

## CHAPTER 15 SPECIAL LAND USES

### SECTION 15.10 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

### SECTION 15.20 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Application for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator (or other official designated by Township Board) who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a Special Land Use approval shall consist of the following:
    - a. Twelve (12) copies of a Final Site Plan meeting the requirements of Section 13.50 B.
    - b. A complete application form, as provided by the Township
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
    - d. A legal description of the entire property which is the subject of the Special Land Use.
    - e. A statement with regard to compliance with the criteria required for approval in Section 15.30 and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f. Other materials as may be required by the Planning Commission.
- B. Public Hearing
1. Upon receipt of an application for a Special Land Use, the Planning Commission

- shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.
2. Notice of the public hearing shall be as required by the Zoning Act.
  3. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
  4. If denied, the Planning Commission, in its minutes or by resolution shall state the reasons for the denial and provide the applicant with a copy.

### **SECTION 15. 30 BASIS OF DETERMINATION**

- A. Prior to approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this Section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.
- B. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards in this Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  2. The Special Land Use shall not change the essential character of the surrounding area.
  3. The Special Land Use shall not be hazardous to adjacent property or involve uses, activities, material or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous situations of the excessive production of traffic, noise, smoke, fumes or glare.
  4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
  5. The proposed Special Land Use shall be harmonious and consistent with the intent of this Ordinance and the Township's Master Plan.
  6. The proposed Special Land Use will not establish a precedent for developments or uses which could adversely affect the long- term goals of this Ordinance and the Township Master Plan.
  7. The Special Land Use shall be designed to preserve environmental features and will not negatively impact lakes, streams, wetlands, flood plains, agricultural areas, and natural areas.
- C. The Planning Commission may impose conditions with the approval of a Special Land Use

which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. These conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.

- D. If, after the establishment of the Special Land Use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, the use shall have sixty (60) days to correct any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 15.50 shall be initiated.

#### **SECTION 15.40 APPROVAL TERM, EXPIRATION AND APPEALS**

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 15.50 or the Special Land Use has been initiated, or construction necessary for the use has been initiated and proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six (6) consecutive months.
- B. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for the use has not been initiated or if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted and shall be binding upon subsequent owners and all occupants of the subject use.
- D. Re-application for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.
- E. No Special Land Use approval ( or conditions attached thereto) or denial shall be subject to a variance request or appealable to the Zoning Board of Appeals.

#### **SECTION 15.50 REVOCATION OF SPECIAL LAND USE APPROVAL**

The Planning Commission may revoke any Special Land Use approval or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of the hearing in accordance

with Section 15.20 B.

### **SECTION 15.60 EXISTING SPECIAL EXCEPTIONS**

Use of land and/or development projects granted special exception status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements and conditions of the special exception are met.

### **SECTION 15.70 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Use shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards and regulations as are cited in this Section. The following uses have these conditions, standards or regulations:

- A. Outdoor recreational and entertainment facilities, country clubs, golf courses, gun clubs, riding stables and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use and other similar uses integral to the main use.
- B. Roadside stands for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Two-family dwellings.
- G. Multiple family dwellings.
- H. Planned Unit Developments.
- I. Adult Foster Care Group Home Facilities.
- J. Day Care group Home and commercial day care homes and facilities.
- K. Funeral homes and mortuary establishments.
- L. Hotels and motels.
- M. Theaters or similar places of public assembly as determined by the Zoning Administrator.
- N. Restaurants with drive-through facilities.
- O. Vehicle service stations with or without body shops.
- P. Vehicle wash establishments, either self-serve or automatic.
- Q. Open air business.
- R. Veterinary hospitals, animal clinics and commercial kennels.
- S. Bowling alleys.
- T. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- U. Body shops.

