

## Chapter 16 Special Land Uses

### Section 16.01 Purpose

In order to make this ordinance a flexible zoning device, and still afford protection of property values and orderly and compatible development, the Planning Commission, in addition to its other functions and duties, is authorized to approve the establishment of certain uses designated as Special Land Uses. 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 practical latitude for the applicant, at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Markey Township. 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 16.07, as applicable.

### Section 16.02 Application Procedures

Application for a Special Land Use permit shall be made to the Ordinance Administrator and shall include the following:

- A. Ten (10) copies of a site plan containing the information required by Section 15.01, C, 2.
- B. An application form supplied by the Township, completed by the applicant or their authorized agent.
- C. Payment of a non-refundable application fee, and a review fee, as established from time to time by resolution of the Township Board.

### Section 16.03 Notification, Hearing, and Review Procedures

- A. Notification. Upon receipt of an application for a Special Land Use permit, the Planning Commission shall cause:
  - 1. A notice to be published in a newspaper which circulates in the Township, that a request for Special Land Use approval has been received, and that a public hearing for the request will be held.
  - 2. Send by mail or personal delivery a notice of Special Land Use request to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of

the property in question, and to the occupant of all structures within three hundred (300) feet.

3. The notice shall be given not less than fifteen (15) days before the date of the public hearing.
  4. If the name of the occupant is not known, the term “occupant” may be used in making notification.
  5. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, the occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
  6. The notice shall:
    - a. describe the nature of the request,
    - b. indicate the property which is the subject of the special land use request, by address and property number,
    - c. state when and where the request shall be considered, and
    - d. indicate when and where written comments will be received concerning the request.
- B. Following notice, the Planning Commission shall hold a public hearing on the Special Land Use permit application.
- C. The Planning Commission may approve, approve with conditions, or deny the Special Use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Chapter.
- D. If the Planning Commission finds that the request meets all required standards, they shall approve the Special Use request.

**Section 16.04 General Standards For Approval**

- A. The Planning Commission review each Special Land Use permit request, and approve said request only upon a finding that all of the following general standards are complied with:
1. 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.

2. 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, and schools. Adequate water and sewer facilities must be available.
  3. 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.
  4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
  5. The site plan proposed for such use demonstrates compliance with the specific design standards for the special land use as contained in Section 16.07.
- B. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Planning Commission minutes.
- C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

### **Section 16.05 Conditions of Approval**

The Planning Commission may impose reasonable conditions in conjunction with approval of a Special Land Use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 16.04 and the Specific Design Standards of Section 16.07.

### **Section 16.06 Approval Term and Expiration**

- A. A Special Land Use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The Special Land Use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the Special Land Use may be imposed as a condition of approval.
- B. The special use shall be established within one (1) year of the date of approval by the Planning Commission. One (1) extension of this time period of up to one (1) additional year may be granted by the Ordinance Administrator. Such extension shall be requested in writing by the applicant, along with payment of a renewal fee as established by the Township Board, prior to the expiration of the initial approval period. In such case, the

Ordinance Administrator shall notify the Planning Commission, in writing, of the request for extension and the decision to grant or deny such extension.

**Section 16.07 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 Section. The following uses have such conditions, standards, or regulations:

- A. Adult foster care group homes.
- B. Bed and Breakfast establishments.
- C. Billboards.
- D. Cemeteries.
- E. Churches.
- F. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs, for the exclusive use of its members.
- G. Commercial outdoor recreation facility.
- H. Commercial schools including but not limited to dance, music, trade, and martial arts.
- I. Commercial storage (mini-storage units).
- J. Community centers.
- K. Crop farming.
- L. Deer, elk, or other cervine farms.
- M. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- N. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.
- O. Funeral homes and mortuaries.
- P. Gasoline stations.
- Q. Golf courses and country clubs.
- R. Greenhouses and nurseries.
- S. Group day care homes.
- T. Health and physical fitness clubs.
- U. Storage buildings for residential and commercial
- V. Hotels and motels.
- W. Hunting reserves.
- X. Kennels.
- Y. Lumber yards and building material sales areas.
- Z. Marinas.
- AA. Medical offices.
- BB. Mining of natural resources.
- CC. Multiple family dwellings other than existing condo associations.
- DD. Municipal airports.
- EE. Municipal buildings.
- FF. Nursing or convalescent homes.

