Adult Regulated Businesses**

- 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.
- 3. 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:
  - a. "Persons under the age of 18 years are not permitted to enter the premises." and,



2. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
3. Such uses shall only be established in a single family detached dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.
5. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each three thousand (3,000) square feet or fraction thereof by which the lot area of the use exceeds ten thousand (10,000) square feet, not to exceed six (6) guest rooms in any case.
6. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
7. The establishment shall contain the principal residence of the operator.
8. 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 so forth.
9. Meals shall be served only to the operator's family, employees, and overnight guests.
10. The maximum stay for any occupant, excluding the owner, shall be ten (10) consecutive days, not to exceed thirty (30) days in any twelve (12) month period. A guest register shall be maintained by the proprietors and shall be made available to the Village for inspection upon request.
11. No exterior evidence that the facility is a bed and breakfast shall be permitted, other than one (1) non-illuminated sign attached flat against the building, not to exceed six (6) sq. ft.
12. Off-street parking shall be provided at a minimum ratio of two (2) spaces, plus one (1) for each permitted guest room. No parking shall be permitted in the front yard and no parking area shall be lighted, except for a residential porch light.

**D. Churches and other places of worship.**

1. The Purpose of these requirements is to integrate churches into the fabric of the Village's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the church, parking lots, and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.
2. The minimum lot area shall be one (1) acre.
3. The minimum lot width shall be one hundred fifty (150) feet.

4. At least one (1) property line shall abut and have access to an arterial or collector street.
5. To the extent possible, shared parking arrangements should be employed with other uses in the vicinity, to minimize the number of spaces provided on the church property.

**E. Clubs, Private, non-commercial, social, fraternal or service.**

1. The use shall not impair the natural appearance of the land or surrounding properties.
2. The club house, other structures and accessory buildings as well as parking facilities pertaining to the use shall have ingress and egress directly from a major or secondary thoroughfare and shall be located not closer than one hundred fifty (150) feet from any abutting side or rear property line.
3. No sale of food or beverages of any kind shall be made outside the club house.

**F. 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 floor area requirements for a multiple family dwelling in the M-F District, based on number of bedrooms.
3. Parking and circulation:
  - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site. One (1) additional parking space per twenty (20) storage cubicles, up to a maximum of ten (10) spaces, shall be located adjacent to the rental office for the use of customers.
  - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  - c. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

**G. Dwelling units within an existing accessory building.**

1. A maximum of one (1) dwelling unit is allowed per accessory building, and may not exceed fifty percent (50%) of the floor area of the accessory building.
2. No dwelling units are permitted on the ground floor of an accessory building.

**H. Extractive Uses.**

1. Submittal Requirements:

- a. A narrative of the operation shall be submitted that describes the methods, location, and type of material to be mined, stored, processed or transported, hours of operation, mining schedules and sequences, types of machinery, and off-site transportation routes.
  - b. The name and address of the person, firm or corporation who will be conducting the mineral mining operations.
  - c. Testimonial from a Michigan licensed engineer and/or a hydrological expert describing the existing baseline of water levels, quality of existing water conditions, and a statement regarding potential impacts to the quality or quantity of the Village's water supply.
  - d. A reclamation plan consisting of: a recent aerial photograph of the site with a general plan of reclamation as an overlay or as a separate drawing; a reclamation contour plan; and a description of reclamation methods and materials proposed for restoration of topsoil and replanting.
2. Areas of extraction shall be setback a sufficient distance from adjacent properties and right-of-way lines to provide adequate lateral support or as otherwise necessary to preserve the public health, safety or general welfare. The setback requirements shall be specifically stated as a condition of special approval.
3. To ensure safety around open pits and excavated areas, and to minimize impacts to surrounding lands, the Village may:
- a. Require fencing of hazardous areas of the site, and/or posting of warning signs at the perimeter of the site or area of operation.
  - b. Limit the hours of operation.
  - c. Require screening of mining areas visible to residential zoning districts. Screening shall consist of natural materials, such as evergreen trees, earthen berms, or a combination thereof.
  - d. Require maintenance of vehicles used to transport material, including tarping of loads or washing prior to vehicles exiting the site.
  - e. Require compliance with performance standards and other reasonable conditions not otherwise specified herein in order to protect the health, safety and general welfare of neighboring property and persons.
4. All lighting used to illuminate the mining area, access roads, stockpile areas, and other areas used in connection with the mining operations shall be directed away from surrounding property.

5. Approvals shall be effective indefinitely so long as the extractive operation is conducted in compliance with Village, County, State and/or Federal requirements and no adverse impacts have been created that are likely to continue or that cannot be remedied. The Village may review the approval if it appears that the operation is not in compliance with Village, County, State and/or Federal requirements and/or if it appears that there are adverse impacts that are likely to continue or that cannot or will not be remedied. The owner and the Village shall meet and cooperate to deal with and eliminate any aspects of non-compliance or adverse impacts. The Village shall reserve the right to revoke approvals in the event of continued non-compliance or unremedied serious adverse impacts. The Village shall conduct a hearing and provide the property owner with the opportunity to be heard as a precondition to any approval revocation.

