

## PLEASANTON ZONING ORDINANCE ARTICLE 16: SPECIAL USE PERMIT STANDARDS

### 1601.-PURPOSE:

Specific Special Use Standards for particular prospective special use follow:

### 1602. - FOR CAMPGROUNDS:

- A. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, existing primary road or the developer shall agree to provide the funds to upgrade or will upgrade and existing public or private road to a road which is paved, blacktop, or to a primary road.
- B. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities or the developer shall agree to extend public sewer and water lines from the existing lines to the campground facilities. If no public water and sewer exists, and acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department Health, as shown by an issued permit.
- C. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being MCL 333.12501 et.seq.
- D. The application for a zoning special use permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being MCL 333.12501 et.seq. in addition to the special use permit application requirements presented in this Zoning Ordinance.
- E. The minimum parcel area shall not be less than x square feet, where x equals 2,000 times the number of proposed campsites.
- F. Spaces in the campground shall be only rented on a daily, weekly, or monthly basis.
- G. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory use provided:
  - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.
  - 2. Such establishments shall be restricted in their use to occupants of the campground.
  - 3. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the campground.

4. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

**1603. - FOR MOBILE HOME PARKS:**

- A. The location of a mobile home park shall front or have public access to an existing paved or blacktop surfaced county road, existing state trunk line, existing county primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing county or private road to a county road which is paved, blacktop, or to a county primary road.
- B. The mobile home park shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of. Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, MCL 125.1101 et seq., and thus mobile homes which locate within said mobile home park shall be exempt from Dwelling Regulations, above.
- C. The mobile home park shall provide at least two (2) entrances/exits to a state trunk line or county road.
- D. The application for a zoning special use permit for a mobile home park shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission promulgated pursuant to Public Act 419 of 1976, as amended, being the Mobile Home Commission Act. 125.1101 et. seq. for an application for license to operate a mobile home park in addition to the special use permit application requirements presented in this Zoning Ordinance.

**1604. ~ FOR MINING OPERATION OF A DURATION OF MORE THAN TWO (2) YEARS:**

- A. A map and/or aerial photograph of the property which shall indicate:
  1. Proposed location, area extent, and depth of intended mine excavation.
  2. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities or other permanent or temporary facilities used in mining.
  3. Estimated depth to groundwater.
- B. A description of the mining and processing equipment to be used.
- C. A description of measures to be taken to control noise and vibration from the operation.

- D. A description of measures to be taken to screen the operation from view.
- E. Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property.
- F. A description of the plans for topsoil storage.
- G. A reclamation plan which shall include;
  - 1. A map or plan and description of the proposed reclamation including grading, final slope angles, high-wall reduction, benching and terracing of slopes, slope stabilization and vegetation where applicable, and erosion control, and alternative future land uses.
  - 2. Description of topsoil stripping and conservation during storage and replacement.
  - 3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property.
  - 4. Description of plans for disposition of surface structures, roads and related facilities after cessation of mining.
  - 5. A plan for disposal of treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations.
  - 6. The estimated cost of reclamation for the total project.
  - 7. A statement in writing and adequate evidence to indicate the duration of the lease in years.
- H. A timetable of the commencement, duration and cessation of mining operation.
- I. Any and all mining permits held by the applicant within the state.

**1605. - FOR MINING ON A TEMPORARY TWO (2) OR FEWER YEARS BASIS:**

- A. As may be required by the Commission, a map and/or aerial photograph of the land with any or all of the information as listed in section 1604.A of this Ordinance, relating to requirements for maps and/or aerial photographs for regular mining special use permits.
- B. As may be required by the Commission, any or all of the information listed in section 1604.G of this Ordinance, relating to requirements for Information for regular mining special use permits.

**1606. - FOR MANUFACTURING [D] AND TRUCKING AND WAREHOUSEING [42]:**

- A. The use and associated activity is carried on entirely within an enclosed building, and if there is a yard work area and storage area, it shall be enclosed as specified below. Whenever the Manufacturing [D] and Trucking Warehousing [42] property boundary is contiguous to a street, a water body, and another type of land use, then along that property boundary there shall be:
  - 1. A solid wall six (6) feet, or more, high or
  - 2. A berm six (6) feet, or more, high or
  - 3. A buffer area of fifty (50) feet back, or
  - 4. A proportionately adjusted combination of the above.