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- GG. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
  - HH. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
  - II. Planned unit developments.
  - JJ. Private landing fields.
  - KK. Public or private boat launches.
  - LL. Public or private campgrounds.
  - MM. Public or private schools.
  - NN. Public parks and recreation areas.
  - OO. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
  - PP. Retail convenience shopping and personal service establishments within a building less than three thousand (3,000) square feet in area.
  - QQ. Retail sales accessory to a permitted use.
  - RR. Riding stables.
  - SS. Roadside stands.
  - TT. Laundromats (self-serve).
  - UU. Sexually oriented businesses.
  - VV. Storage building / yards for contractor's equipment.
  - WW. Transportation terminals.
  - XX.
  - YY. Vehicle sales areas.
  - ZZ. Vehicle service establishments.
  - AAA. Vehicle wash establishments.
  - BBB. Veterinary hospitals and clinics.
  - CCC. Wildlife preserves.
  - DDD. Wireless communication towers and radio and television broadcast towers.
- A. Adult foster care group homes.
1. The use may not be closer than 1,500 feet to any of the following:
    - a. Another licensed Foster Care Facility or Group Day Care Home.
    - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
    - c. A facility offering substances abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
    - d. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Markey and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
3. Fencing at least fifty-four (54) inches, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to clients.
4. All playground equipment, and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least two thousand five hundred (2,500) square feet in size.
5. The property shall be consistent with the characteristics of the neighborhood.
6. The facility shall not exceed sixteen (16) hours of operations during a twenty-four (24) hour period, and shall not operate between the hours of 10:00p.m., and 5:00a.m.
7. One non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.

**B. Bed and breakfast establishments.**

1. The establishment shall be serviced by public water and sanitary sewer services, or adequate on-site resources may be used.
2. The establishment shall be located on property with direct access to a public road.
3. No such use shall be permitted on any property where there exists another bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single-family dwelling.
5. Off-street parking shall be in the rear yard, and one (1) space per sleeping room shall be required. If it is impracticable to locate the parking in the rear, the Planning Commission or Township Board may permit the required off-street parking to be located in an area that best minimizes negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), 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 seven (7) guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.

8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
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 so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

C. Billboards. (See Section 15.03, B, 4, for definition)

1. Two (2) signs may counted as a single billboard, if the signs are placed back-to-back.
2. The maximum height of the signs shall be no higher than that permitted in the district in which the billboard is located.
3. No billboards may be located within five hundred (500) feet of another billboard.
4. The billboard may be illuminated, however, such illumination shall be so arranged as to not cause a hazard to drivers on the adjacent roadway.
5. No animation or moving parts may be permitted, nor any flashing lights, or intermittent lights that may simulate movement.

D. Cemeteries.

1. Minimum lot size of three (3) acres is required.
2. Plan must show any interior roads, and plot areas.
3. A five (5) foot tall fence is required along any property line not adjacent to a road right-of-way.
4. One (1) sign is permitted that must conform with the district restrictions for signs.

E. Churches.

1. The property location shall be such that at least one (1) side of the property abuts and has access to a county road.

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2. The parking lot shall be screened with a proper greenbelt in accordance with Section 3.10.
- F. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs for the exclusive use of its members.
1. The main building shall be setback at least two hundred fifty (250) feet from all property lines.
  2. Hours of operation for outdoor activities: 9:00 a.m. to sundown.
  3. The use shall not be located any closer than one-quarter (1/4) mile from any church or school.
  4. Rifle, pistol, and archery ranges shall have adequate backstops.
- G. Commercial outdoor recreation facility.
1. Minimum lot size of three (3) acres.
  2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
  3. All adjacent parcels shall be screened with a proper buffer or greenbelt, as outlined in Section 3.10, to afford adjacent property owners protection from noise, light, dust, or other nuisances.
  4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility.
  5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- H. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.
- I. Commercial storage (mini-storage units).
1. No more than forty percent (40%) of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
  2. Parking and circulation:
    - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.

