

ARTICLE TWENTY-ONE (21)

SPECIAL USE PERMITS

Sec. 21.01 Purpose:

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, more familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as special uses and may be authorized by the issuance of special use permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other articles, designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

Sec. 21.02 Application Procedures:

- a. Applicant: Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this Ordinance in the zoning district in which the land is situated.
- b. Application: Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

c. Data Required in Application: Every application shall be accompanied by ten (10) copies of the following information and data:

1. Special form supplied by the Zoning Administrator filled out in full by the applicant.
2. A site plan drawn to a readable scale, and containing that information specified in Article 22.
3. Environmental statement in accordance with Article 17.
4. A statement with supporting evidence regarding the required findings specified in Sec. 21.04.
5. Additional data as may be required according to zoning district requirements and the Township Planning Commission.

d. The property owner shall transmit one (1) copy of the application to each of the following agencies considered to be impacted or affected by the land use with a request for their review and comment (e.g. county drains - Mackinac County Drain Commissioner; curb cut access - Mackinac County Road Commission, etc.). The Zoning Administrator has discretion in the transmittal of the application and may waive an agency's review:

1. Mackinac County Road Commission or State Department of Transportation
2. LMAS District or State Health Department
3. Mackinac County Drain Commissioner
4. Michigan Department of Natural Resources, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service
5. Moran Township School District - Superintendent of Schools
6. Fire Chief for St. Ignace, Trout Lake, or Hendricks Township Volunteer Fire Departments and Emergency Services
7. County Sheriff

The property owner shall have these agencies forward their review and comments directly to the Planning Commission. The Planning Commission, upon receiving the comments of the above affected agencies shall proceed with a public hearing on the request.

Sec. 21.03 Review and Findings:(refer to Sec. 28.01)

- a. **Planning Commission Public Hearing:** The Planning Commission shall review the application at its next regular meeting following filing and shall set a date for public hearing within forty-five (45) days thereafter. The Township Clerk shall cause to be published one (1) notice of public hearing, not less than fifteen (15) days in advance of such hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners within three hundred (300) feet of the subject property and to all occupants of structures within 300 feet. Such notice shall describe the nature of the request; indicate the property involved, include a listing of all existing street addresses within the property, state the time and place of the hearing and indicate when and where written comments will be received concerning the request.
- b. **Planning Commission Recommendation:** Upon conclusion of such hearing procedures, the Planning Commission shall transmit a written recommendation within thirty (30) days to the Township Board setting forth the reasons for the acceptance, denial or modification of the special use permit application. Such recommendation shall be forwarded to the Township Clerk.
- c. **Township Board Action:** Upon receipt of the Planning Commission recommendation at its next regular meeting, the Township Board shall consider the special use permit application at its next regular meeting. The Township Board shall accept or reject the application based upon materials received and testimony recorded at the public hearing. The Township Board shall state verbally and in written form the reasons for the acceptance, denial, or modification of the Special Use Permit application. The Township Board's actions shall be forwarded to the Township Clerk. Following favorable action by the Township Board, the Zoning Administrator shall issue a Special Use Permit, subject to conditions as may have been placed on such permit by the Planning Commission and Township Board. All conditions shall be clearly specified in writing.

Sec. 21.04 General Standards for Making Determinations:

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- a. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Master Land Use Plan of current adoption;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- c. Will not adversely affect the existing natural environment of the area and result in the loss of significant special natural features, local heritage, and scenic views.

- d. Will not be hazardous or disturbing to existing or future neighboring uses;
- e. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
- f. Will be served adequately by essential public facilities and services; such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service;
- g. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- h. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- i. Will be consistent with the intent and purposes of this Ordinance.

Sec. 21.05 Conditions and Safeguards:

- a. Prior to granting any Special Use Permit, the Township Board may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize 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; and be consistent with the general standards as established in this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- 4. Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.
- c. In authorizing a Special Use Permit, the Township Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- d. All plans, specifications and statements submitted with the application for a Special Use

Permit shall become, along with any changes ordered by the Township Board, a part of the conditions of any Special Use Permit issued thereto.

- e. No application for a Special Use Permit which had been denied wholly or in part of the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Township Board.
- f. The foregoing general standards are basic to all special uses; and the specific requirements accompanying the following Sections relating to particular uses are in addition to and shall be required in all applicable situations.
- g. Special Use Permits shall be issued for a time period as determined by the Township Board. Special Use Permits may be renewed in the same manner as originally applied for.
- h. Approval of a Special Use Permit shall lapse twelve (12) months after the date of approval by the Township Board unless:
 - 1. land use permits and building permits are obtained for commencement of construction, if such permits are required;
 - 2. activities described in the Special Use Permit have commenced;
 - 3. the Township Board specifies a different time period in which building permits must be obtained or activities must commence in its action to approve the permit;
 - 4. the applicant formally requests an extension of the Special Use Permit.