- B. Odor shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the Manufacturing [D] and Trucking Warehousing [42] establishment.
- C. Noise shall not be over 60 decibels at the parcel boundary.
- D. A pollution incident prevention plan, if required by State or Federal regulation, and fiscal impact study may be required by the Commission to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of the Ordinance.
- E. Upon review of the special use permit application, the Commission may require upgrading of roads from the proposed establishment to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Commission and applicant, upgrading or road(s) to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant. Township Board and Manistee County Road Commission.

**1607. - FOR JUNKYARDS:**

- A. Has a Michigan Sales Tax license.
- B. Has a record of sales and other transactions which are required by, and whose business falls under the jurisdiction of Public Act 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 *et seq.*
- C. Shall be designed to comply with one of the following:
  - 1. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater.
  - 2. Shall have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above.
  - 3. Shall not be visible from a road or from adjacent parcels.
- D. Shall be set back from parcel boundaries at least 100 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road whichever is greater.
- E. Shall be designed and operated so noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and at the nearest road.
- F. Shall comply with Public Act 219 of 1966, as amended, (the Control of Junkyards Adjacent to Highways Act, being MCL 252.201 *et. seq.*); Public Act 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 *et. seq.*); Public Act

641 of 1978, as amended, (the Solid Waste Management Act, MCL 299.401 et. seq.) and, if applicable Township licensing of junk yards.

- G. Shall not operate a landfill, as defined in Public Act 641 of 1978, as amended, (the Solid Waste Management Act, MCL 299.401 et. seq.). as an accessory function to a junkyard.
- H. Shall be more than 1,000 feet from a school, campground, or park.

#### **1608. - INDUSTRIAL ACTIVITIES - INFORMATION AND SECURITY REQUIREMENTS**

- A. In addition to the information required by section 1604 of the Ordinance, an applicant for an industrial activity, including but not limited to mining operations of more than two (2) years, and oil and gas processing or sweetening facilities shall submit the following as part of its application for a special use permit.
  - 1. A map and/or aerial photograph of the proposed project site and surrounding area which indicates:
    - a. Boundaries of the proposed project site.
    - b. Surface drainage of the project site.
    - c. Location and names of all streams, roads, railroads, utility lines, and pipe lines on or immediately adjacent to the project site.
    - d. Location of all buildings and structures within 2,640 feet of the boundary of the project site.
  - 2. Estimated depth to groundwater.
  - 3. A description of the production, sweetening, processing or other machinery and equipment to be located on the project site.
  - 4. A description of the measures to be taken to control noise, vibrations, light and odors from the operations.
  - 5. A description of the measures to be taken to screen the project from view.
  - 6. Proposed primary travel or transmission routes to be used to transport the raw materials to the project site and the processed materials away from the project site, including the proposed location of all pipelines.
  - 7. A description of the plans for topsoil storage if the project will disturb the topsoil.
  - 8. A Pollution Incident Prevention Plan approved by the Michigan Department of Environmental Quality, the Fire Chief of the Bear Lake Township Fire Department, or the municipal fire department having primary responsibility for responding to fires at the project site, and the Manistee County Emergency Service Director and which sets forth in reasonable detail the applicant's contingency plans in the event of fire, plans for the evacuation of surrounding areas and neighborhoods, the communication and warnings to be given in the event of a fire or pollution incident, and the procedure to be followed for periodic updating of such plan in consultation with the appropriate fire department and the Manistee County Emergency Services Department.  
In addition, such plan shall include all other information required by the

Department of Environmental Quality or other governmental agencies having jurisdiction over the project.

