

Article 8: Supplemental Site Development Standards

Those permitted and uses subject to special approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements.

Section 8.01 - Bed and Breakfast Establishments

Bed and breakfast establishments shall be subject to the following regulations:

- A. Bed and Breakfast Establishments an Accessory Use: The bed and breakfast establishments shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast establishments shall be confined to the single-family dwelling unit, which is the principal dwelling on the site.
- B. Maximum Number of Units: No more than seven (7) bed and breakfast sleeping rooms per establishment shall be allowed.
- C. Principal Residence: The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast establishment is in operation.
- D. Kitchen Facilities: There shall be no separate cooking facilities for the bed and breakfast establishment, other than those, which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast establishment.
- E. Building Requirements: A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - 1) There shall be at least two (2) exits to the outdoors.
 - 2) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
 - 3) Each sleeping room shall be equipped with a smoke detector.
- F. Parking: An off-street parking spot shall be provided for bed and breakfast establishments, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
- G. The number of bathrooms and septic system size shall meet Antrim County Health Department requirements.

Section 8.02 - Boat Docks and Slips

- A. Boat Docks: One (1) per existing waterfront lot of record or 100 feet of horizontal lot width (not shoreline distance), whichever is more lenient. Location to respect swimming beaches and docks on the same property or on adjoining properties.

Section 8.03 - Campgrounds, private or public

- A. A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet width.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan Health Department requirements.

Section 8.04 - Car Wash Facilities

- A. Layout: All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.
- B. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 8.05 - Cemeteries

- A. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission Approval.
- C. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 8.06 - Commercial outdoor recreational facilities

Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound

tumbling facilities, miniature golf, driving ranges, subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four foot and six inch (4' 6") protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.

When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Section 8.07 - Funeral Home or Mortuary

Funeral Home or Mortuary property shall have direct vehicular access to a public road. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are accommodated on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

Section 8.08 - Gasoline/Service Station

- A. Minimum lot size shall be twenty thousand (20,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- B. Minimum lot width shall be one hundred twenty (120) feet for a service station, repair garage and one hundred (100) feet for a filling station.
- C. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the road right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than twenty-five (25) feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- E. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- F. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- G. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled,

wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.

- H. All exterior lighting shall comply with *Section 3.11 – Outdoor Lighting* of this Ordinance.
- I. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
- J. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Vehicular Parking and Access*.

Section 8.09 - Motels and Hotels

- A. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
- B. There shall be at least eight hundred (800) square feet of lot area per guest room.
- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- E. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Vehicular Parking and Access*

Section 8.10 - Nursing Homes, Assisted Living Facilities

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

- A. The minimum lot size for such facilities shall be five (5) acres.
- B. Such uses shall front Public Street and the main means of access for residents or patients, visitors, and employees shall be via the road.
- C. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

Section 8.11 - Outdoor Sales Facilities

Outdoor sales lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for new and/or used units, subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.

- B. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
- D. Display lot lighting shall comply with terms of *Section 3.11 – Outdoor Lighting*, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
- F. Parking area shall be provided in the side or rear yard of the site so as to prevent on-street parking.
- G. The front setback line of the vehicle display area shall be marked by a permanent curb of sufficient height and stability to serve as a tire stop.

Section 8.12 - Planned Unit Development, PUD

A. Intent and Purpose

As used in this section, "planned unit development" (or PUD) means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

- 1) To accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- 2) To permit flexibility in the regulation of land development.
- 3) To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- 4) To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- 5) To encourage useful open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the village.

B. Use and Area Regulations

- 1) *Permitted Uses.* Planned unit developments shall be permitted in any zoning district according to the following:

- (a) **Residential Districts** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20) percent of the PUD site area.
- (b) **Village Mixed Use District** - Except as noted, PUD uses may include any of the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40) percent of the PUD site area.
- (c) **Manufacturing District** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20) percent of the PUD site area.

In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

- 2) *Area Regulations.* Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.
- 3) *Perimeter Setbacks.* The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district, provided:
 - (a) Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is in a residential zoning district.
 - (b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 4) *Open Space.* A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.
- 5) *Height Regulations.* The height of all buildings and structures within a PUD project

shall not exceed the height limit of the underlying zoning district; provided, however, the Planning Commission may authorize an increase in height upon a finding that the proposed increase will not be detrimental to the public health, safety, or welfare of the PUD occupants, the area surrounding the PUD project site, and the village as a whole. This increase, however, shall not exceed fifty (50) percent of the underlying zoning district height limit. In authorizing an increase in height, the Planning Commission may require increased building setbacks and/or other conditions determined necessary to secure the public health, safety, or welfare and to ensure compatibility of the project with the surrounding area. In no case shall an increase in height be permitted if the increase will result in conditions beyond the service capability of the village pursuant to emergency fire suppression and other emergency services.