Sec. 21.06 Appeals:

Recourse for a person considering himself aggrieved by a decision of the Township Board in the granting or denial of a Special Use Permit shall be to the Zoning Board of Appeals and then to the Circuit Court of Mackinac County as provided by law.

Sec. 21.07 Non-Residential Structures and Uses Adjacent to Residential Developments:

- a. General Standards: Inasmuch as the non-residential uses permitted in residential districts may have an adverse effect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:
 - 1. Hazardous areas must be adequately fenced to avoid accidents, such areas include public utility substations.
 - 2. If possible, all permitted non-residential uses should front on a major street (minor arterial or collector).

3. Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the non-residential use upon the residential area.
4. Site locations should be chosen which offer natural or manmade barriers that would lessen the effect of the intrusion of a non-residential use into a residential area.
5. Non-residential uses should not be located so as to cause costly public improvements.

Sec. 21.08 Planned Unit Developments (PUD):

a. It is the intent of this Section to provide for an added degree of flexibility in the placement and interrelationship of buildings incorporating a variety of residential dwellings, and encouraging a more creative approach to development. Such criteria are further intended to:

1. Result in a more efficient development pattern with shorter streets and utility networks.
2. Preserve existing natural assets, such as stands of trees, floodplain, open fields and the like.
3. Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance.
4. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.
5. Such development may consist of individual lots or common building sites. Common land and open space are essential elements of the plan related to affecting the long-term aesthetic and economic values of the entire development.

b. General Requirements, Restrictions and Standards:

1. Minimum Project Area: Minimum project area allowable for a PUD shall be ten (10) acres.
2. Location: PUD's may be located in a designated zoning district approval of the Township Board.
3. Uses Permitted: Only the following land and/or building uses may be permitted under the provisions of this Section:
 - (a) All uses permitted in the district for which the PUD is approved.
 - (b) Any additional uses which can be shown to be compatible with the general

objectives of the Township's Comprehensive Development Plan as well as integral to the specific PUD scheme in which they are contained. For the purpose of this Section, an integral use shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a Day Care Center that serves primarily the needs of residents of the development.

4. Performance Objectives:

- (a) Yard, setback, lot size, type of dwelling unit, height, and frontage requirements restrictions are waived for the PUD, provided, however, that the spirit and intent of this Section, as defined in the intent clause, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent clause of this Section.
- (b) Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use.
- (c) Land Usage: The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
- (d) Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
- (e) Off-Street Parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of Article 19 of this Ordinance. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
- (f) Development Concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
- (g) Utilities: PUD's shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private

extensions thereof. Provisions shall be made for minimizing the construction of storm sewer facilities including grading, gutters, piping, and ditches. Alternative provisions to storm sewers shall be swales and treatment of turf to handle storm waters and to prevent erosion and the formation of dust. This could include the establishment of retention basins and wetlands in order to minimize storm water runoff.

- (h) Pedestrian Circulation: The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
 - (i) Recreation Areas: Recreational facilities for the resident of the project, not impairing the view and privacy of the living units, shall be provided in easily accessible locations.
 - (j) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and ground and to screen out objectionable features.
5. Density: The density (dwelling units per acre) in a PUD shall not exceed the density of the zone in which it is located. When more than one zone is involved, the density of the project will be the average of the zones, weighted in direct proportion to the size of the property within the project in each zone. Only one-half (1/2) of the total portion of the site comprised of floodplain, swamps, (wetland) or a water body, may be used in the calculation of densities of a project.
6. Bonus Densities: The Township Board may approve PUD's developed at densities in excess of the allowed maximum, when the developer can compensate for the increased densities by providing unique and extraordinary amenities, incorporating special site planning and landscape design techniques or preserving substantial areas of natural assets. Increased densities permitted through various bonus density provisions shall be cumulative, but not exceed fifty (50) percent. Criteria for reviewing bonus density requests shall include:
- (a) Design - ten (10) percent for distinctiveness and desirable variations in design including: landscaping, siting and design features.
 - (b) Open Space - common open space amenities including; twenty (20) percent for dedicated public open space; ten (10) percent for commercial recreation (golf course, etc.) or open space in excess of the stated requirements.
 - (c) Natural Assets - preservation or provision of unique amenities, including twenty (20) percent for woodlot preservation or provision of a permanent pond, both of which must be twenty thousand (20,000) square feet or larger in size.

7. Open Spaces: "Common Open Space" is defined as a parcel or parcels of land or an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. "Common Open Space" does not include proposed street rights-of-way, open parking area, or commercial areas. Common Open Space may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks, picnic areas; playgrounds; and scenic open areas and communal non-commercial, recreational facilities.

(a) The area of Common Open Space within a PUD project may not be less than twenty-five (25) percent of the total land area of the project.

(b) All Common Open Space shown on the final development plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.