9. A letter showing approval, tentative approval, or an understanding for concurrent approval of the project by the Department of Environmental Quality, the Manistee County Soil Erosion and Sedimentation Control Department, and all other governmental agencies whose approval is required.
  10. A statement of any changes or modifications in the project required for approval by any other governmental agency whose approval is required.
  11. A Reclamation Plan which shall include the following information:
    - a. A statement of the maximum life expectancy of the project and all plant, machinery and equipment associated with the project.
    - b. Plans for the disassembly, removal or other disposition of all plant, machinery and equipment, including pipelines at the project site at the expiration of operations.
    - c. Plans for the replacement of topsoil and restoration of the property or project site to its original grade and contours.
    - d. Plans for the restoration of all access roads to original condition unless at the time of reclamation an agreement is reached among the Planning Commission, the owner/operator of the project, and the effected landowners), for some other disposition.
    - e. Plans for the identification, disposal or treatment for all harmful or toxic materials found on the property or project site, including any contaminated soils.
    - f. The estimated cost of completing the Reclamation Plan within one year of cessation of operations based on the anticipated costs for the year in which the reclamation would take place.
    - g. A statement of the proposed form of a performance guaranty equal to two (2) times the estimated cost of the Reclamation Plan, which may be required by the Planning Commission.
  12. Copies of all applications for drilling permits, granted drilling permits, survey records of well location, and plat, as provided to the Supervisor of Wells, Department of Natural Resources in connection with its permit process for an oil and gas processing or sweetening facility.
- B. Prior to the issuance of the special use permit, the owner/applicant shall deliver to the Township:
1. Security for required improvements, if any, required pursuant to Section's of this Ordinance.
  2. A bond or other security pursuant to Section's of this Ordinance in an amount equal to twice the estimated cost of completing the Reclamation Plan.
  3. The owner/applicant agreement providing the Township with the right to inspect the industrial facility from time to time.

4. The owner/applicant agreement to provide the Township Supervisor with a copy of all Pollution Incident Reports within ten (10) days of the report being prepared for other agencies.
5. All additional costs incurred in processing the special use application, as required by Section's of this Ordinance.

**1609. - FOR OIL AND GAS PROCESSING OR SWEETENING FACILITIES:**

- A. No oil and gas processing or sweetening facility, except access roads and pipelines, shall be located within 1,300 feet of an existing dwelling, commercial or other nonresidential building or structure, wetlands or surface water; access roads and pipelines shall be located not closer than 650 feet to an existing dwelling, commercial or closer than 650 feet to an existing dwelling, commercial or other nonresidential building or structures, wetlands or surface water.
- B. No oil and gas processing or sweetening facility, except access roads and pipelines, shall be located less than 2,600 feet from an existing subdivision, apartment buildings, residential developments, mobile home parks, residential uses whose occupants are relatively immobile and which are hard to quickly and efficiently evacuate such as hospitals, nursing homes, residential care facilities, or other land uses that result in a dense population; access roads and pipelines shall be located not closer than 650 feet to such uses and structures.
- C. The maximum density of oil and gas processing or sweetening facilities shall not be more than one (1) square mile section of land and shall not be located within four (4) miles of another oil and gas processing or sweetening facility.
- D. An oil and gas processing or sweetening facility shall be designed to a capacity to service all oil and gas wells that are anticipated to need such service over the maximum life expectancy of the project, within a two (2) mile radius of the proposed project site, except that upon a showing by the applicant that:
  1. An existing oil and gas processing or sweetening facility within the same section of land or within a two (2) mile radius is being operated at capacity and cannot be feasibly expanded; or
  2. The existing facility cannot be expanded or modified to accept oil or gas from the applicant(s) well(s); or
  3. The owners of the existing facility, after reasonable offers and negotiations of terms, refuse to share their facility to service the applicant(s) oil or gas. Then the Planning Commission may act to waive the density standards of this subsection provided the Planning Commission, in deciding whether to waive the density standards herein, may also consider whether there are suitable sites for the proposed oil and gas processing or sweetening facilities or other existing oil and gas processing or sweetening facilities having excess capacity which are more

closely situated to the wells which will be serviced by the proposed oil and gas processing or sweetening facility, it being the policy of the Township that, subject to the density objectives set forth herein, and subject to the need to avoid areas of relatively greater population density, the hazards and inconvenience to neighboring properties of necessary oil and gas processing or sweetening facility operations shall, whenever possible, be associated with the areas where the wells being serviced are located, or with properly zoned industrial districts located inside or outside the Township.