- b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
  3. A six (6) foot fence may surround the property. The fence shall be aesthetically pleasing, and be made of an acceptable material, such as but not limited to, redwood, cinder block, or chain link with slats. The fence, with gate, must be setback at least forty (40) feet from the road right-of-way.
  4. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.10.
  5. The facility shall be fully lighted to insure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
  6. An office may be permitted on site, but the office area shall be included in calculating the lot coverage.
  7. In addition to any standards in this section, outside storage shall also comply with the following:
    - a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard.
    - b. A decorative and aesthetically pleasing fence shall be required surrounding the designated outside storage area, with a minimum height of eight (8) feet.
  8. No toxic, hazardous, flammable, or explosive materials may be stored in such a unit.
  9. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.
- J. Community centers.
  1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 15.
  2. The parcel on which the use is located shall front on at least one (1) side, on a paved road.
  3. Any outdoor playground equipment shall be enclosed by a fence at least four (4) feet in height. Such play area shall be setback from any property line at least fifty (50) feet.
- K. Crop farming.

The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.
- L. Deer, elk, and other cervine farms.

1. The minimum lot size for such a use shall be forty (40) acres.
  2. The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.
  3. If the population of the deer, elk, other cervine, or a combination of the aforementioned animals exceeds fourteen (14) per acre, the use must meet the standards of an Intensive Livestock Operation as outlined in Section 16.07, X.
- M. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
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 each service ordering station shall be provided. Stacking spaces shall be located so as to not 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 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 be set back at least one-half the required front yard setback for the district in which the use is located, and at least twenty (20) feet from the side and rear lot lines.
  4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
  5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
  6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
  7. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.10.
- N. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.

1. All buildings and structures associated with the use shall be set back at least two hundred (200) feet from all property lines, however if the use is adjacent to a residential use, the setback shall be five hundred (500) feet.
2. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
3. Outdoor storage of raw material shall be limited to the side and rear yards of the property, and not within twenty (20) feet of such property lines.
4. Outdoor storage areas shall be within a fenced area, such fence shall be completely opaque, and at least six (6) feet in height, but no higher than ten (10) feet.
5. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.

**O. Funeral homes and mortuaries.**

1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
2. 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.
3. No waiting lines of vehicles shall extend off-site or onto any public street.
4. Access driveways shall be located at least seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

**P. Gasoline stations.**

1. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or property line.
2. 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.
3. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
5. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet is maintained, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average

grade. Lighting in such canopies shall be flush with the underside of the canopy structure.

6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.10.
8. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

**Q. Golf courses and country clubs.**

1. Minimum lot size of one hundred twenty (120) acres is required for a regulation eighteen (18) hole golf course, or forty (40) acres for each nine (9) holes of a par-3 style course.
2. The site shall be so planned to provide all access directly onto or from a major paved road.
3. All structures associated with the use shall be at least one hundred (100) feet from any property line abutting residentially zoned land.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
5. The off-street parking area shall be at least fifty (50) feet from any property line abutting residentially zoned land.
6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted.

**R. Greenhouses and nurseries.**

1. All buildings and structures associated with the use shall be setback at least one hundred fifty (150) feet from all property lines. **EXCEPTION:** When abutting commercial properties the setbacks for that zone must be met.
2. Outdoor display areas shall be setback at least fifty (50) feet from all property lines, and shall be limited to an area equal to one-half (½) the square footage of all buildings on the lot associated with the use.

3. A designated outdoor storage area shall be permitted for storage of machinery, pallets, and other items necessary for the use, provided such area is in the rear yard, and located no closer than fifty (50) feet to the rear and side lot lines.
  4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
- S. Group day care homes.  
Group day care homes shall meet those applicable standards as determined by the Ordinance Administrator, for Adult Foster Care Group Homes, in Section 16.07, A.
- T. Health and fitness clubs.  
The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.
- U. Storage building for residential and commercial.
1. All Storage shall be within the building.
  2. The use shall be adjacent to, and have direct access to a paved road.
  3. All drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property.
  4. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
  5. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.10.
  6. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.
- V. Hotels and motels.
1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
  2. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.
- W. Hunting reserves.
1. Minimum lot size shall be forty (40) acres.

