

ARTICLE 18
SPECIFIC CONDITIONS AND REQUIREMENTS
FOR SPECIFIED SPECIAL USES

1801 PURPOSE

The purpose of this Article is to provide for minimum, additional conditions and requirements for specified uses, which uses may require additional oversight and safeguards for the protection of public welfare. The provisions pertaining to the process and procedure for obtaining a Special Use Permit are set forth in Article 17.

1802 GASOLINE SERVICE STATIONS

A. General Regulations: All gasoline service stations shall conform to the following minimum requirements:

1. The minimum frontage shall be one hundred fifty (150) feet.
2. The minimum lot area shall be thirty thousand (30,000) square feet.
3. The minimum setback from the street right-of-way for structures and pumps shall be eighty five (85) feet.
4. A minimum greenbelt buffer area of at least twenty five (25) feet shall be provided around the perimeter thereof, provided further that such greenbelt buffer may be reduced or eliminated in areas of the site where, for good cause shown by the applicant, such greenbelt is unnecessary, counterproductive, or impractical.

B. Construction Standards: All gasoline service stations shall conform to the following minimum requirements:

1. Separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumpers, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.

2. The entire area used for vehicle service shall be paved, and all other areas shall be landscaped and protected from vehicular use by a low barrier.

3. Hydraulic hoists and lubricating, greasing, washing, and repair equipment shall be entirely within a structure. Tire and battery service and minor automobile repairs may be carried on outside of the structure.

4. The maximum width of all driveways at the sidewalk shall be no wider than thirty (30) feet, except and to the extent that a wider distance is required by the governmental entity having jurisdiction over the adjoining public street.

5. The minimum angle of driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.

6. The minimum distance between curb cuts shall be not less than forty (40) feet.

C. Lighting: All lighting shall be accomplished in a manner such that no illumination source directly reflects upon adjacent properties.

D. Abandonment: In the event that a gasoline service station has been abandoned for a period of more than one (1) year, the Special Use Permit shall be deemed to be null and void, and prior to the renewed operation or use of the premises as a gasoline service station a new Special Use Permit must be obtained. In the event that the owner fails to comply with the provisions of this subsection, the Township may proceed to have the storage tanks and pumps removed and to include the cost thereof with the required property taxes with like payment requirements, or proceed with such other remedies as available to the Township as provided elsewhere in this Ordinance.

1803 NATURAL RESOURCES

A. A Special Use Permit shall be required for the excavation of topsoil, excavation of soils and minerals other than topsoil, and the commercial extraction of water, as set forth below:

1. Excavation of topsoil: Topsoils shall not be stripped, excavated, or otherwise removed for sale or for use other than on the premises from which it was taken except:

a. When in connection with construction operations and grading operations necessary thereto, when topsoil is in surplus amounts.

b. When as a product of authorized excavation of other soils and minerals as otherwise provided in this Ordinance.

2. Excavation of Soils and Minerals Other Than Topsoil: The excavation or extraction of water, peat, muck, sand, gravel, clay, or other mineral deposits for commercial purposes may be permitted as a special use in the B, M, and F zones. The permit may include authorization for the erection, installation, and use of necessary structures and appurtenances incidental to such operation.

3. Commercial Extraction of Water: The commercial extraction of water may be allowed by the Planning Commission as a special use, upon the following terms and conditions:

a. All state and county regulations pertaining to the activity shall apply at the time of application for the use, and continue to apply as such regulations may thereafter change from time to time; no interest in the use shall vest to prevent the application of such regulations as they from time to time apply. At the time of application or re-issuance of a township permit, any applicant shall present in writing from the proper authorities any state or county requirements pertaining to the use of the premises for which the permit is requested.

b. The extraction of water for sale shall be limited to the filling of containers for consumption and retail sales off of the premises containing the permitted use.

c. Not more than two thousand (2,000) gallons per one and one-quarter (1 1/4) acre per parcel in any one (1) week shall be extracted under a permit, and the applicant shall keep a log or other records as from time to time may be required by the township. Private or public easements or rights-of-way shall be deducted when computing available acreage.

d. The issuance of a permit shall not imply any permission, sanction or approval for the lowering or depleting of any aquifer or of the head pressure or supply of water on any other well or spring dependent upon the same head, vein or stratum.

e. As with all special uses, this use is subject to revocation, and any permit for the extraction of water may be renewable, but no original or renewal permit shall be valid respectively for more than five (5) years.

f. Reference is also made to the Whitehall Township Aquifer Protection Ordinance, and nothing in this Ordinance shall be deemed to excuse compliance with such Aquifer Protection Ordinance, provided further that in the event of a conflict between the terms and conditions of this Zoning Ordinance and the Aquifer Protection Ordinance, the more restrictive provision shall apply.