**I. Funeral homes and mortuary establishments.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from any other driveway.
6. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum floor area requirements for a multiple family dwelling in the M-F District, based on number of bedrooms.

**J. 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 setback of ten (10) feet.
3. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

**K. Housing for the elderly.**

1. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted.
3. The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the state of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public street.
6. The maximum height may be increased by one story for each additional forty (40) feet the building is set back from all required yards.

**L. Lumber and planing mills.**

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential district property line.

**M. Lumberyards.**

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
3. Materials stored within ten (10) feet of the property line of the use may be stacked to a height not exceeding ten (10) feet.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district property line.

**N. Manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.**

1. The principal and accessory buildings and structures shall be located at least three hundred (300) feet of any residential district property line.

**O. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.**

1. Access driveways shall be located no less than two hundred (200) feet from the right-of-way line of any street or one hundred (100) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures, shall not be located within one thousand (1,000) feet of any residential district.

**P. Metal plating, buffing, and polishing.**

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential district property line.

**Q. Open air businesses.**

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

**R. Outdoor merchandise display.**

1. No merchandise, displays, or fixtures shall be located closer than twenty (20) feet to any public right-of-way line.
2. No fixtures or merchandise shall be located so as to obstruct the movement of pedestrians along the sidewalk or obstruct the visibility of vehicles on the street.
3. All merchandise, displays, and fixtures shall be removed and stored indoors during non-business hours.
4. No lighting, motors, or electrical apparatus shall be employed in any outdoor display.
5. The area devoted to such outdoor display shall be maintained in a safe, clean, and sanitary manner.

**S. Outdoor patio/seating area in conjunction with a permitted restaurant.**

1. The area devoted to outdoor service must be ancillary to the main use of an indoor restaurant, bakery, delicatessen, specialty food store, bookstore, or similar establishment.
2. The area devoted to outdoor service shall not obstruct any public walkway, street, alley or right-of-way.
3. The outdoor service area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.
4. The type and style of furniture to be used shall be shown in conjunction with the site plan submittal for the special use request.
5. The sale of alcoholic beverages is subject to the rules and regulations of the State of Michigan Liquor Control Commission.
6. Furniture utilized for outdoor dining shall be removed and stored indoors or secured outdoors during non-business hours. All such furnishings shall be completely removed from December 1 through March 1 of each year.
7. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.

**T. Outdoor Recreation and Entertainment Facilities.**

1. All buildings shall be set back 200 feet from any property line. The Village may allow a lesser distance if it is determined that it will not result in any serious adverse effect upon adjacent or nearby lands.
2. The Village may require the submission of an environmental impact assessment, traffic impact study, storm water management plan, or any other plans or studies, as needed to determine the potential impacts of the operation and special land use.
3. Safe and reliable facilities for the collection and disposal of sanitary sewage and the providing and distribution of water supply shall be provided. The Village may request reviews, comments and approvals from outside agencies and consultants to ensure feasibility of such systems.

**U. Outdoor storage, display, and sale of farm implements and commercial construction equipment.**

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.

2. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

**V. Outdoor storage yards.**

1. All outdoor storage in the C-2 District shall be located in the rear yard only and shall be fenced with a six (6) foot high chain link fence or screen wall.
2. All outdoor storage in the I-1 District shall be located in the rear or side yard.
3. All outdoor storage yards shall be paved.
4. Screening of outdoor storage yards shall be provided along all property lines.
5. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.
6. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.

**W. Production, refining, or storage of petroleum or other flammable liquids.**

1. Access driveways shall be located no less than two hundred (200) feet from the right-of-way line of any street or one hundred (100) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential district.

**X. Recreation centers, noncommercial.**

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential district.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district.

4. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

**Y. Recycling centers and Junk Yards.**

1. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential district property line.

**Z. Residential dwelling units, in the same building with commercial uses.**

1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
2. Two (2) on-site parking spaces shall be required for each dwelling unit.
3. Access to dwelling units shall be from outside of the building.
4. No dwelling unit shall be located on the ground floor of the building.

**AA. 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. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking or stacking 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. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

**BB. 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 abut and have suitable access to a collector or arterial street to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within one thousand (1,000) feet of any residential district.
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 approved signs.
5. Stored materials shall not be stacked. 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 wide 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. The property shall be a minimum size of at least six (6) acres.
14. All fences shall be set back a minimum of three hundred (300) feet from any residential district.

15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Village may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Village of Maybee. These conditions can include a provision for an annual inspection by the Ordinance Administrator to ensure continuing compliance with the above standards.

**CC. Site condominium developments.**

1. The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
2. The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.
3. All developed sites shall be required to use Village utilities.
4. Sidewalks shall be constructed on all sides of site condominium lots abutting a public street or a common use private drive, in accordance with Village standards. The Village may waive the requirement for a sidewalk when, in the opinion of the Commission, no good purpose would be served by the sidewalk for site plan condominium projects of four or more sites.
5. All site condominium lots shall have access to and frontage on a public street.