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2. The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.
- X. Kennels.
1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than one hundred (100) feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
  2. Dog runs and/or exercise area, and buildings where the dogs are maintained shall be located in the rear yard only.
  3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
  4. There shall be a fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet.
  5. Parcel shall be five (5) acres or more in size.
  6. Such facilities shall be under the jurisdiction of the Markey Township Planning Commission/Roscommon Animal Control, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.
- Y. Lumber yards and building material sales areas.
1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.
  2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 3.10.
  3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
  4. Outdoor sales and display areas shall be limited to twenty (20) square feet for each linear foot of building frontage.
  5. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
  6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
- Z. Marinas

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1. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases unless said storage facility meets all local, county, state, and federal EPA regulations.
2. No building, structure, dock, or parking area which is part of marina shall be located closer than fifty (50) feet to any residential lot line.
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
4. On-land boat storage areas shall be either inside an enclosed building, or fenced and screened following the standards outlined in Section 3.10.
5. Accessory restaurants and lounges may be permitted.
6. Accessory retail sales may be permitted.

### AA. Medical offices.

1. The use shall front upon a paved public road. All ingress and egress shall be from said thoroughfare.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

### BB. Mining of natural resources.

Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; and the mining of coal. The incidental excavation of sand and gravel for on-site use only is excluded from the regulations of this Ordinance, except that the setback and yard requirements for the district shall be met.

1. A minimum setback for the mining operation of fifty (50) feet from any property line, and seventy-five (75) feet from any public road.
2. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public road.
3. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Storage piles of processed material and overburden stripped mining areas shall not be located closer than fifty (50) feet from any property line, and one hundred (100) feet from any public road.
5. A minimum of twenty (20) acres is required for the use.

6. With application for the Special Land Use, an Operational Plan must be submitted for review by the Planning Commission. If the Operational Plan meets the intent and purpose of this Ordinance, the goals and objectives of the Township Master Plan, and is consistent with sound planning principles, the Planning Commission may approve the plan. The plan should provide at least the following information, but not limited to: the areas to be mined, the location of permanent structures, locations for storage piles, the points of access upon public roads, screening, and reclamation plans. The Operational Plan must be approved prior to issuance of a Land Use Permit.
7. Upon commencement of mining operations, the mining area shall be enclosed within a five (5) foot high fence, and “No Trespassing” signs shall be posted at most one hundred (100) feet apart.
8. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one (1) or more of the following:
  - a. Earth berms which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public road adjacent to the mining property. The berm shall have a slope not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.
  - b. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than ten (10) feet, and spacing of trees within rows no greater than ten (10) feet apart.
  - c. Masonry walls or solid fences which shall be constructed to a height at least five (5) feet.
9. Noise and vibration shall not be nuisance to the general health, safety, and welfare of the residents in Markey Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings.
10. Air pollution in the form of dust and dirt shall be kept at a minimum.
11. All equipment used for the mining operation shall be operated in such a manner as to minimize, insofar as is practicable, dust, noise and vibration conditions which are injurious or substantially annoying to persons living in the vicinity.
12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.

13. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
14. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission and Township Board. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
15. Reclamation shall be completed in accordance with the plan approved by the Planning Commission and Township Board within one (1) year after all extraction has been completed.
  - a. The excavated area shall not retain stagnant water.
  - b. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area.
  - c. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four (4) inches deep.
  - e. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
  - f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
16. The mining company shall post a minimum financial guarantee in the amount of \$10,000 for the first five (5) operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$2,000 per each additional operation acre which exceeds the first five. The guarantee shall be provided in one (1) of the following forms:
  - a. Cash
  - b. Certified check
  - c. Irrevocable bank letter of credit
  - d. Surety bond acceptable to the Planning Commission.

Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

17. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the Ordinance Administrator. Failure to correct a reported violation shall be reason for revocation of the special land use permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of proof of good and sufficient cause by the operating company.

CC. Multiple family dwellings other than existing condo associations.

1.  $12,000 \text{ Sq. Ft. Per Site (Land)}, 1,000 \text{ Sq. Ft. Per Unit or Dwelling, Number of Allowed Sites (Land) or units (Dwellings)} = \frac{\text{The total sq. ft. of land}}{12,000}$
2. If unit is 2 story, side setbacks would double to allow views of the lake.
3. 3 Parking spaces per dwelling (12' x 24') for each space. Parking not to encroach into setbacks.
4. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.
5. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

DD. Municipal airports.