B. Sand/gravel pits and quarries: The following additional terms and conditions shall apply to Special Use Permits granted to sand pits, gravel pits, and/or quarries:

1. There shall be erected a fence of at least six (6) feet in height around the entire periphery of the development. Fences shall be adequate to reasonably prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top edge of any slope.

2. All areas within any single excavation project shall be rehabilitated progressively, as the areas are worked out or abandoned, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Gravel and sandpits, and quarries shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

3. Traffic routes for truck movement in and out of the development shall be established in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community and interior roadways shall be chemically treated to reduce dust.

4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to persons, property, or to the community in general.

5. The operator or operators of such use shall file with the Township Planning Commission and the Township Zoning Administrator a detailed plan for the restoration of the development area which shall include: the anticipated future use of the restored land; the proposed final topography

indicated by contour lines of no greater interval than five (5) feet; steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, and/or other improvements contemplated.

6. The operator or operators shall provide a performance guaranty, as stated in Article 17.

C. Additional Requirements.

1. **Setback.** Excavation, washing, and stockpiling of extracted material shall not be conducted closer than fifty (50) feet from the outer boundary of any property line. The setback area shall not be used for any use in conjunction with a natural resources operation, except access roads or public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Planning Commission. Said setback may be increased by the Planning Commission where one boundary of the property abuts a body of water, in order to prevent surface water run-off with sedimentation and other possible sources of pollution to the water body.

2. **Buffers:** To reduce the effect of airborne dust, dirt and noise, all equipment for sorting, crushing, loading, weighing, and other operations and structures shall not take place or be built closer than three hundred (300) feet from any public street right-of-way or from any adjoining AA, A, AM or F zone.

3. **Frontage and Access.** Each lot for extraction uses shall have a minimum frontage on a public highway of at least two hundred fifty (250) feet, except that the Planning Commission may approve an extraction operation, where the tract has no frontage, if written permission for access to a street is first secured. Residential streets shall not be used for access to the property.

4. **Fencing:** Any excavation operation which results in or produces collections of water, or slopes as described below shall be subject to the following safety requirements:

a. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; at

least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.

b. Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in a. above for slopes.

5. Access Streets. All private access streets shall be treated so as to create a dust-free surface for a distance of three hundred (300) feet from any public street.

6. Slopes: Finished slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet horizontal to one (1) foot vertical. Where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning, provided that the Planning Commission may extend the above one (1) year period to such longer period as is satisfactory under the circumstances. Sufficient topsoil shall be stockpiled on the site so that the entire area shall be re-covered with a minimum of six (6) inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other plant material acceptable to the Township Planning Commission.

7. Explosives: Explosives shall be used in accordance with the "Regulations for Storage and Handling of Explosives", as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.

1804 CAMPGROUNDS

A. A Special Use Permit is required for the operation of a campground.

B. Conditions:

1. Outdoor fire facilities shall be constructed for each site, and open fires shall be prohibited except in these areas.

2. In addition to the specific conditions and requirements herein provided, the campground shall comply with all applicable provisions of Act 171 of the Public Acts of 1970, and the administrative rules and regulations issued thereunder, in effect on the date the Special Use Permit is issued.

C. Site Use Arrangement:

1. A site in a campground, unless designated on an approved plan as a walk-in site, shall abut on a street, and shall be of such a size and so arranged as to provide for a recreational vehicle and shall have at least fifteen (15) feet of road frontage width.

2. A street right-of-way shall be provided having a minimum width of twenty (20) feet. This right-of-way shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust free condition when the campground is in operation.

