

## Article 16

# STANDARDS for SPECIAL LAND USES

The following standards apply to the special land uses permitted by special approval in Articles 10 through 15 of this Ordinance. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise, and any conditions established pursuant to Section 18.15, Conditional Approvals. Section 16.01 includes general standards applicable to all special land uses. The remaining sections of this Article include standards which are applicable to specific special land uses as designated.

### **Section 16.01 General Standards Applicable to All Special Land Uses**

A. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the Zone Plan of the Township
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction of proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location of vehicular use or parking areas.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Meet the site plan review requirements of Article 6.
8. Conform with all applicable county, state and federal requirements for that use.

### **Section 16.02 Service Stations (Standard and Multiple Use) and Vehicle Repair Stations**

A. The following site and developmental requirements shall apply:

1. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
2. Ingress and egress to the facility shall be only from a paved county primary road.
3. No more than two (2) driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed fifty (50) feet and driveway widths shall not exceed thirty-five (35) feet. Driveways shall be separated by a minimum of forty (40) feet, edge to edge.
4. Curb openings shall be no closer than ten (10) feet to any adjoining lot line and shall be no closer than twenty (20) feet to an intersection, as measured from the right of way.
5. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between lot lines.
6. All buildings shall be set back not less than forty (40) feet from all street right of way lines.
7. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line nor within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in a front yard or within the required building setback.
3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

**Section 16.03 Bed and Breakfast**

**A. The following site and developmental requirements shall apply:**

1. No bed and breakfast use shall be permitted within a platted subdivision or condominium development.
2. One (1) off-street parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling.

**B. Special Performance Standards:**

1. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by pre-arrangement. Meals may be served to overnight guests only. Meals shall not be served to the public at large.
2. The exterior appearance of the structure shall not be altered from its single family character.
3. No receptions, private parties or activities for which a fee is paid shall be permitted.
4. Exterior solid waste facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. No transient occupant shall reside on the premises for more than seven (7) days in any thirty (30) day period.
7. Lavatories and bathing facilities shall be available to all persons using the premises.
8. No separate or additional kitchen facilities shall be provided for the guests.

**Section 16.04 Communication Towers**

**A. The following site and developmental requirements shall apply:**

1. A minimum lot area of two (2) acres.
2. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
3. The base of the tower and wire/cable supports shall be fenced with a minimum five (5) foot high woven fence to prevent unauthorized access.

**B. Special Performance Standards:**

1. All structures shall be located at least two hundred (200) feet from any single family dwelling.
2. Towers and antennas shall be painted to minimize off-site visibility.
3. The applicant shall provide verification that the plans of the tower construction, including the antenna mount and structure, have been reviewed and approved by a professional engineer and that the installation is in compliance with all Federal Aviation Administration and Federal Communications Commission standards and all other applicable building codes and statutes.
4. There shall be no employees located on the site on a permanent basis.
5. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
6. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
7. Towers shall be located so that they do not interfere with reception in nearby residential areas.
8. Minimum spacing between towers in excess of one hundred (100) feet shall be two (2) miles.
9. Height of the tower shall be less than two hundred (200) feet from grade.
10. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.



11. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.

### **Section 16.05 Shooting Ranges**

#### **A. The following site and developmental requirements shall apply:**

1. Minimum lot area shall be forty (40) acres for outdoor shooting ranges.
2. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet for outdoor shooting ranges.

#### **B. Special Performance Standards:**

1. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
2. A site plan for the range, whether indoor or outdoor, shall be submitted to the Zoning Board clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
3. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Zoning Board.
4. All shooting range facilities shall meet the most current published design and safety standards of the National Rifle Association.
5. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms outdoors to assure that individuals will not unknowingly trespass on the property.
6. Hours of operation shall be between 8:00 a.m. and dusk.

### **Section 16.06 Churches and Religious Institutions**

#### **A. The following site and developmental requirements shall apply:**

1. No building shall be closer than fifty (50) feet from any lot line or right-of-way.
2. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation A spire is excluded.

#### **B. Special Performance Standards:**

1. No day care center, private school, or other use requiring a Special Approval shall be allowed without a separately approved Zoning Permit for each use.