1. The area proposed for the use shall be sufficient to meet the applicable Michigan Aeronautics Commission and Federal Aeronautics Administration's requirements for the class of airport proposed.
2. No existing flight obstructions, such as towers, chimneys, or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways, or landing strips of the airport.
3. Sufficient distance exists between the end of each landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate agency responsible for authorizing such uses. In cases where air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
4. Any buildings, hangars, or other structures associated with the use shall be at least one hundred fifty (150) feet from any lot line.
5. The site plan submitted for review and approval shall include in addition to the requirements of Section 15.01, a layout for the proposed runways, landing strips

or areas, taxi strips, aprons, on-site roads, parking areas, hangers and other buildings, and the height of all buildings and structures.

**EE. Municipal buildings.**

1. The proposed site shall front upon a paved public road. All ingress and egress shall be from said road.
2. Buildings and structures shall be setback at least one hundred (100) feet from all property lines and street rights-of-way.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.

**FF. Nursing or convalescent homes.**

1. All bedrooms shall have a minimum of two hundred (200) square feet.
2. The allowable density of the zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the state of Michigan and no more than twenty-five percent (25%) for non-licensed nursing care and supportive care units.
3. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
4. The site shall front upon a paved road. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said road.
5. Minimum setbacks for all main and accessory buildings shall be seventy-five (75) feet.
6. Any emergency entrances shall be visually screened from view of adjacent residential uses by a structure, or by a sight-obscuring wall or fence of six (6) feet in height. Access to and from the emergency entrance area shall be directly from a paved road.
7. No more than thirty percent (30%) of the gross site area shall be occupied by buildings.

8. All off-street parking areas shall be in the side or rear yard.
  9. A five (5) foot sidewalk shall be required adjacent to the front property line beginning at one side lot line, and ending at the other. In the case of a corner lot, the sidewalk shall run adjacent to the entire road frontage.
  10. Any outdoor recreation, sitting, or walking areas shall be served by a five (5) foot wide sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and the sidewalk adjacent to the front property line.
  11. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and public water and sanitary sewer.
- GG. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
1. Minimum setbacks of seventy-five (75) feet for all structures and storage yards shall be required.
  2. The use shall be in the building where such allied goods are assembled, repaired, altered, or stored.
  3. The offices and showrooms shall not occupy more than fifty percent (50%) of the floor area of the building or space the main use occupies.
  4. Outside storage shall not be permitted in any required setback area, and only in the rear of the building.
  5. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.
  6. Off-street parking shall be required as provided in this Ordinance for office uses, plus required parking for the main use.
- HH. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 15.
  2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

3. The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.

II. Planned unit developments.

1. Description and Purpose.

- a. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) main building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD), is intended to permit and control the development of planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.
- b. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
- c. Under this Subsection, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations affecting public health, safety and general welfare of the people of the surrounding area.

2. Objectives and Qualifying Conditions.

- a. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning, and development of such planned development:
  - (1) To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural features.
  - (2) To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units, or working/shopping outlets.
  - (3) To encourage developers to use a more creative and imaginative approach in the development of areas.
  - (4) To encourage underground utilities that can be more efficiently designed when master planning a larger area.

- (5) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the Township.
  - (6) To promote flexibility in design and permit planned diversification in the location of structures.
  - (7) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
  - (8) To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
  - (9) To insure a quality of construction commensurate with other developments in the Township.
- b. Any proposed PUD must meet the following qualifying conditions:
- (1) The tract of land for which a PUD application is received must be either in one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
  - (2) The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.
  - (3) To be considered as a Residential PUD the proposed development must fulfill at least one (1) of the following conditions:
    - (a) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings;
    - (b) The PUD site exhibits significant natural features encompassing at least twenty percent (20%) of the land area of the PUD, which will be preserved as a result of the plan.
    - (c) The PUD is designed to preserve in perpetuity at least twenty percent (20%) of the total area of the site for open space.
  - (4) Basis of Determination - Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.
    - (a) General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards, and shall approve a Planned Unit