- V. Lumber and planing mills.
- W. Metal plating, buffing and polishing.
- X. Commercial storage warehouses.
- Y. The manufacture, compounding, processing, packaging or treatment of products requiring stamping or punch press operations.
- Z. Junk yards/salvage yards.
- AA. Public or private boat launches.
- BB. Marinas.
- CC. Adult uses.
- DD. Bed and breakfast establishments.
- EE. Schools, churches, libraries, parks, playground and community center buildings.
- FF. Intensive Livestock Operations
- GG. Communication Towers/Antennas
- HH. Dry cleaning
- II Multi-Use Recreation and Conference Centers
- JJ. Wind Electrical Generations Towers
- KK. Billboards

## STANDARDS

- A. Outdoor recreational and entertainment facilities, country clubs, golf courses, gun clubs, riding stables and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use and other similar uses integral to the main use.
  - 1. The use shall be located on property with direct access to a public street.
  - 2. Any outdoor activity areas shall be set back a minimum of fifty (50') feet from any Residential District or use property line.
  - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  - 4. Access driveways shall be located no less than fifty (50') feet from the centerline of the intersection of any street or any other driveway.
- B. Roadside stands for sale of produce grown on the premises.
  - 1. Access driveways shall be located no less than fifty (50') feet from the centerline of the intersection of any street or driveway.
  - 2. No lighting shall be provided for any use nor shall any use operate after dark.
  - 3.. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
  - 4. The main building and any accessory buildings shall not exceed a combined total

floor area of one-hundred and twenty (120) square feet.

- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
1. The lot area used for parking, display or storage shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
  2. Access driveways shall be located no less than fifty (50') feet from the centerline of the intersection of any street or driveway.
  3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line
  4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- D. Removal and/or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

The Planning Commission shall not approve the use until the following information is provided and the Commission finds that the proposed use will not adversely impact surrounding properties and the Planning Commission shall consider following:

1. The size of the property from which the topsoil, sand, gravel or other such materials are to be removed.
2. The amount of topsoil, sand, gravel or other such materials which is to be removed.
3. The purpose of the removal.
4. The effect of the removal on adjoining property; all removal activities shall be set back a minimum of one-hundred (100) feet from any adjoining Residential District or use, as well as fifty (50) feet from any side or rear property line and seventy five (75) feet from any front property line or road or street right-of-way.
5. The effect of the removal in causing a safety hazard, creating erosion problems or altering the groundwater table.
6. The potential for the removal to cause the creation of sand blows, stagnant water pools or swampy areas.
7. The effect of the removal on the environment and the natural topography and the potential destruction of any natural resources.
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.
9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition.

10. No business or industrial buildings or structures of a permanent nature shall be erected, except where the building is a permitted use within the District in which the extraction activity is located.

11. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
  12. All of the operation shall be screened with an evergreen screen planting on any side adjacent to Residential District or use or occupied property.
  13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible, and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings.
  14. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
  15. The Planning Commission may require a performance guarantee as deemed necessary to insure that requirements are fulfilled, in accordance with the provisions of Section 17.70 and may revoke permission to operate at any time specified conditions are not maintained.
  16. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if the action will not cause or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
  17. The applicant shall secure all necessary permits from Township, County and State Authorities.
  18. No removal and/or processing shall occur on holidays or Sundays, nor between the hours of 6:00 p.m. and 7:30 a.m. Monday through Friday nor before 8:30 a.m. nor after 1:00 p.m. on Saturdays.
- E. Public or private campgrounds.
1. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
  2. The applicant shall secure all necessary permits from Township, County, and State authorities.
  3. Minimum lot area shall be five (5) acres.
  4. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
    - a. All commercial uses allowed shall occupy no more than five percent (5%) of the lot for building and parking areas.
    - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.

- c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property.
- F. Two-family dwellings.
1. All dwelling units in the building shall have a minimum of seven-hundred and fifty (750) square feet per unit.
  2. The uses shall be permitted only if they will not materially alter the existing character of the neighborhood.
- G. Multiple family dwellings:
1. Parking areas shall have a front yard setback of ten (10) feet.
  2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
  3. Buildings shall not be constructed closer than a distance equal to one and one-half (1 ½) times the height of the taller building.
  4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District regulations or use property line.
- H. Planned unit developments.
1. Description and purpose
    - a.. The purpose of a PUD is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote more efficient use of land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space.
    - b. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance. These provisions are intended to result in land development substantially consistent with the underlying zoning.
  2. Qualifying conditions.
    - a. The tract for a which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties.
    - b. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area.
    - c. To be considered as a PUD the proposed development must fulfill one (1)

of the following conditions:

- (1) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings.
- (2) The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan.
- (3) The PUD is designed to preserve at least seventy-five (75%) percent of the total area of the site in active agriculture or open space.