- E. Sweetening plants shall be located on a parcel not less than ten (10) acres in size and all other oil and gas processing facilities, except sweetening plants, shall be located on a parcel not less than four (4) acres in size, provided, however, that in all cases the minimum parcel size shall not be less than the minimum parcel size established for the land use district in which the project is proposed to be located.
- F. All oil and gas processing or sweetening facilities having buildings, plant equipment, and/or machinery located above ground, will be screened from view from all nearby roads, dwellings and commercial uses by vegetation or berm, or a combination of both, placed near or at the perimeter boundary of the project site.
- G. In the case of a bulk storage facility, all tanks or other storage facilities, pumps and other equipment are completely enclosed in a berm.
- H. All lights or other illumination devices shall be shaded and/or screened by the vegetation, berm and/or by other apparatus such that direct glare is not visible beyond the perimeter boundary of the property.
- L. The project site shall be secure to prevent pedestrians and other unauthorized persons from gaining access to the project site.
- J. All emissions and/or effluent from the oil and gas processing or sweetening facility shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. A Michigan licensed industrial waste hauler to a licensed Type I or Type II landfill shall transport all solid waste from the site. Steel, or other approved material; tanks shall be used for storage of all liquid materials, including brine, except that earthen pits may be allowed for emergency backup purposes. Sulfur, once separated from natural gas, shall not be incinerated and technology, which chemically changes the sulfur to its elemental form, or other form suitable for resale, or more advanced technology approved by the Planning Commission, shall be used.
- K. Sweetening plants shall be fitted with a warning siren audible for one (1) mile in all directions on a calm (no wind) day, which is triggered to sound when concentrations of hydrogen sulfide exceeds 200 parts per million within the project site. The siren shall be periodically tested on a regular basis during the life of the plant operation.
- L. Odors shall not be detectable by normal human senses under normal operating conditions at a distance of 1,300 feet from oil and gas processing or sweetening facility.
- M. Noise shall not exceed fifty (50) decibels at a distance of 1,300 feet from oil and gas processing or sweetening facility.

- N. The applicants) reclamation plan shall be capable of being completed within one year of the cessation of operations of the project.

**1610. - FOR WIRELESS COMMUNICATION FACILITIES:**

- A. Commercial Television, Radio Towers, Public Utility Microwaves, Public Utility T.V. transmitting towers and Personal Wireless Communication Facilities. Not included within this definition are: Citizen Band radio facilities; short wave receiving facilities. Radio and Television Broadcast reception facilities; federally licensed amateur (*Ham*) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt township regulatory authority. Radio and Television towers, public utility microwaves and public utility T.V. transmitting towers, may be permitted by the Planning Commission after a hearing, in RA-1, RA-2, and WR-1 Districts, provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on the property line. The setback standard may be reduced by up to fifty percent (50%) if the construction plan, the tower, and its guying/ anchoring systems are certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback standards of the district. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- B. The following standards will be required for all Wireless Communication Facilities:
  - 1. Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or it if co-locates on an existing tower, and the proposed height does not require lighting by FCC and/or FAA regulations.
  - 2. The Planning Commission may permit wireless Communication Facilities after a public hearing, if it is found that there is no reasonable opportunity to locate per item 1610-B 1. Information must be submitted to show efforts will be made to screen, co-locate or place such facilities on an existing structure. A detailed site plan should accompany the application. If possible, the applicant should submit "point of view" renderings or computer generated images of how the proposed structure and support buildings will appear from the surrounding area. The proposed tower must also meet the following conditions and standards:
    - a. The proposed height meets FCC and/or FAA regulations.
    - b. Towers must be equipped with devices to prevent unauthorized climbing.
    - c. The best available practices for screening must be taken to blend the tower into the landscape, including, but not limited to, greenbelt planting and painting. Visual beauty areas and public rights-of-way

should be avoided. Further, as few structures as possible should be established by the use of existing structures and the avoidance of new freestanding structures.

- d. New towers should be engineered as appropriate for co-location of a minimum of five (5) other wireless communication facilities on a common structure, tower or building.
  - e. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
  - f. Towers engineered for co-location of antennae should design a ground equipment building that will be adequate to hold the equipment of all anticipated co-locators.
  - g. The wireless communication provider seeking to use an established co-location site will undertake to pay a market rent or other market compensation for co-location. Co-location providers may not charge fees designed to discourage co-location at their sites by other entities.
  - h. The Township of Pleasanton reserves the right to complete, at the applicant's expense, an independent engineering review.
3. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned. In the case of hardship, the ninety (90) day requirement may be extended by the permitting body to a maximum of an additional thirty (30) days.