For purposes of this subsection, the height of a building or structure shall be measured from the average grade of the property at the base of the building or structure to the highest point of the building or structure.

- 6) *Other Dimensional Regulations.* To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying zoning district, including but not limited to minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the village as a whole.

Any reductions by the Planning Commission shall be limited as follows:

- (a) Residential density shall not be reduced by more than thirty (30) percent of the underlying zoning district standard.
- (b) Setbacks shall not be reduced by more than fifty (50) percent of the underlying zoning district requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
- (c) Required parking shall not be reduced by more than sixty (60) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

Prior to approving a reduction in dimensional regulations, the planning commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the Village as a whole.

- C. *Planned Unit Development Eligibility Requirements.* To be eligible for a planned unit development, a parcel shall meet all of the following:

- 1) The parcel shall be four (4) contiguous acres or more in area. Provided, however, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be ten (10) acres or more in area. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-residential uses.
- 2) The parcel on which the proposed PUD will be located shall be served by public water and sanitary sewer facilities, if available.
- 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- 4) The proposed uses within the PUD shall be consistent with the Village of Central Lake Master Plan for the subject parcel.

D. *Pre-application Conference.*

- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the preapplication conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
- 2) A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

E. *PUD Application Requirements.* An applicant seeking approval of a PUD shall submit a complete application to the zoning administrator. The zoning administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

- 1) A completed application form, supplied by the zoning administrator.
- 2) Payment of a fee as established by resolution of the Village Council.
- 3) A narrative statement describing:
 - (a) The objectives of the proposed PUD and how they relate to the intent of

- the zoning ordinance as described in subsection (1), above.
- (b) The relationship of the proposed PUD to the Village of Central Lake's Master Plan.
 - (c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - (d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - (e) Anticipated dates for the start and completion of the PUD construction.
 - (f) The location, type, and size of areas to be dedicated for common open space.
- F. The PUD application shall include all information required by *Sections 6.03* and *Section 7.02*, and the following:
- 1) Required setbacks of the zoning districts.
 - 2) Area of subject property to be covered by buildings.
 - 3) Percentage of the total site devoted to open space and the proposed uses of that open space.
 - 4) Such other information regarding the development area that may be required to determine conformance with this Ordinance.
- G. *Public Hearing on PUD Request; Notice.*
See *Section 7.02.2*.
- H. *Planning Commission Review of PUD.* Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection (I.) below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.
- I. *Standards for PUD Approval; Conditions; Waiver of PUD Standards.*
- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of *Section 6.03.5* and *Section 7.02.3* and all of the following:
 - (a) The planned unit development shall be consistent with the Village of Central Lake Master Plan.
 - (b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition

- and such vegetation if dead shall be replaced.
- (c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the village's current master plan.
 - (d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - (e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
 - (f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
 - (g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
 - (h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
 - (i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to *Section 10.03* of this Ordinance.
 - 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the standards for a PUD contained in subsection (l.) above where all of the following findings are documented along with the rationale for the decision:
 - (a) No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - (b) The spirit and intent of the PUD provisions will still be achieved.
 - (c) No nuisance will be created.

- J. *Planned Unit Development Permit.* Following final approval of a PUD application, a permit may be obtained from the zoning administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.
- K. *Continuing Adherence to Approved PUD Application.* Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.
- L. *Recording of Action.* The applicant shall record an affidavit acceptable to the village attorney with the Antrim County Register of Deeds that contains the full legal description of the project site, specifies the date of final village approval, specifies the description or identification number which the village has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the village attorney that contains all of the information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Antrim County Register of Deeds and copies of recorded documents filed with the zoning administrator.
- M. *Amendment of an Approved Planned Unit Development.* Amendments to an approved PUD shall be permitted only under the following circumstances:
- 1) The owner of property for which a PUD has been approved shall notify the zoning administrator of any desired change to the approved PUD. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes related to items (a) through (e) above, required or requested by the Village of Central Lake, Antrim County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and

character of the PUD, nor any specified conditions imposed as part of the original approval.