8. Circulation Facilities: The arrangements of public and common ways for pedestrian and vehicular circulations shall be coordinated with other existing or planned streets in the area.

c. Procedures:

1. Applications: Applications shall be submitted through the Township Clerk to the Planning Commission.

2. Preliminary Review for Special Use Permit:

(a) In addition to those requirements set forth in Sec. 21.02, the developer must submit the following, for the initial phase of project review.

(1) A development plan, drawn to a readable scale, of the total property involved showing its location in the Township and its relationship to adjacent property.

(2) A site plan indicating the proposed types and location of dwelling units and other uses including the anticipated population density associated with each type as well as the entire project.

- (3) A site plan indicating the location and purpose of all non-residential structures, traffic circulation, parking layout and pedestrian pathways.
 - (4) A site plan showing the acreage, nature and location of common open space, and a general statement as to the means by which the developer will guarantee its continuity and maintenance.
 - (5) Plans and data as may be required under article 17 and/or the Planning Commission.
- (b) Following receipt and review of the application, the Planning Commission shall hold a legally advertised public hearing on the proposed development. Upon conclusion of the public hearing, the Planning Commission shall transmit a recommendation to the Township Board, as provided in Sec. 21.03.

3. Secondary Review for Special Use Permit:

- (a) Prior to receiving secondary approval, the developer must submit the following to the Planning Commission for their review.
- (1) A site plan indicating engineering recommendations for water, sanitary sewer, storm drainage, natural gas, video cable, electric and telephone systems.
 - (2) A site plan indicating recommendations for road alignments, with provisions for dealing with topography, environmental concerns, watersheds, erosion control and soil conditions.
 - (3) A site plan indicating existing contours and the final topographic conditions proposed for the site after grading.
 - (4) A detailed landscaping plan.
 - (5) A specific schedule of the intended development and construction details, including phasing or timing as they relate to open space, recreational features, common use areas, utilities and screening requirements.
- (b) The Township Board will make a final decision to approve or deny the project based on Planning Commission review of final detailed information specified above. The Township Board shall state verbally and in written form its reasons for approval or denial of the project.

4. Commencement and Construction: The applicant shall commence construction for an approved PUD within one (1) year following recording of approved final plat or Special Use Permit if no plat is necessary. Failure to do so will invalidate the permit. The applicant may request one (1) extension for not more than one (1) year from the Township Board, providing request is received prior to the expiration of the original permit.

Sec. 21.09 Automobile Service Stations and Commercial Garages:

- a. It is the intent of this Section to provide standards for automobile service stations and commercial garages. Generally, automobile service stations will be located adjacent to arterial or collector streets and intended to serve residential neighborhoods. Commercial garages shall be located near high volume arterial highways.
- b. Permitted Uses:
 1. The following uses may be permitted in conjunction with automobile service stations:
 - (a) Retail sales of gasoline, oil and similar products.
 - (b) Automobile washing.
 - (c) Automobile maintenance, including minor mechanical repairs.
 2. The following use may be permitted in conjunction with commercial garages:
 - (a) Automobile towing, including parking of a wrecker and operative vehicles waiting for immediate repair.
 - (b) Parking and storage of inoperative vehicles, provided that such parking or storage area shall be within an enclosed building or shall be screened by an opaque fence not less than six (6) feet in height.
 - (c) Automobile body repairs.
- c. Site Development Standards:
 1. The Township Board shall only issue Special Use Permits for automobile service stations and commercial garages which comply with the following site development standards:
 - (a) The minimum site size shall be twenty thousand (20,000) square feet and, in addition, the following:

- (1) Automobile service stations shall have five hundred (500) square feet of site area for each additional pump over four (4), and one thousand (1,000) square feet of site area for each additional vehicle storage space.
 - (2) Commercial garages shall have one thousand (1,000) square feet of site area for each additional service bay over two (2). There shall also be three hundred (300) square feet of additional site area for each space intended for storage of inoperable vehicles.
- (b) The minimum site width shall be one hundred fifty (150) feet.
 - (c) All points of entrance or exit for motor vehicles shall be no closer than thirty (30) feet from the intersection of the right-of-way lines for those streets on which it fronts. Points of entrance or exit for motor vehicles shall be no closer than twenty (20) feet from any adjacent property line. The minimum driveway width at the curb line shall be twenty-two (22) feet and the maximum driveway width at the curb line shall be thirty (30) feet. The minimum width of access drive shall be sixteen (16) feet. The angle of intersection of the centerline of any driveway with the centerline of the street shall not be less than sixty (60) degrees unless separated acceleration and deceleration lanes are provided.
 - (d) A buffer strip not less than twenty five (25) feet wide shall be developed adjacent to all automobile service station and commercial garage site property lines. This buffer strip shall be graded with a berm at least three (3) feet above the highest ground elevation within twenty five (25) feet of the buffer strip. Berm slopes shall be sufficiently gradual to prevent erosion. The berm shall be continuous along that portion of the buffer strip which abuts adjacent property, except that it need be developed only along thirty (30) percent of the buffer strip laying adjacent to thoroughfare rights-of-way. The berm shall be designed and located so as not to interfere with the safety of persons or vehicles entering or leaving the area.
 - (e) All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing auto body shop or washing areas shall consist of a solid masonry wall or equivalent, approved by the Zoning Administrator, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tire, lubricants and other accessory equipment except that outdoor trash storage may be provided in a properly screened container.
 - (f) All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.