3. Review procedures.

a. Preliminary Sketch Plan

- (1) To be considered as a PUD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.
- (2) Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
- (3) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement.
  - (b) Written documentation that the proposal meets the standards of Section 15.70, H, 6.

- (c) If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type and density of proposed housing units within each phase.
  - (d) A completed application form, supplied by the Zoning Administrator and an application fee.
  - (e) Nine (9) copies of a site plan meeting the requirements of Section 13.40 B.
- (4) The Planning Commission shall either deny, approve or approve with conditions..
  - (5) Changes in the sketch plan shall be submitted to the Planning commission pursuant to the above procedures applicable to the original application.
- b. Final Site Plan Approval
- (1) After receiving approval of a sketch plan, from the Planning Commission a final site plan may be submitted pursuant to the above procedures applicable to the original application.
  - (2) The final site plan may be for either the entire project or for one or more phases. Site plan approval shall be conducted to accordance with the requirements of Section 13.50.
  - (3) Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval and new application shall be required to be submitted and approved in accordance with these provisions.
  - (4) The Planning Commission shall make recommendations to the Township Board which shall either deny, approve, or approve with conditions, the final site plan.
  - (5) Changes in the final site plan shall be submitted to the Planning Commission pursuant a final to the above procedures applicable to the original application.

4. Permitted Uses.
  - a. The following uses shall be permitted in accordance with the applicable PUD requirements:
    - (1) Single-family dwellings
    - (2) Two-family dwellings
    - (3) Multiple-family dwellings
    - (4) Permitted Uses in the HC District, subject to the standards noted for non-residential uses in the PUD.
    - (5) Site condominiums
  
5. Site Development Requirements.
  - a. Residential Uses: The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use may be established by the Planning Commission, subject to the following considerations:
    - (1) Character of the neighborhood in which the development is proposed.
    - (2) The proximity of other Residential District or uses.
    - (3) Unique site conditions, such as the presence of drainage ways, significant natural features, soil conditions, etc.
  
  - b. Non-Residential Uses
    - (1) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD projects develop able area.
    - (2) All the uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
    - (3) The uses shall be permitted only if they will not materially alter the existing character of the neighborhood and/or the PUD.
    - (4) All merchandise for display, sale or lease shall be entirely within an enclosed building.

- (5) Buildings and uses designed for non-residential uses shall be constructed according to the following requirements:
    - (a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to the establishment of any non-residential use.
    - (b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the establishment of any non-residential use.
  - c. Open Space: The amount of open space set aside for common use of the PUD shall be determined by the Planning Commission subject to the following consideration and requirements:
    - (1) Open space areas shall be large enough and proper dimensions so as to constitute a useable area, with adequate access such that all properties within entire PUD may utilize the available open space.
    - (2) Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the township of the future maintenance thereof.
    - (3) Open space will be provided where natural features may be preserved and/or be used for passive or active recreation.
  - d. All electric and telephone transmission shall be underground.
  - e. Parking is required in accordance with Chapter 14.
  - f. Signs are permitted in accordance with the requirements of Chapter 14. The least intensive District in which the use is permitted shall be used in determining sign requirements.
6. Approval standards: The Planning Commission shall consider and find that the standards of Section 13.60 and 15.30, B have each been satisfied before granting approval of any PUD.

I. Adult foster care group home facilities.

These facilities shall not be located closer than one-thousand five-hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities but not including state licensed residential facilities caring for four (4) or fewer minors.

J. Group and commercial day care homes and facilities

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be contiguous open space of a minimum of one-thousand two-hundred (1,200) square feet provided on the subject parcel. The open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

K. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than twenty five (25) feet from the centerline of the intersection of any street or any other driveway.

L. Hotels and motels

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.