Development only upon a finding of compliance with each of the following standards:

- i. The standards outlined in Section 16.04;
    - ii. The standards of review for Site Plan Review in Section 15.01;
    - iii. The applicable standards of this subparagraph; and
    - iv. The applicable standards as may be established elsewhere in this Ordinance.
  - (b) Conditions - The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to insure compliance with the standards for approval stated in this subsection, and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval, and shall be enforced by the Ordinance Administrator.
3. Application Procedures.
  - a. An application for a PUD shall be submitted, and acted upon as a Special Land Use in accordance with the requirements of Chapter 16, and as noted in this subparagraph.
  - b. In addition to the requirements of a Special Land Use, an application for a PUD shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 16.07, JJ, 2, and other criteria imposed by this Ordinance affecting the PUD under consideration.
  - c. Review and Approval - The Planning Commission shall review the application for a PUD, the site plan, and other materials submitted in relation to the application. After such review, the Planning Commission may deny, approve, or approve with conditions, the PUD application in accordance with the purpose of this Section, and the criteria for approval stated in Section 16.07, JJ, 2. Other such standards contained in this Ordinance that relate to the PUD under consideration, including those for Site Plan Review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for a PUD, the basis for this decision, any conditions relating to an affirmative decision, or reasons for denial.
4. Planned Unit Developments in applicable Residential Districts.
  - a. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Residential District (excluding R-1A):
    - (1) Single-family detached dwellings.
    - (2) Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the PUD.

- (3) Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the PUD.
  - (4) Permitted Uses in the NCS District, subject to the standards noted for non-residential uses in the PUD, Section, 16.07, JJ, 5, f, and the requirements of the NCS District.
- b. Except as noted in Section 16.07, JJ, 4, i, the maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one (1) Future Land Use category, the number of dwelling units shall be calculated on a proportionate basis.
- c. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
- d. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is necessary for the site to meet the objectives of this Section.
- e. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 16.07, JJ, 4.
- f. Non-Residential Uses.
  - (1) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.
  - (2) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
  - (3) Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood or the PUD.
  - (4) All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
  - (5) Buildings designed for non-residential uses shall be constructed according to the following requirements:
    - (a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
    - (b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
- g. Open Space - At least twenty percent (20%) of the site must be set aside, and designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:

- (1) Additional open space may be established to separate use areas within the PUD.
  - (2) Open space areas shall be large enough, and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
  - (3) Open space may be provided where significant natural features may be preserved, or be used for passive or active recreation.
  - (4) All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
  - (5) Designated open space shall be set aside by means of a conveyance approved by the Township Board. The conveyance shall state and outline:
    - (a) that the open space is protected from all forms of development except as shown on the approved site plan;
    - (b) that the open space shall not be changed to another use without the consent of the Township;
    - (c) the proposed allowable use of the designated open space;
    - (d) that the designated open space is maintained by the parties who have an ownership interest in the open space;
    - (e) the scheduled maintenance of the open space; and,
    - (f) that the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such maintenance shall be assessed against the property owners.
- h. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- i. Open space preservation incentive - In order to preserve the maximum amount of open space, for PUDs in a Residential District, an increase in the total number of dwelling units may be permitted, according to the following requirements:
- (1) PUDs providing at least thirty-five percent (35%) of open space in an undisturbed state shall be entitled an additional ten percent (10%) of the number of dwelling units otherwise permitted by this Section.
  - (2) PUDs providing between thirty-six percent (36%), and fifty percent (50%) of open space in an undisturbed state shall be entitled an additional twenty percent (20%) of the number of dwelling units otherwise permitted by this Section.
  - (3) PUDs providing fifty-one percent (51%) of open space in an undisturbed state, or more, shall be entitled an additional twenty five percent (25%) of the number of dwelling units otherwise permitted by this Section.

- (4) All open space provided under these provisions shall meet the following criteria:
  - (a) The open space shall not be part of any building lot included in the development.
  - (b) The open space shall be in contiguous areas, and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.
  - (c) Open space shall meet the requirements of Section 16.07, JJ, 4, g.