Sec. 21.10 Drive-In or Fast Food Restaurants:

- a. It is the intent of this Section to provide development regulations for drive-in or fast food restaurants which potentially present special problems in their relationships to adjacent uses and traffic patterns in the districts in which they are permitted.
- b. Site Development Standards:
 1. The Township Board shall only issue Special Use Permits for drive-in restaurants which comply with the following site development standards:
 - (a) The minimum site size shall be twenty thousand (20,000) square feet.
 - (b) The minimum lot width shall be one hundred fifty (150) feet.
 - (c) All points of entrance or exit for motor vehicles shall be no closer than thirty (30) feet from the intersection of the right-of-way lines of two streets and no closer than twenty (20) feet from an adjacent property line. The minimum driveway width at the curb line shall be thirty (30) feet. No more than two driveway approaches shall be permitted on any street frontage.
 - (d) The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained.
 - (e) All areas used for the storage of trash and rubbish shall be enclosed on at least three sides by a structure, with the fourth side or access point having a view-obstructing door.
 - (f) Drive-in restaurant management shall provide adequate trash and litter containers, and policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

Sec. 21.11 Public or Private Junkyards:

- a. It is the intent of this Section that certain minimum standards of operation be established for junkyards as uses that because of prior functional characteristics have a high potential of impact surrounding properties or the aesthetic quality of the community as a whole.
- b. Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.
- c. The minimum site area allowable for a junkyard, shall be ten (10) acres.
- d. Shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.

- e. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.
- f. Fences shall be set back fifty (50) feet from any public street.
- g. No burning beyond the limited amount normally associated with a residence shall be permitted.
- h. Junk, automobiles or other debris may not be stacked in any manner such that it could be visible outside the site. Junk yards or landfills shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.

Sec. 21.12 Public or Private Sanitary Landfills:

- a. It is the intent of this Section that as with other special uses, certain minimum standards of construction and operation be established for sanitary landfills. Said standards are those required by the State of Michigan, adopted herein by reference. Given the significant potential impacts of such a use, the Township Board reserves the option of imposing additional, reasonable requirements or safeguards.
- b. All landfills shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.
- c. Approval of the site plan and site geologic suitability must be obtained from the appropriate regulatory division within the Department of Natural Resources prior to review of a Special Use Permit application.
- d. All minimum conditions, safeguards and operating procedures as specified by the State of Michigan and regulations promulgated thereto, shall be complied with. The Township Board may impose such additional conditions, safeguards or operating procedures deemed necessary for the public health, safety and general welfare; the protection of individual properties; and for insuring the intent and purpose of this Ordinance.

Sec. 21.13 Mobile Home Parks:

- a. It is the intent of this Section to provide for the establishment in a district of comparable intensity of land use, well designed mobile home parks. The regulations and conditions contained in this Section are designed to ensure that mobile home parks will provide a comfortable and pleasing environment for persons who seek mobile home residence. Regulations and conditions contained in this Section are intended to ensure that mobile home park developments will be served adequately by essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, refuse disposal, schools, and police and fire protection.

The Township Board may, by the issuance of a Special Use Permit, authorize the establishment of a mobile home park in the Inland Growth Districts. Authorization shall be

granted only when all the applicable procedures and requirements stated wherein are complied with.

b. General Requirements, Restrictions and Standards:

1. Minimum Project Area: Minimum project area for a mobile home park development shall be fifteen (15) acres.
2. Location: Mobile home parks may be located only in the Primary Inland Growth District or the Secondary Inland Growth District, upon approval of the Planning Commission and in accordance with the following standards:
 - (a) The site shall be adjacent to and serviced by a major arterial or county primary street.
 - (b) The site shall be serviced by existing or programmed essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, and police and fire protection.
3. Uses Permitted: Only the following land and/or building uses may be permitted under the provisions of this Section:
 - (a) Mobile homes as defined in this Ordinance.
 - (b) One office building exclusively for conducting the business operations of the mobile home park.
 - (c) Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.
 - (d) Recreation areas, community building, playground and open space for use by mobile home park tenants.
 - (e) Such additional accessory buildings and uses as are customarily incidental to mobile home park development, except that this shall not include the sale of mobile home units other than by their individual resident owners or the servicing of mobile home units except as is required for normal maintenance by the individual resident owner or his contractors.
 - (f) Signs pertaining exclusively to the mobile home park.
4. General Development Standards:
 - (a) The design and development of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby

- incorporated by reference as a part of this Ordinance.
5. Operating Standards:
- (a) The operation and business practices of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby incorporated by reference as a part of this Ordinance.
 - (b) No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of mobile home parks.
 - (c) Home occupations shall be prohibited from mobile home parks.
 - (d) The keeping of livestock shall be prohibited from mobile home parks.