- 2) All amendments to a PUD approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- 3) An amendment to an approved PUD that cannot be processed by the zoning administrator under subsection (1) above shall be processed in the same manner as the original PUD application.

N. *Expiration of Approved PUD; Extension.*

- 1) An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:
 - (a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - (b) The PUD requirements and standards that are reasonably related to the development have not changed.
- 2) If the PUD approval expires pursuant to subsection (1) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the planning commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

O. *Performance Guarantee.*
See *Section 10.06.*

Section 8.13 - Public Buildings, Institutions and Places of Worship

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, shall be permitted provided:

- A. The arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting and traffic.

Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

Section 8.14 - Sand and Gravel Extraction

- A. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than 2,000 cubic yards of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the Village without first submitting a site plan and procuring approval from the Planning Commission.
- B. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.
- C. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in *Section 6.03 Site Plan Review (All Districts)*, a site plan prepared under this section shall also include:
- 1) Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
 - 2) Full legal description of the premises where operations are proposed.
 - 3) Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - 4) Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
 - 5) Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
 - 6) Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.
- D. The sand and gravel operations application shall provide information to confirm compliance with the following standards:
- 1) Hours of Operation

The operation of mechanical equipment of any kind shall be limited by the day and/or the hour. Site Specific Hours of Operation for mining, processing and reclamation activities must be approved, but shall not exceed the following schedule Monday through Saturday, excluding legal holidays, during the following times:

 - (a) Mining or extracting operations, and processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
 - (b) Loading and hauling operations shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
 - (c) Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
 - 2) Screening

Fences, berms, walls, and visual screening devices may be required, if necessary, in the opinion of the Planning Commission, to protect adjoining properties and/or ensure the health, safety and welfare of persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed

- 3) Noise, Dust, Debris
All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive dust, debris, or other impacts beyond the property line. Noise levels shall not exceed 60 dBA at the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
- 4) Groundwater Impact
Extractive operations shall be managed and designed so as to not cause any negative impact on groundwater and potable water supply, whether as a result of contamination or reduction in the rate and volume of flow.
- 5) Road Impact
 - a) Extractive operations shall be managed and designed so as to have minimum negative impact on existing roadways. The truck route to be utilized in the accessing of the extraction site shall be designated and subject to approval by the Planning Commission.
 - b) Dust caused by truck traffic of the entrance drive to be treated as needed with dust suppression material.

Section 8.15. - Sexually Orientated Business

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Village, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Village residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Village ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Village intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Village further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel which is within two hundred fifty (250) feet of any parcel zoned R-1 (Residential district).

- C. No sexually oriented business shall be established on a parcel within three hundred (300) feet of any residence.
- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of Village of Central Lake and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. 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 adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) 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."
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
 - 5) Has no holes or openings in any side or rear walls.

M. Review Procedures for Sexually Oriented Businesses

The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.

- 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
- 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in *Section 8.15 (A-L)*. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
- 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Village shall have within five (5) business days of the receipt of such written notice to do the following:
 - (a) File a petition in the Circuit Court for the County seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Village Zoning Ordinance;
 - (b) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within ten (10) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Village shall be required to waive its application for preliminary injunction and shall join in such request. In the event that the applicant does not waive notice and/or does not request any early hearing on the Village's application for permanent injunction, it shall never the less be the duty of the Village to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval

application automatically approved if, within fifteen (15) business days of the filing of the Village's petition, a show-cause hearing has not been scheduled.

Section 8.16 - Storage Facilities and Warehouses

Storage uses, including mini-storage, shall meet the following regulations are satisfied:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph c) of this paragraph.
- B. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least three hundred (300) feet from public road right-of-way lines.
- C. All season landscape screening to effectively shield storage buildings from bordering public roads, shall be installed per an approved Landscape Planting Plan which provides initial screening upon installation of proposed plant materials.
- D. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.
- E. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or behind an obscuring wall or fence on those sides abutting all Residential Districts and on any yard abutting a public thoroughfare.

Section 8.17 - Towers, Antennae and Facilities

- A. No additional new commercial towers shall be permitted within the Village of Central Lake.
- B. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are permitted provided the tower is located at least the height of the tower from all property lines.

Section 8.18 - Veterinary Clinic/Animal Hospital

- A. All veterinary clinics and animal hospitals shall be operated in conformance with County and State regulations and shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.

- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.