D. The following types of campground uses are authorized as special uses pursuant to this Section:

1. Public and private parks and recreational areas, including picnic areas and/or picnic pavilions; softball and baseball diamonds; swimming, boating, and ice sports facilities; amusement and other outdoor recreational sports activities; camping sites for tents, campers, and travel trailers not exceeding forty (40) feet in length.

2. All camping sites for tents, campers, and travel trailers shall have a central water supply system with potable water under pressure piped to within three hundred (300) feet of each trailer, tent, or camper site.

3. An enclosed toilet and sewage facility, approved by the Michigan State or County Health Departments, with hot and cold running water available therein, shall be provided within five hundred (500) feet of every trailer, tent, or campsite within the park. If public sewer shall be available within five hundred (500) feet of any portion of the land, the park system shall be connected thereto. No vehicle, tent, camper, or travel trailer shall be allowed within the park except on an approved campsite within the park.

4. No trailer, tent, camper, or structure, other than a single family residence, shall be placed, parked, or erected within one hundred (100) feet of any property line of park or recreational facility.

5. All campfire areas, firepits, grills, or fireplaces designed for cookouts or campfires shall be inspected by the White Lake Fire Authority and must meet all applicable safety standards.

6. No sale of alcoholic beverages shall be permitted anywhere upon the camping and recreational area.

1805 ESSENTIAL SERVICES

A. In every zone, except for the M zone, the following essential service structures shall be required to obtain a Special Use Permit prior to their construction: high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and structures of similar function.

B. No such structure shall be used for residential purposes.

C. An approved opaque fence or greenbelt may be required by the Township Planning Commission.

1806 TWO FAMILY AND MULTIPLE FAMILY UNITS

A. Where they are permitted, the following require a Special Use Permit: two (2) family and multiple family dwelling units, including row houses, apartment structures, and condominiums.

B. The following regulations shall apply.

1. Parking spaces provided as required by this Ordinance.

2. Every lot on which a multiple dwelling family unit is erected shall be provided with a twenty (20) foot side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which the width of the multiple dwelling structure exceeds forty (40) feet in over-all dimension, along the adjoining lot line. Rear yards and spacing between dwelling structures shall be provided on the following basis: forty five (45) feet between dwelling structures and thirty five (35) foot rear yards.

3. Minimum Living Space: the minimum living space required for each dwelling unit shall be:

<u>No. of bedrooms</u>	<u>Total Living Area</u>
1	572
2	722
3	872
4	1032

1807 COUNTRY CLUBS, GOLF COURSES, RIDING STABLES, ATHLETIC GROUNDS AND PARKS

A. The following conditions shall also apply to related uses and accessory uses and structures such as snack bars, small retail stores selling miscellaneous items directly related to the principal use.

B. The following regulations shall apply.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any A, AA, or AM zone.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any A, AA, or AM zone.
4. Driveways shall be located at least fifty (50) feet from the nearest street intersection.
5. Structures housing animals shall be located at least fifty (50) feet from any lot line.

1808 COMMERCIAL GREENHOUSES AND NURSERIES

A. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

B. Access Driveways shall be located at least fifty (50) feet from the nearest street intersection.

C. Lighting for parking and outdoor storage area shall be shielded to prevent light from spilling onto any A, AA, or AM zone.

D. Any display materials or equipment stored or displayed outside of an enclosed

structure shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

1809 CHILD DAY CARE HOMES AND FACILITIES

A. A drop off/pick up area shall be provided for motorists off the street, which permits vehicles to exit the property without backing into the street.

B. Fencing of at least four (4) feet in height shall be provided around all outdoor areas accessible to children.

C. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

1810 FUNERAL HOMES

A. Lighting for parking areas and outdoor activity areas shall be shielded to prevent light from shining directly onto any A, AA, or AM zone.

B. Minimum lot width shall be no less than one hundred fifty (150) feet.

C. 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.

D. No waiting lines of vehicles shall extend off-site or onto any street.

E. Driveways shall be located at least fifty (50) feet from the nearest street intersection.

1811 HOTELS AND MOTELS

A. Minimum lot width shall be no less than two hundred (200) feet.

B. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

C. Driveways shall be located at least fifty (50) feet from the street intersection.

1812 THEATERS OR SIMILAR PLACES OF PUBLIC ASSEMBLY

- A. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from shining directly onto any A, AA, or AM zone.
- B. Main structures shall be set back a minimum of one hundred (100) feet from any A, AA, or AM zone.
- C. For uses exceeding a seating capacity of two hundred fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
- D. Driveways shall be located at least fifty (50) feet from the nearest street intersection.