Sec. 21.14 Mobile Home Subdivision:

- a. It is the intent of this Section to provide for the establishment of mobile home subdivisions in an attractive and orderly manner in Moran Township. It is the further purpose to promote well-designed mobile home subdivisions in districts of a comparable intensity of land use, thereby providing a comfortable and pleasing environment for persons desiring mobile home residence on individually owned lots. Regulations and conditions contained herein after intended to ensure that such developments will be adequately served by essential public facilities and services.
- b. General Requirements, Restrictions and Standards:
 - 1. Minimum Project Area: Minimum project area for a mobile home subdivision shall be fifteen (15) acres.
 - 2. Location: Mobile home subdivisions may be located only in the Primary Inland Growth District and Secondary Inland Growth District, upon approval of the Planning Commission and in accordance with the following standards:
 - (a) The site shall be adjacent to and serviced by a major arterial or county primary street.
 - (b) The site shall be serviced by existing or programmed essential facilities and services such as access streets, potable water, sanitary sewer and storm drainage facilities, and police and fire protection.
 - 3. Uses permitted: Only the following land and/or building use may be permitted under the provisions of this Section:

- (a) Single-family detached dwellings.
 - (b) Mobile homes as defined in this Ordinance.
 - (c) Accessory uses.
 - (d) Recreation areas, community building, playground and/or open space for use by subdivision residents.
4. Site Development Standards: The Site Development Standards of the District in which the mobile home subdivision is located, including lot area, width, coverage and yard and setback requirements, shall apply.
 5. Subdivision Review: The specifications and procedural requirements of the Land Division Act of 1967 (Act 288, P.A. of 1967, as amended), shall be met.

Sec. 21.15 Private Roads Serving More Than One Lot:

- a. It is the intent of this Section to establish provisions allowing for the construction of limited single-family housing developments served by private roads or drives rather than public roadways. Such development would be created as a result of individual lot splits and not under the control of the Land Division Act. This section is intended to allow some measure of flexibility in land parceling, yet without diminished consideration for safe and adequate access.

A zoning ordinance provision permitting the construction of more than one single family on a private roadway access is certainly a departure from traditional zoning practice. It is not the intent of Moran Township to stifle efficient usage of five or ten acre parcels, "bowling alley" (long and narrow) lots or other properties. Further, it is not the Township's desire to create regulations that are too stringent or costly in their compliance. The major responsibility of this ordinance is to promote and protect the public health, safety and welfare. Given the potential nuisance or hazard factors associated with private roads, the township feels that certain safeguards, as contained in standards of construction, need to be imposed to ensure the protection of public health, safety and welfare. In order to balance all of these needs/issues, the Moran Township Planning Commission will monitor the private road provision for a period of one year after adoption of this ordinance. During this time frame, the Commission will work towards establishment of those standards they feel are appropriate to properly implement this section. In the interim all special use requests for private roads will be reviewed on a case-by-case basis, applying the following as additional review criteria; road gradient, angle of intersecting streets, roadway width, roadway surface and sub-grade, depth and material type, roadway drainage, proposed construction practices.

- b. General Requirements: In addition to those requirements set forth in Sec. 21.02, the applicant shall submit the following information to the Planning Commission for their review.
 1. Typical cross-section of the private roadway to be constructed.
 2. All existing and proposed grades, and drainage patterns.

3. The location, size and depth of any proposed drainage facilities or structures.
4. The location of all lots and the situation of proposed buildings on said lots.
5. At least two proposed names for the private road.

d. Restrictions:

1. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall only be those property owners to be served by said road. The association shall be responsible for the up-keep and maintenance of said private road. No more than one association shall be responsible for any one private road. Said restrictions shall be recorded prior to the completion of the road. Future inclusion of other or non-adjacent properties shall require modification of the special use permit, deed restrictions, and homeowners association.
2. The applicant shall also submit to the Township a document, in a form sufficient for recording with the Mackinac Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
3. For any parcel of land fronting on a private road, an easement for the construction and maintenance of various utilities including natural gas, electric, telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.
4. A permit must be obtained from the Mackinac County Road Commission for any construction within the right-of-way of county roads.
5. Except as provided in this ordinance, no building permit shall be issued until such time that all roadway, ditching and drainage improvements are installed.
6. Building permits may be issued prior to completion of all roadway, ditching and drainage improvements if:
 - (a) The required sub-base is installed and
 - (b) The applicant supplies a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township, guaranteeing completion of the private road according to the standards provided herein. In fixing the amount of such financial guarantee, the Township shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this ordinance by court order or such

other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.