### **Section 16.07 Kennels**

#### **A. The following site and developmental requirements shall apply:**

1. The lot area shall be at least five (5) acres in size and three hundred (300) feet in width.
2. Kennels may not be located in a platted subdivision or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

#### **B. Special Performance Standards:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
2. All animals must be licensed and maintained in a healthy and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a. m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

7. The outside perimeter of the run and/or exercise area shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.

#### **Section 16.08 Mini Storage Facilities**

**A. The following site and developmental requirements shall apply:**

1. The minimum lot or parcel size for mini storage facilities shall be 2 acres and the minimum frontage shall be two hundred (200) feet.
2. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
3. There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

**B. Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
3. Storage spaces shall not contain more than 400 square feet each.
4. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in trucks in excess of a gross vehicle weight rating of 5,000 pounds.
5. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling except where specifically approved and delineated on the approved site plan.
6. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
7. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

#### **Section 16.09 Junkyards**

**A. The following site and developmental requirements shall apply:**

1. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
2. No portion of the enclosed area shall be located within one hundred (100) feet of a road right-of-way nor within two hundred (200) feet of a residential lot line, school, day care facility, church, hospital, or convalescent or nursing home.
3. The minimum lot or parcel size for junkyards shall be ten (10) acres and the minimum frontage and lot width shall be three hundred (300) feet.

**B. Special Performance Standards:**

1. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.



5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.

## **Section 16.10 Adult Related Business**

The purpose of this Section is to clearly define what constitutes an adult related business and regulate the location and concentration of such businesses, but not exclude such businesses. These regulations are created with the understanding that Burleigh Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location, causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

### **A. Definitions**

1. Adult-Related Business: Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "*adult bookstore*," "*adult theater*," "*massage parlor*," "*public bath*" and "*taxi dance hall*."
2. Adult Book Store: An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material.
3. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, for observation by patrons or customers.
4. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
5. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths*."
6. Specified Anatomical Areas: Human genitals, public regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
7. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
8. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

### **B. The following site and developmental requirements shall apply:**

1. No adult related business shall be established on any premises where there exists another adult related business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult related business is located shall be situated at least three hundred (300) feet from a residential lot line and one thousand (1,000) feet from a church or school, measured as a straight line distance between the closest property lines.



### **C. Special Performance Standards**

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "*specified anatomical areas*" or "*specified sexual activities*."
2. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
3. Operational hours are permitted between 10:00 a.m. and 10:00 p.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
5. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.

### **Section 16.11 Mobile Home Parks**

**A.** All mobile home parks shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Zoning Board. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Zoning Board shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Zoning Board shall take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.

### **Section 16.12 Extraction Operations**

**A. Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 6.04(A), each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for transport of material.
7. Proposed plans for fencing, and signs.
8. Depth to groundwater.

9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed reclamation plan that identifies, at a minimum, the following:
  - a. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
  - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
  - e. The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
  - f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
  - g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
  - h. No noxious, flammable or toxic backfill and grading materials shall be used.
  - i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - j. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

**B. The following site and developmental requirements shall apply:**

1. Minimum lot area shall be ten (10) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
  - a. 100 feet from the right-of-way of any public road, private road, or highway.
  - b. 150 feet from abutting property in a Conservation or Residential District.
3. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.
4. There shall be not more than one (1) entrance-way from a public road to said lot for each six hundred sixty (660) feet of frontage. Access shall be provided by a paved county primary or local road.
5. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

**C. Special Performance Standards:**

1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use or when an attendant is not present. "KEEP OUT-DANGER" signs shall be posted at two hundred foot intervals along the perimeter.
2. Where deemed necessary by the Township Board, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within one thousand (1,000) feet.
3. All extractive operations shall comply with the soil erosion and sedimentation control requirements of the Iosco County Drain Commissioner and Michigan Department of Environmental Quality.
4. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches (3") of top soil when extraction operations are completed. No topsoil shall be removed from the extraction site.
5. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.



6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
8. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
9. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work shall extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway, as authorized by the Township Board in writing. Excavated areas shall be reclaimed pursuant to the approved reclamation plan.
10. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to one hundred fifty percent (150%) of the estimated reclamation costs for each ten (10) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
11. Extraction processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
12. Extraction, processing, and storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Extraction shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

**D. Other conditions:** The conditions of any Zoning Permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.

1. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
2. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
  - a. The completion of the extraction.
  - b. The Township Board determines that no substantial work has occurred on the site for more than one (1) year.
  - c. The Township Board has received notification from the owner that operations are complete.
  - d. A zoning permit for the extraction has expired.
3. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Township Board, and a filing of a performance bond; said redetermination to be made in accordance with the requirements of this ordinance for the issuance of a special land use permit.

**E. Existing Extraction Areas:** All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above for any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

#### ***End of Article 16***