5. PUDs in a Commercial District.
  - a. The minimum area required for a parcel to be considered as a Commercial PUD shall be not less than five (5) contiguous acres.
  - b. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Commercial District:
    - (1) Retail Businesses where no treatment or manufacturing is required.
    - (2) Personal service establishments which perform services on the premises
      - (a) small appliance, television, radio, or watch repair shops,
      - (b) tailor shops,
      - (c) beauty salons or barber shops,
      - (d) photographic studios, and
      - (e) self-service laundries and pick-up dry cleaners.
    - (3) Banks, credit unions, and other financial institutions.
    - (4) Office buildings.
    - (5) Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
    - (6) Accessory buildings and uses customarily incidental to the foregoing uses.
  - c. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
  - d. Open space in a Commercial District, if provided, shall submit a conveyance as outlined in Sec. 16.07, JJ, 4, g, (5).
6. Required Conditions.
  - a. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
  - b. Parking is required in accordance with Chapter 15.
  - c. Signs are permitted in accordance with the requirements of Chapter 15.

**JJ. Private landing fields.**

1. The area proposed for the use shall be sufficient to meet the applicable Michigan Aeronautics Commission and Federal Aeronautics Administration's requirements for the class of airport proposed.
2. Sufficient distance exists between the end of each landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate agency responsible for authorizing such uses.

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3. Any buildings, hangers, or other structures associated with the use shall be at least one hundred (100) feet from any lot line.
4. The site plan submitted for review and approval shall include in addition to the requirements of Section 15.01, a layout for the proposed runways, landing strips or areas, taxi strips, parking areas, hangers and other buildings, and the height of all buildings and structures.

**KK. Public or private boat launches.**

1. Twenty (20) off-street parking spaces shall be required per each fifty (50) feet, or fraction thereof, of water frontage the ramp area occupies. Off-street queuing space for two (2) vehicles with trailers, per each twenty (20) parking spaces shall be required. The parking area shall be configured in a manner to comply with the following table:

Boat Launching Areas					
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces and Maneuvering Lane	Total Width of Two (2) Tiers of Spaces and Maneuvering Lane
30-53 deg.	25 feet	10 feet	45 feet	70 feet	115 feet
54-90 deg.	45 feet	10 feet	45 feet	90 feet	feet

2. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles. Such parking areas shall be set back at least twenty-five (25) feet from any residential lot line.
3. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
4. No building, structure, or dock which is part of the boat launch area shall be located closer than fifty (50) feet to any residential lot line.

**LL. Public or private campgrounds.**

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of fifty (50) campsites.
3. The setback of a campsite, building, or facility from the property line must be at least one hundred (100) feet.
4. Minimum lot size of twenty (20) acres is required for the first fifty (50) sites, and one (1) acre for each additional ten (10) sites, or fraction thereof.
5. A camp-store and self-serve laundry facilities may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store shall be one-half (1/2) the required amount for retail outlets, as outlined in this ordinance.

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### MM. Public or private schools.

1. Minimum lot size:
  - a. For Elementary schools a minimum of five (5) acres.
  - b. For Secondary schools a minimum of ten (10) acres.
2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
4. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
5. The main school building shall be one hundred (100) feet from any property line.
6. Practice and playing fields, tracks, and ball diamonds shall be setback at least fifty (50) feet from any property line.

### NN. Public parks and recreation areas.

1. The use shall be located on property with direct access to a public road.
2. Any outdoor activity areas including band shells, pavilions, and picnic areas shall be set back a minimum of one hundred fifty (150) feet from all property lines.
3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
4. Access driveways shall be located at least one hundred fifty (150) feet from the nearest right-of-way line of any intersecting street, and two hundred (200) feet from the nearest edge of any other driveway.
5. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
6. All existing and proposed buildings shall be shown.
7. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.

### OO. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.

1. Security fencing six (6) feet in height shall be required around all outside storage.
2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible on adjacent properties.