Sec. 21.16 Accessory Apartment or "Echo" Housing:

- a. It is the intent of this Section to provide standards that will allow extended family living in what have traditionally been single-family only, zoning districts and neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment, as a means of accommodating an elderly parent or other family member, or extending this economic life of a large, older home. Also permitted will be the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling - usually in the back yard. It is intended that by providing housing opportunities for the elderly or an extended household - allowing independence, yet close contact to younger family members - a vital need can be met, yet without diminishing the quality of affected neighborhoods.
- b. Accessory Apartment: In addition to those requirements set forth in Sec. 21.02, the following provisions shall be met.
 1. Only owner-occupiers are permitted to install or rent accessory apartments.
 2. There shall be no visible change in the exterior appearance of the dwelling containing the accessory apartment.
 3. All improvements associated with construction of the accessory apartment shall meet current, applicable codes.
 4. Any additional parking as needed or required by this ordinance shall be provided in off-street space.
 5. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.
- c. Elder Cottage Housing Opportunities (ECHO): In addition to those requirements set forth in Sec. 21.02, the following provisions shall be met.
 1. Only owner-occupiers of the principal dwelling are permitted to install echo-housing units.
 2. Said echo housing units shall be temporary in nature and are to be removed upon cessation of the occupancy for which they are intended. Special Use Permits for echo housing may be issued for time periods as determined by the Township Board.
 3. The front and side yard requirements applicable to the principal dwelling shall be complied with in placement of the echo-housing unit. The Township Board shall

determine rear yard requirements upon consideration of lot size and placement of surrounding structures or uses.

4. The echo-housing unit shall meet all applicable codes for manufactured housing or mobile home dwelling.
5. Any additional parking as needed or required by this ordinance shall be provided in off-street space.
6. The Township Board may impose any other reasonable conditions including lot coverage, landscaping, skirting of mobile home units and similar requirements deemed necessary to protect adjoining properties and the public welfare.

Sec. 21.17 Wind Energy Conversion System (WECS):

- a. It is the intent of this Section to provide standards for the placement of wind energy conversion systems. Wind energy conversion systems are only allowed in locations where their visual impact will be minimal to the surrounding properties and roads. Wind energy conversion systems influence the landscape; therefore they require special consideration when being placed in residential areas. A wind energy conversion system consists of a wind turbine and associated control or conversion electronics and is intended to provide an alternative source of energy. For purposes of this Ordinance, anemometer towers are regulated as wind energy conversion systems.

The Township Board may, by issuance of a Special Use Permit, authorize the placement of a Large Wind Energy Conversion System on a parcel located in the Transitional Use (TU) District only. All listed provisions and requirements shall be met prior to approval being granted.

Two or more Small Wind Energy Conversion Systems will require a Special Use Permit.

4. Definitions:

Anemometer: an instrument for measuring and recording the speed of wind.

Anemometer Tower: a structure, including all accessory facilities, temporarily erected for more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Generators: an apparatus inside the nacelle that converts mechanical energy to electrical energy.

Maximum Height: when referring to a wind turbine, the distance measured from the ground level to the blade extended at its highest point.

Minimum Height: when to a wind turbine, the distance from the ground level to the

blade at its lowest point must be ten (10) feet or greater.

Nacelle: the enclosed part of the wind turbine that contains the mechanisms to operate the wind turbine such as the generator. Rotor blades are connected to the nacelle on top of the tower.

Rotor Blade: a flat, wind-driven device that provides mechanical energy for the wind turbine. Rotor blades are located on the nacelle portion of the wind turbine.

Tower: a tall structure that supports the wind turbine, i.e. the nacelle and the rotor blades.

Wind Turbine: a machine with turbine apparatus (rotor blades, nacelle, and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided the term does not include electrical distribution or transmission lines, or electrical substations.

c. Site Standards

1. The minimum project site area shall be forty acres, but a minimum of fifteen (15) acres of site area is required for each additional wind turbine tower proposed within a project property. For example, a minimum of eighty (80) acres is need for three (3) wind turbine towers.
2. The area of a project site dedicated to roads, right-of-ways, and easements shall be included in the total acreage for a project.

d. Uses Permitted

A wind energy conversion system, along with the mechanical equipment and buildings associated with the operation of the WECS. All structures shall conform to all minimum building setbacks and height.

e. Development Standards:

1. The maximum height permitted shall be one hundred and ninety-nine (199) feet. The lowest reach of the rotor blade shall be forty (40) feet from the ground.
2. The wind turbine tower base shall be setback from all property lines a distance equal to two and half (2 ½) times the associated wind turbine height.
3. The wind turbine tower base shall be setback from the closest right-of-way and/or easement a distance equal to two and half (2 ½) times the wind turbine height. The visibility of the wind turbine tower base shall be limited from adjacent residential properties and roads. The wind turbine tower base shall be a minimum of 2,500 feet from the US 2 right-of-way.