2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
  3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
- M. Theaters or similar places of public assembly as determined by the Zoning Administrator.
1. Lighting for parking areas or outdoors activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential district use property line.
  3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity and access on adjacent and nearby streets which are likely to provide access to the site.
  4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
- N. Restaurants with drive-through facilities.
1. Sufficient stacking capacity for the drive-through portion of the operations shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
  2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
  3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
  4. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or any other driveway.

- O. Vehicle service stations, with or without body shops.
1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
  2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
  3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
  4. Storage of vehicles awaiting repair, vehicle components and parts, trash, supplies or equipment outside of a building is prohibited.
  5. If retail sales of convenience goods are conducted on the premises, parking for the uses shall be computed and provided separately for that use.
  6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained and further provided that the fascia of the canopy is a minimum of fifteen (15) feet above the average grade.
  7. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or any other driveway.
  8. Where adjoining a Residential District or use property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.
- P. Vehicle wash establishments, either self-serve or automatic.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
  2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District or use property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District or use property line.

3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersections of any street or driveway.
5. Where adjoining a Residential District or use property, a solid wall or fence six (6) feet in height shall be erected along any common lot line. The fence shall be continuously maintained in good condition.

Q. Open air businesses.

1. The lot area used for parking, display or storage shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering for vehicles.

R. Veterinary hospitals, animal clinics and commercial kennels.

Buildings, dog runs and/or exercise areas or any other area where animals are kept shall be set back at least one hundred (100) feet from any property line.

S. Bowling alleys.

1. The principal and accessory buildings and structures shall be located no closer than one-hundred (100) feet to any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred fifty (150) feet.
3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.

- T. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
1. Buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
  2. Buildings shall comply with the yard setback requirements of the District in which it is located.
- U. Body shops.
1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any Residential District or use property.
  2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred fifty (150) feet.
  3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
  4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. The fence shall be continuously maintained in good condition.
  5. Storage of vehicle components and parts, trash, supplies or equipment outside of a building is prohibited.
  6. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or driveway.
  7. Where adjoining a Residential District or use property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.
- V. Lumber and planing mills.
- The principal and accessory buildings and structure shall not be located within two hundred (200) feet of any Residential District or use property line.

W. Metal plating, buffing and polishing.

The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential District or use property line.

X. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-2 District.
3. Parking and circulation:
  - a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
  - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
  - d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

Lane/Aisle	Aisle/Lanes Width (ft)		# Lanes/Aisles Required	
	One-way	Two-Way (each lane or aisle)	One-way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	12	1	2

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

Y. The manufacture, compounding, processing, packaging or treatment of products requiring stamping or punch press operations.

The principal and accessory buildings and structures or treatment of products requiring

stamping or punch press operations shall be located at least one hundred (100) feet from any Residential District or use property line .

Z. Junk yards / salvage yards.

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county and the local laws.
2. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two-hundred (200) feet of any Residential District or use, nor shall it be located within one thousand (1,000) feet of any body of water.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.

8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
  9. All portions of the storage area shall be accessible to emergency vehicles.
  10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
  11. All batteries shall be removed from any vehicle and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
  12. Vehicle parts shall not be stored, loaded, unloaded or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with an asphalt or Portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
  13. The property shall include at least six (6) acres.
  14. All fences shall be required to have a setback of at least fifty (50) feet from all property lines.
  15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
  16. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the township. These conditions can include a provision for at least an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.
- AA. Public or private boat launches.
1. No building, structure, docks or parking area which is part of a boat launch site shall be located nearer than thirty-five (35) feet to any lot in the A-R, R-1 or R-2 Districts.
  2. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
  3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.

4. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.

BB. Marinas.

1. Storage provisions for gasoline, fuel oil or other flammable liquids or gases shall be approved by the Building Inspector and Fire Department and the Michigan Department of Environmental Quality.
2. No building, structure, dock or parking area which is part of a marina shall be located nearer than thirty-five (35) feet to any lot in the A-R, R-1 or R-2 Districts.
3. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
5. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
6. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper and other debris from blowing off the premises.

CC. Adult uses.

1. Intent: It is the intent of this subsection to provide regulations controlling those uses which are recognized as having serious, objectionable, operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to ensure that the anticipated adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood.
2. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission.