**DD. Truck terminals.**

1. Access driveways shall be located no less than two hundred (200) feet from the right-of-way line of any street or one hundred (100) feet from the nearest edge of any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential district.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

7. No trailer containing a refrigeration unit shall be parked in, stored, or otherwise occupy any yard within three hundred (300) feet of a residential district.

**EE. Utility and public service buildings, excluding essential public service facilities 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 of the district in which it is located.
3. Minimum lot area requirements for the district on which the use is located shall be met.

**FF. Vehicle repair.**

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district property line.
2. Minimum lot area shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be constructed in accordance with the requirements of *Section 3.7, Fences*, and continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

**GG. Vehicle service stations.**

1. Minimum lot area shall be twenty thousand (20,000) square feet and minimum lot width shall be two-hundred (200) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
7. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
8. Canopy lighting shall be recessed into the canopy and no part of the light fixture lens shall protrude below the underside of the canopy.

**HH. Vehicle wash establishment, self-serve or automatic.**

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. Such vehicle stacking space shall be equivalent to 5 times the wash capacity. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by 25 feet. No less than fifteen (15) stacking spaces shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least three hundred (300) feet from any residential district property line. Wash bays for self-service establishments shall be located at least one hundred fifty (150) feet from any residential district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened with landscaping, and continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

**II. Veterinary clinics.**

1. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

**JJ. Wireless Communication Towers.**

1. The lot size shall be a minimum of twenty thousand (20,000) square feet.

2. The tower shall be of a monopole design.
3. The tower shall be set back from all lot lines a minimum distance equal to one-half (½) the height of the tower. All other buildings and structures shall meet the minimum setback requirements of the Zoning District.
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. Where possible, joint use of tower facilities, including Village elevated storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the Village. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands or co-locate on an existing tower.
6. Unless located on the same site or tower with another user, no new tower shall be erected within a one-half (½) mile radius of an existing radio, television, cellular, or wireless communications tower.
7. No signs, except warning or other cautionary signs, shall be permitted on the site.
8. Abandoned or unused towers and any associated structures or equipment shall be removed, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Village. One (1) three (3) month extension shall be permitted if the Village finds that the owner or former operator of the facility is taking active steps to remove it.

**KK. Wind Energy Conversion System (WECS).**

1. **Informational Requirements.** Each special land use application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
  - a. A standard foundation and anchor design or specifications for normal soil conditions; and
  - b. A detailed parts list; and
  - c. Clearly written detailed instructions for the assembly, installation, check out, operation and maintenance of the WECS on site; and
  - d. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
  - e. Underwriters label, where appropriate; and
  - f. The applicant shall insure each WECS at all times for at least \$1 Million for liability to cover the applicant, Village and land owner.
2. **Electromagnetic Interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with

radio and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub-parts A and F) and 18 (including sub-parts A, D and H).

3. **Noise.** The maximum level of audible noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property lines nearest the WECS. An application for a WECS facility shall not be approved unless the Applicant demonstrates that the proposed project complies with all noise regulations.
4. **Location and Setbacks.** A WECS shall be located in a rear yard only. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines and/or property lines than 1½ times the height of the tower and rotor combined.
5. **Height.** The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be one hundred and twenty (120) feet, unless otherwise prohibited by State or Federal statutes or regulations. The maximum allowable height shall comply with all applicable state construction and electrical codes and local building permit requirements.
6. **Other Requirements.** A WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. In the case of a WECS to be interconnected with the power grid of the local electric utility, the WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. The applicant must provide written evidence that all federal and state requirements and regulations will be met.
7. **Labeling of WECS Tower Subsystem:** The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily read, and easily accessible location:
  - a. Equipment weight of the tower subsystem;
  - b. Manufacturer's name and address;
  - c. Model number;
  - d. Serial number;
  - e. The following tower warning label or equivalent warning: *Installation and Maintenance of this Product Near Power Lines is a Danger. For Your safety Follow the Installation and Maintenance Instructions.*
  - f. The survival wind speed in miles per hour and meters per second;
  - g. Name of installer;
  - h. Name of person responsible for maintenance;
  - i. Emergency telephone numbers for g. and h. above
8. **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:

- a. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
  - b. Manufacturer's name and address;
  - c. Model number;
  - d. Serial number;
  - e. Emergency and normal shutdown procedures;
  - f. Underwriters label, where appropriate.
9. **Ground Clearance:** For both horizontal and vertical axis turbines, a WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
  10. **Braking System:** A WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
  11. **Visibility of Guy Wires:** If a WECS tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
  12. **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of 12 feet above the base of the tower and only accessible by using a separate climbing device.
  13. **Interconnected WECS:** In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback and non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
  14. **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of such WECS shall remove the same within ninety (90) days of receiving an abandonment notification from the Village. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Village to remove the WECS at the owner's expense. The Village may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the WECS. If a bond is to be required, the Village shall include the requirement as a condition of Special Land Use approval.