4. The minimum distance between wind turbine tower bases shall be equal to the tallest wind turbine.
5. A WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application shall include a statement by a Michigan registered mechanical engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accord with good engineering practices.
6. Wind turbine towers shall be secured or protected to prohibit access by authorized persons. A six (6) foot high security fence shall be placed around the tower base if it is determined to be in the best interest of the community by the Planning Commission.
7. All electrical and other utility wires associated with the WECS shall be buried underground.
8. The maximum level of noise permitted to be generated by any WECS shall be sixty-five (60) decibels measured at the nearest property line.
9. The entire WECS (including generators) 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.
10. A WECS shall be located or installed in compliance with the guidelines of the Federal Aviation Administration with regard to airport approach zones and clearance.
11. A fee, that is to be determined by an Engineer and approved by the Township Board, shall be paid to the Township prior to the placement of a WECS. This fee shall be held in escrow by the Township Board and to be used for the removal and disposal of a wind turbine tower in the event that the tower's use is discontinued for a period of 180 days and the last known owner refuses to remove the tower at his or her own expense. This fee shall be returned, with interest, in the event the owner removes the tower.
12. A wind turbine that has not produced energy for one hundred and eighty (180) calendar days for reasons other than lack of wind, shall be dismantled and removed from the property within ninety (90) days following the period of inactivity. This includes removing the tower, the tower foundation, all associated electrical wiring and structures.
13. The site shall be revegetated with native plant material after a wind turbine has been removed.

14. At least one sign shall be posted at the base of the tower at the service entrance with the following information:
 - a. Minimum power output (kW), rated voltage (volts) and current;
 - b. Normal and emergency shutdown procedures;
 - c. The maximum wind speed and the WECS in automatic unattended operation can sustain without damage to structural components or loss of the ability to function normally; and
 - d. Emergency contact telephone numbers.

Sec .21.18 Telecommunication Towers:

It is the intent of this Section to provide standards for the placement of telecommunication towers. Telecommunication Towers are only allowed in locations where their visual impact will be minimal to the surrounding properties and roads. Telecommunication Towers influence the landscape; therefore they require special consideration when being placed in residential areas.

The Township Board may, by issuance of a Special Use Permit, authorize the placement of a Telecommunication Tower on a parcel located in the Transitional Use (TU) District Primary Open Space (POS) District, or the Ozark Community (OC) or on areas of lands twenty (20) acres or greater in the Secondary Inland Growth (SIG) district. All listed provisions and requirements shall be met prior to approval being granted.

- a. Any nonconforming situations on the site shall be brought into conformance prior to the erection of the wireless communication facility.
- b. Towers and accessory buildings shall be required to meet the development regulations of the district within which located.
- c. A landscape buffer with a minimum height of six (6) feet shall be required to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. A maintenance plan detailing maintenance for landscaping shall be submitted with the application.
- d. Towers shall be a minimum of 2,500 feet from the US 2 right-of-way.
- e. The base of the tower shall be enclosed with a six (6) foot high security fence.
- f. Towers shall be set back a distance equal to the height of the tower from all property lines but in no case shall a tower be taller than 500 feet.
- g. Towers shall not be located within parking lots or other areas where they will interfere with the operation of a business on the property.
- h. To reduce visual obtrusiveness, towers shall maintain either a galvanized or concrete

appearance unless constructed as a camouflaged tower.

- i. There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- j. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- k. No tower shall be constructed as a speculative tower. Prior to construction, each tower shall have at least one contracted carrier and evidence shall be provided of such contract at the time of application.
- l. Colocation of antennas is required. Each tower shall be designed and built to accommodate multiple antennas.
- m. Before any tower is considered, the applicant shall demonstrate in writing that there are no other colocation options available in the area and provide a map that illustrates existing and known proposed wireless communication facilities within Moran Township and adjacent communities, which are relevant in terms of potential colocation or to demonstrate the need for the proposed facility.
- n. A maintenance plan, and any applicable maintenance agreement, for the tower and tower compound shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- o. The name, address and phone number of the person to contact for engineering, and other notice purposes shall be provided at the time of application and shall be continuously updated during all times the facility is on the premises.
- p. If a tower ceases to operate for a period of six months, the tower shall be deemed abandoned and shall be removed upon written notice by the Zoning Administrator within one year of abandonment.
- q. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- r. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar

devices used to create power during periods of interruption of the primary power source.