- a. All massage clinics are subject to inspection from time to time by the Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
  - b. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
  - c. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
3. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
4. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2") inches in height, that:
  - a. "Persons under the age of 18 years are not permitted to enter the premises."
  - b. "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."
5. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
6. No adult use shall be open for business prior to ten o'clock a.m., nor after ten o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleanup, preparation, record keeping, and similar purposes.

7. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any Residential District or use, school, church or park as measured from the nearest part of the each lot line.
8. The use is not located within a one-thousand (1,000) foot radius of any other adult use, as measured from the nearest part of the each lot line.

DD. Bed and breakfast establishments.

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Newaygo County Health Department.
2. The establishment shall be located on property with direct access to a public street.
3. The use shall not be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven-hundred fifty (750) feet, measured between the closest property lines.
4. The use shall only be established in a single family-dwelling which shall be the principal residence of the operator.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten-thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre not to exceed seven (7) guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size or six (6) feet in height and must set back at least five (5) feet from all property lines. A wall sign shall not exceed five percent (5%) of the wall area to which it is attached. Neither sign may be illuminated.
9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries and so forth.
10. Meals shall be served only to the operators family, employees and overnight guests.

EE. Schools, churches, libraries, parks, playgrounds and community center buildings.

1. The uses shall require a minimum lot size of two (2) acres, except for parks and playgrounds, which shall meet the lot requirement of the District in which it is located.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or delivery.
3. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District or use property line.
4. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.

FF. Intensive livestock operations

1. Any intensive livestock operation (ILO) shall be located at least one (1) mile from any other ILO, as measured from the nearest lot lines of each use.
2. All buildings, structures, enclosed areas or storage areas for wastes, feed or other associated materials, associated with an ILO shall be located at least two-hundred (200) feet from any lot line.
3. ILOs shall be established on a lot or lots totaling at least twenty (20) acres.
4. All buildings, structures, enclosed areas or storage areas for wastes, feed or other associated materials, associated with an ILO shall be located at least five-hundred (500) feet from any water body or floodplain.
5. The ILO shall provide comply at all times with any applicable federal or state regulation.

GG. Communication towers/antennas.

1. A commercial communication tower/antenna seventy (70) feet or higher is allowed after Special Land Use approval in the AR, NC, and HC Districts and after compliance with this subsection.
  - a. The applicant shall submit documented proof of need for the tower in this location, and provide further documentation as to why co-location on another tower within three (3) miles is not available or will not provide the required coverage.

- b. The placement, operation, and location shall meet all Township, State and Federal requirements.
  - c. The location shall not exhibit any noise discernible from outside the property lines of the site.
  - d. A bond shall be submitted to the Croton Township Clerk equal to the cost of removal when use is discontinued. The bond will be returned to the applicant provide the unused tower/antenna is removed within six (6) months of its discontinuance. After removal the site shall be returned to its natural state within one (1) year after use is terminated, unless the site is otherwise developed for a use permitted by this Ordinance.
  - e. The tower must be designed and constructed so as to allow a minimum of three (3) additional commercial antennas on the same structure.
  - f. The tower will be located in a manner that in the event of a structure failure, it will not fall on any surrounding property.
  - g. Indigenous landscaping will be installed to screen the ground level structures on the site.
  - h. A safety and security fence shall be erected, with a minimum height of six (6) feet with barbed wire on the top around the site structure, including associated equipment.
2. Amateur radio antenna and support structures seventy (70) feet or higher are allowed after Special Land Use approval in the AR, WO, NC, and HC Districts and after compliance with this subsection.
- a. No request for a special use permit will be processed without proof of a amateur radio operators license issued by the Federal Communications Commission.
  - b. The required site plan will include the location of the proposed structure and its distance from all property lines. Details of the proposed antenna structure will also be included.
  - c. The proposed structure will meet all guidelines and recommendations as submitted by the manufacture of the structure and those of the Federal Communication Commission, including but not limited to base structure, support systems, grounding and maintenance.