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3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and a well-drained surface.
  4. Outside storage shall not be permitted in the front yard.
- PP. Retail convenience shopping and personal service establishments within a building less than three thousand (3,000) square feet in area.
1. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
  2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
- QQ. Retail sales accessory to a permitted use.
1. The retail sales area shall not constitute more than ten (10) percent of the gross floor area of the building in which the sales take place.
  2. No outdoor displays shall be permitted.
  3. Off-street parking shall be increased by ten (10) percent of that required for the principal use, however in any case, not fewer than three (3) additional spaces shall be required.
- RR. Riding stables.
1. The minimum lot size shall be ten (10) acres.
  2. The maximum horse population shall be limited to two (2) horses per acre.
  3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
  4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
  5. Height limitations must be followed for the district.
  6. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.

7. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
8. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
9. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards may be imposed by the Planning Commission to maintain the health safety, and welfare of the Township.

**SS. Roadside stands.**

1. The use may be permitted for up to seven (7) months in any one (1) calendar year.
2. Only farm produce may be sold.
3. The produce sold, shall be grown on the same premises as the roadside stand sits.
4. Off-street parking must be provided as outlined in this Ordinance.

**TT. Laundromats.**

1. Off-street parking shall be provided at a ratio of one (1) parking space for each three (3) washing machines.
2. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

**UU. Sexually oriented business.**

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 of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious 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 special regulations are itemized in

this subsection. These controls 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 neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.

A sexually oriented business shall be permitted if:

1. The use is located within a zone district where the use requires Special Land Use approval.
2. The use is not located within a one thousand (1,000) foot radius of another such use except that such restrictions may be waived by the Planning Commission, if the following findings are made:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
  - c. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
  - d. That all applicable state laws and local ordinances will be observed.
  - e. Prior to the granting of any waiver as herein provided, the Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
4. No sexually oriented business shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
5. No alcohol shall be served at any sexually oriented business.

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6. No sexually oriented business shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
7. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
8. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any school, church, or park, and five hundred (500) feet from any residential use or zoning district, measured from lot line to lot line.

**VV. Storage buildings / yards for contractor's equipment.**

1. The storage area shall be within a totally enclosed building; or in the rear yard of the property inside a six (6) foot high solid fence or wall.
2. The use shall be adjacent to, and have direct access to a paved public road.
3. The area where the equipment is to be stored, and all interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
4. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

**WW. Transportation terminals.**

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. The area designated for overnight truck and trailer parking shall be set back a minimum of one hundred (100) feet, however, if adjacent to a residential district or use, then the setback shall be increased to three hundred (300) feet.
3. The principal building shall not be located within two hundred (200) feet of any residential use or district.
4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
5. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

**XX. Deleted as amended 3/31/05**

**YY. Vehicle sales areas**

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Such uses shall meet all applicable provisions, as determined by the Ordinance Administrator, for Vehicle Service Establishments, as outlined in subsection 16.07, BBB, below.

### ZZ. Vehicle service establishments.

1. The principal and accessory buildings and structures shall not be located within one hundred fifty (150) feet of any residential use or district, or if not located adjacent to a residential use or district, such setback shall be at least seventy-five (75) feet.
2. 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.
3. 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 continuously maintained in good condition. This area shall be paved with asphalt or concrete, and shall be no larger than five thousand (5,000) square feet.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 3.
5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
6. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

### AAA. Vehicle wash establishment.

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 an automatic wash facility 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 two hundred (200) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least one hundred (100) feet from any residential use or district line.
3. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least one hundred (100) feet from the nearest right-

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of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property.

### BBB. Veterinary hospitals and clinics.

Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for Kennels, as outlined in subsection 16.07, Y, above.

### CCC. Wildlife preserves.

The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.

### DDD. Wireless communication towers and radio and television broadcast towers.

The applicant must demonstrate that construction of a new tower is necessary to best suit their, rather than placing an antennae on an existing tower, spire, or municipal structure. If the Planning Commission is convinced no other method is applicable, the following standards must be met:

1. Such uses may be accessory to an existing use on the site.
2. The tower and any other related appurtenances, shall be fenced with a six (6) foot high fence.
3. The tower base must be at least one hundred (100) feet from any lot line.
4. The maximum height of the tower shall be three hundred (300) feet.
5. To encourage co-location, the tower shall be equipped to accommodate three (3) antennae.
6. All State and Federal regulations must be met.