- s. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Any aviation hazard lighting shall be detailed on the plans.
- t. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
- u. Accessory structures shall not exceed six hundred (600) square feet of gross building area. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
- v. New telecommunication towers in allowed zoning districts shall not be located within a two and one-half (2½) mile radius of an existing telecommunication tower. This requirement may be waived by the Planning Commission if one of the following conditions is met:
 - 1. Collocation on an existing telecommunication tower would exceed the existing tower's structural capacity.
 - 2. The telecommunication tower will only serve a governmental or educational institution.
 - 3. The telecommunication tower will fill a void in coverage area that is due to topographic or other similar conditions.
- w. A fee, that is to be determined by an Engineer and approved by the Township Board, shall be paid to the Township prior to the placement of a telecommunication tower. This fee shall be held in escrow by the Township Board and to be used for the removal and disposal of the telecommunication tower in the event that the tower's use is discontinued for a period of 180 days and the last known owner refuses to remove the tower at his or her own expense. This fee shall be returned, with interest, in the event the owner removes the tower.

Sec.21.19 Sexually Oriented Businesses:

It is the intent of this Section to require certain minimum standards of operation for sexually oriented businesses. It is understood that there are some uses that, because of their very nature, have serious objectionable operational characteristics. Particularly when several of them are concentrated in certain circumstances, the adjacent properties are negatively affected. Special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding properties.

The Township Board may, by issuance of a Special Use Permit, authorize the placement of a Sexually Oriented Business on a parcel located in the Primarily Inland Growth Commercial (PIGC) District. All listed provisions and requirements shall be met prior to approval being granted

a. Definitions

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images for any form of consideration to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas as defined herein.

Adult Book and Video Store: A business which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret: A nightclub, bar, restaurant or similar business which regularly features:

- a) persons who appear in a state of semi-nudity or nudity;
- b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- d) persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Massage Parlor: A massage parlor that provides for any form of consideration, the rubbing, stroking, kneading, tapping or rolling of the body in a manner that is characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult Motel and Hotel: A hotel or motel or similar commercial establishment that:

- a) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction;
- b) offers a sleeping room for rent for any form of consideration for a predesignated

period of time that is less than twelve hours; or

- c) allows a tenant or occupant of a sleeping room to sub-rent the room for any form of consideration for a period of time that is less than twelve hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction of specified sexual activities or specified anatomical areas.

Adult Novelty Store : A business that sells devices for any form of consideration that stimulate human genitals or are designed for sexual stimulation.

Adult Panorama: A business where patrons are entertained for any form of consideration by viewing individual booths, films, tapes or live entertainment showing specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium or similar business establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Burlesque Hall: A business that regularly features entertainers showing specified anatomical areas or specified sexual activities.

Escort Agency: A person or business, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.

Nude Model Studio: A place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

Sexual Encounter Center: A business that, as one of its principal business purposes, offers for any form of consideration:

- a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Specified Anatomical Areas : The male genitals and female breasts in a state of arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities :including any of the following:

- a) the fondling or other erotic touching of human genitals, pubic region, buttocks,

anus or female breasts;

- b) sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- c) masturbation, actual or simulated; or
- d) excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

b. Development and Operating Standards:

1. Location. Sexually-oriented businesses shall be located a minimum horizontal distance of 500 feet from another sexually-oriented business, a residential district; and the property line of a religious institution, school, or child day care center.
2. Minors on Premises. Persons operating a sexually oriented business shall not permit any person under the age of eighteen to be on the premises either as an employee or a customer.
3. Hours of Operation. The sexually oriented business shall operate only between the hours of and 8:00 a.m. and 12:00 midnight, Monday through Saturday.
4. Displays. Sexually oriented businesses shall display no services or products or pictures or illustrations or gifts so as to be visible from any street or neighboring property.
5. Signs. Signage shall not include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas or specified sexual activities, or include animated or flashing illumination.
6. Outdoor Storage. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent streets.
7. Posting of Entrances. Entrances to a sexually oriented business shall be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business. Lettering shall be no less than two inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises" and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission".
8. Lighting of Parking Areas. Off-street parking shall be illuminated during all hours of operation of the sexually oriented business until one hour after the business closes.
9. Bufferyard. A buffer yard that complies with 16.03 of this Zoning Ordinance

(Bufferyards) is required.

Sec.21.20 Bed and Breakfasts

- a. Bed & Breakfasts permitted. A bed and breakfast will be permitted by special use permit in all residential districts if all the following conditions are met:
 - 1. The dwelling has no more than five (5) rental bedrooms.
 - 2. The dwelling shall be the principal residence of the operator and the operator shall live in the dwelling unit while the bed and breakfast facility is in operation.
 - 3. Only breakfast will be served and to overnight paying guests.
 - 4. All facilities must comply with current Food and Drug Administration (FDA) code and Michigan Food Laws.
 - 5. Signage shall be limited to one (1) non-illuminated wall-mounted and not to exceed four (4) square feet in area.