- d. Upon the FCC-licensed operators recision of ownership or leasehold rights in the subject antenna support structures or upon the loss of his/her federal amateur radio operators license, the operator shall forthwith (but in no case later than thirty (30) days after the loss of either condition) safely remove all antenna support structures at no expense to the Township.
  - e. In the event said operator shall fail during said thirty (30) day period to remove the antenna support structures pursuant to subsection five (5) above, it shall be the duty, responsibility and obligation of the owner of the subject property upon which any or all of the antenna support structures are located, to remove the structures forthwith at no expense to the Township.
3. Other private antennas and support structures seventy (70) feet or higher are allowed after Special Land Use approval in the AR, WO, NC, and HC Districts and after compliance with this subsection.
    - a. The required site plan will include the location of the proposed structure and its distance from all property lines. Details of the proposed antenna structure will also be included.
    - b. The proposed structure will meet all guidelines and recommendations submitted by the manufacture of the structure, including but not limited to base structure, systems, grounding and maintenance.
    - c. The structure will be maintained at all times so as to be structurally safe.
    - d. The tower will be located in a manner that in the event of a structure failure, it will not fall on any surrounding property.

#### HH. Dry cleaning

1. Plans shall be approved by the Health Department, the Michigan Department of Environmental Quality and the local Fire Department before construction may begin.
2. No on site disposal of clearing materials shall be permitted.
3. Proper odor control shall be maintained.

**II. Multi-Use Recreation and Conference Center**

1. The minimum lot size for a Multi-Use Recreation and Conference Center shall be eighty (80) acres.
2. Application and Approval.
  - a. The tract of land for which an application is received must be either in one (1) ownership or part of an application filed jointly by the owners of all properties included in the Multi-Use Recreation and Conference Center development. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, shall be submitted with the application.
  - b. The applicant shall submit a preliminary site plan showing the general location and layout of all proposed uses within the Multi-Use Recreation and Conference Center. The Planning Commission shall consider the preliminary site plan in accordance with the requirements of Section 13.40. Final site plans, in accordance with the requirements of Section 13.50 shall then be required for each phase or part of the development prior to construction.
  - c. Approval of the overall special land use for the Multi-Use Recreation and Conference Center and the overall preliminary plan, and the uses approved thereon shall constitute approval of the Special Land Use for the Multi-Use Recreation and Conference Center, except for those uses listed in subparagraph 4 of this Section, which shall require individual Special Land Use approvals.
3. The following uses may be allowed as part of the overall Special Land Use approval for the Multi-Use Recreation and Conference Center, subject to the restrictions noted.
  - a. The following uses may be allowed as part of the Special Land Use approval for the Multi-Use Recreation and Conference Center and may be open to the use of the general public, subject to the requirements of this Section:

- (1) Conference facilities, including kitchen and dining facilities (but excluding restaurants), meeting rooms, and other related accessory areas, such as outdoor seating areas, subject to the requirements of Section 15.70, M.
  - (2) Indoor and outdoor recreational facilities, including parks, nature trails, golf courses, ball fields, playgrounds, tennis courts, and other similar facilities, subject to the applicable provisions of Section 15.70, A.
  - (3) Assembly buildings and churches, subject to the requirements of Section 15.70, M and EE.
  - (4) Accessory uses and buildings necessary for the above uses, as provided in Sections 2.100 and 2.110.
- b. The following uses may be allowed as part of the Special Land Use approval for the Multi-Use Recreation and Conference Center, subject to the restrictions noted, but shall be operated and utilized solely by the applicant and shall not be open to the general public.
- (1) Transient lodging facilities.
  - (2) Campgrounds, subject to the requirements of Section 15.70, A.
  - (3) Day care centers, subject to the requirements of Section 15.70, J.
  - (4) State licensed residential family care facilities.
  - (5) Single family dwellings, provided that all setbacks and building requirements (minimum square footage and height) are met for the district in which the dwellings are located.
  - (6) Private schools.
  - (7) Agricultural and gardening activities, except intensive livestock operations.
  - (8) Accessory uses and buildings necessary for the above uses, as provided in Sections 2.100 and 2.110
4. The following uses, operated and utilized solely by the applicant and not open to the general public, may be allowed within the Multi-Use Recreation and Conference Center only after receiving separate Special Land Use approvals for each use by the Planning Commission in accordance with Section 15.20 of this Ordinance.
- a. Adult foster care group home facilities, subject to the requirements of Section 15.70, I.
  - b. Convalescent or nursing homes.
  - c. Two family dwellings intended for year round occupancy, provided that all