1813 RESTAURANTS WITH DRIVE-THROUGH FACILITIES

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and ingress and egress from the property by vehicles not using the drive-through portion of the facility.
- B. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity of the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- C. Driveways shall be located at least fifty (50) feet from the nearest street intersection.

1814 VEHICLE WASH ESTABLISHMENTS

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the street. A reasonable number of 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.

B. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any A, AA, or AM zone. Wash bays for self-service establishments shall be located at least fifty (50) feet from any A, AA, or AM zone.

C. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

D. Driveways shall be located at least fifty (50) feet from the nearest street intersection.

E. Where adjoining any A, AA, or AM zone, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.

F. Lighting for parking and outdoor storage areas shall be shielded to prevent light from shining directly onto any A, AA, or AM zone.

1815 OPEN AIR BUSINESSES

A. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

B. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

C. Driveways shall be located at least fifty (50) feet from the nearest street intersection.

D. Lighting for parking and outdoor storage areas shall be shielded to prevent light from shining directly onto any A, AA, or AM zone.

E. Any display materials or equipment stored or displayed outside of an enclosed structure shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

1816 BOWLING ALLEYS

- A. The principal and accessory structures and structures shall be located no closer than one hundred (100) feet from any A, AA, or AM zone.
- B. Minimum lot width shall be one hundred fifty (150) feet.
- C. Driveways shall be located at least fifty (50) feet from the street intersection.

1817 COMMERCIAL GARAGES AND AUTOMOTIVE REPAIR FACILITIES

- A. The principal and accessory structures and structures shall not be located within one hundred (100) feet of any A, AA, or AM zone.
- B. Minimum lot width shall be one hundred fifty (150) feet.
- C. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed structure.
- D. Inoperative vehicles left on the site shall, within forty eight (48) hours, be stored within an enclosed structure, or in an area screened by an opaque fence at least six (6) feet in height. Such fence shall be continuously maintained in good condition.
- E. Storage of vehicle components and parts, trash, supplies, or equipment outside of a structure is prohibited.
- F. Access driveways shall be located at least fifty (50) feet from the nearest street intersection.
- G. Where adjoining an A, AA, or AM zone, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

1818 LUMBER AND PLANING MILLS AND SAWMILLS

- A. The principal and accessory structures shall not be located within two hundred (200) feet of any A, AA, or AM zone.
- B. Minimum lot width of no less than three hundred thirty (330) feet.

C. Storage of timber, saw logs, saw dust, wood chips, partial and finished wood products, and other such materials shall not be stored within one hundred (100) feet of the front property line.

1819 METAL PLATING, BUFFING AND POLISHING

A. The principal and accessory structures shall not be located within two hundred (200) feet of any A, AA, or AM zone.

B. In addition to the site plan, the applicant shall provide design detail on the method for the collection and disposal of liquid and solid waste by-products. The Township may required that engineering plans, sealed by a Professional Engineer registered in the State of Michigan, be provided pursuant to disposal methods which may pose a potential threat to the ground water.

1820 COMMERCIAL STORAGE WAREHOUSES

A. A dwelling unit may be permitted on the lot for security personnel or on-site operator.

B. Parking and circulation:

1. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.

2. Two (2) parking spaces shall also be required for the dwelling unit of security personnel or on-site operator employed on the premises.

3. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

Lane/Aisle	Aisle/Lane Width (ft)		#Lanes/Aisle Required	
	One-Way	Two-Way (each lane or aisle)	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	10	1	1

4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

1821 STAMPING OR PUNCH PRESS OPERATIONS

In the manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations, the following shall apply: principal and accessory structure shall not be located within two hundred (200) feet of an A, AA, or AM zone.

1822 ESSENTIAL SERVICES STRUCTURES

All essential service structures, except utility lines and poles, shall be special uses.