- setbacks and building requirements (minimum square footage and height) are met for the district in which the dwellings are located. The use shall be subject to the requirements of Section 15.70, F.
- d. Multiple family dwellings intended for year round occupancy, provided that all setbacks and building requirements (minimum square footage and height) are met for the district in which the dwellings are located. The use shall be subject to the requirements of Section 15.70, G.
  - e. Any uses directly related to the activities of the applicant owning or operating the facilities that are not listed in subsections 2 or 3, above.
  - f. Accessory uses and buildings necessary for the above uses, as provided in Sections 2.100 and 2.110
5. Any building, parking or activity area shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the development. No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
  6. All internal roadways leading from the entrance to the facility and serving individual use areas shall be paved, with a minimum of twenty four (24) feet of traveled surface and shall be properly maintained year round. No parking shall be permitted along these roadways.
  7. Any outdoor activity areas shall be set back a minimum of one hundred and fifty (150) feet from any Residential District or residential use property line not part of the facility.
  8. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
  9. All uses established on the property will provide parking as required by this ordinance. Parking areas for individual uses will be in close proximity to the use(s) they are intended to serve.

10. One (1) sign per major entrance to the facility is permitted. The sign shall be no greater than thirty two (32) square feet, be located a minimum of twenty five (25) feet from any property line, and no higher than six (6) feet from the average grade, including any berms or supporting structures. The sign may be illuminated.
11. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or residential use property line.
12. Any access drive to the facility from a public street shall be located no less than two hundred (200) feet from the centerline of the intersection of any street or any other driveway. The location of access drives may be limited by the Planning Commission in consideration of the use of the street providing access, adjacent and nearby land uses, traffic conditions, sight distance, and other factors considered relevant by the Commission.

JJ. Wind Electrical Generation Towers

1. In addition to the requirement of Chapter 13, the following information will be included on any site plan submitted with an application for a Wind Electrical Generation Tower:
  - a. Location of the tower on the site along with dimensions of setbacks to property lines or any other structures on the site.
  - b. Location of all structures, power lines or other utility lines within a radius equal to proposed tower height.
  - c. Dimensions and sizes of the various structural components of the towers construction.
  - d. Design data which shall indicate the basis of design and certification by a registered professional engineer or manufacturers certification that the tower was designed to withstand load requirements for structures as set forth in the Townships adopted Building Code.
2. There shall be a limit of one (1) tower per parcel.
3. Towers shall be located or placed in rear yards only. The tower shall be located on a parcel of land so as to have the least visual or other effect on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.

4. Guy wires and anchors for towers shall not be located closer than one-half (1/2) of the height of the tower to any property line.
5. Towers shall be so placed that the base portion of the tower, if visible from any right-of-way, shall be suitably screened from view.
6. All towers shall be subject to a setback from all property lines of a minimum of fifty (50) feet, plus the maximum height of the tower including any associated generation equipment.
7. Towers shall not produce a level of noise at any lot line greater than the ambient nighttime level. Noise reduction technology shall be installed as a condition of approval if it is determined by the Planning Commission that the ambient nighttime noise levels are exceeded after installation occurs.
8. Towers used solely for energy-producing purposes shall not exceed a total height of one hundred fifty (150) feet from the ground to the top of the tower.

**KK. Billboard**

1. Location will be a minimum of fifteen (15) feet from any rear on side property line and thirty (30) feet from any front lot line.
2. Maximum height will be no more than twenty five (25) feet. Bottom of the sign will be a minimum of eight (8) feet from the ground.
3. The structure will be designed to provide strength to withstand normal weather conditions.
4. The structure will be designed so as it cannot be climbed without ladders or other such devices.
5. The billboard does not adversely effect any allowable use of neighboring properties.
6. Lighting will not distract traffic nor will it affect neighboring properties.
7. The structure shall be located so as to prevent light reflection into the roadway.
8. The content will not be offensive to a reasonable person.