

Chapter 10 - Special Land Uses

10.1. **Purpose.** Special land uses are those uses of land that are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities that 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 that must be met before the special land uses described below are permitted.

10.1.1. Aircraft facilities.

10.1.2. Golf course and country clubs.

10.1.3. Livestock Production Facilities.

10.1.4. Mineral extraction and processing.

10.1.5. Mobile home parks.

10.1.6. Multifamily dwellings.

10.1.7. Public uses.

10.1.8. Salvage yards.

10.1.9. State licensed residential facilities.

10.2. **Application Procedures.** An application for a special land use shall be submitted and acted upon in accordance with the following procedures:

10.2.1. Applications for a special land use shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of this fee shall be refundable.

10.2.2. An application for a special land use shall be accompanied by the documents and information described below.

- a. A special land use application form submitted to the Zoning Administrator that has been completed in full by the applicant.
- b. A site plan as required in this Ordinance.

10.2.3. Upon receipt of an application for a special land use, the Planning Commission shall publish notice of a public hearing for a special land use in a newspaper which circulates in the Township and, in addition, said notice shall be sent by mail or personal delivery to the owners of the property within 300 feet of the boundary line of the parcel in question, and to the occupants of all structures within 300 feet of the parcel in question. The notice shall be given not less than five (5) nor more than fifteen (15) days before the application will be considered. The notice shall:

- a. describe the nature of the special land use request;
- b. indicate the property that is subject to the special land use request;
- c. state when and where the special land use request will be considered; and

d. indicate when and where written comments will be received concerning the request.

10.2.4. The Planning Commission shall hold a public hearing to receive public comment on the request. The Planning Commission, based upon its review of the application for a special land use, comments received at the public hearing and other material submitted in relation to the request, shall make a determination on the special land use application. Such determination shall be in accordance with the criteria for approval and such other standards contained in this Ordinance.

10.3. **Basis Of Determination.** Prior to the 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, are satisfied by the completion and operation of the special land use under consideration.

10.3.1. The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and shall approve a special land use only upon finding, by a preponderance of the evidence, compliance with each of the standards set forth below, as well as applicable standards established elsewhere in this Ordinance:

- a. The special land use will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property.
- b. The special land use will not impair or adversely affect the essential character of the surrounding area.
- c. The special land use will not be hazardous to the adjacent property or involve uses, activities, materials or equipment that will be detrimental to the general health, safety and welfare.
- d. The special land use will not place demands on public services and facilities in excess of current capacities.
- e. The special land use is in general conformity with the Township's land use plan.

10.3.2. The Planning Commission may impose conditions with respect to the special land use that are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.

10.4. **Appeal.** The Planning Commission's decisions on the special land use application may not be appealed to the Board of Appeals.

10.5. **Surety.** The Planning Commission may require reasonable surety arrangement to be posted by the applicant at appropriate stages of development to ensure that the development will be executed in accordance with the approved permit.

10.6. **Design Standards.** All special land uses shall be subject to the requirements of the district in which they are located, and in addition must meet the design standards set forth below. With respect to any type building, structure or use, requiring a special land use approval, the Planning Commission is authorized to establish additional standards generally applicable to all buildings, structures or uses of that type so long as such standards are consistent with this Ordinance.

10.6.1. Aircraft Facilities.

- a. Minimum lot size shall be 10 acres.

- b. The facilities shall be located at least ½ mile from any R District.

10.6.2. Livestock Production Facilities.

- a. Minimum parcel size shall be 80 acres.
- b. All Livestock Production Facilities shall comply with all of the requirements set forth in the Generally Accepted Agricultural and Management Practices for Site Selections and Odor Control for New and Expanding Livestock Production Facilities adopted by the Michigan Commission of Agriculture current as of the date the application for a special land use approval is made.

10.6.3. Golf Course and Country Clubs.

- a. All parking areas and structures shall be screened from view of adjacent residences as determined by the Planning Commission .
- b. No principal or accessory building shall be closer than 50 feet from any adjacent R District.

10.6.4. Mineral Extraction and Processing.

- a. No offsite erosion or silt bearing runoff into any body of water shall be allowed.
- b. The Planning Commission may require that part or all of the operation be screened with a fence at least 6 feet in height. In addition, appropriate screening as determined by the Planning Commission may be required on any side adjacent to the R, C-1 or C-2 districts.
- c. No operation shall be within 150 feet of a residence existing on the date the special land use approval is given or within 100 feet of a boundary line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum setback area during the reclamation process provided no excavation is allowed within 50 feet of any residence or within 25 feet of any boundary line or road right-of-way.
- d. All truck operations shall be directed away from residential streets whenever possible.
- e. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations.
- f. In addition to the special land use application, the applicant shall submit a reclamation and rehabilitation plan. The establishment and implementation of a reclamation and rehabilitation plan shall be a condition to special land use approval. The Planning Commission may require reasonable assurance that the reclamation and rehabilitation plan will be performed in a timely manner. At a minimum, the reclamation and rehabilitation plan shall require the reclamation and rehabilitation of all areas if the mineral extraction ceases or is abandoned for 12 consecutive months. The Planning Commission may establish reclamation standards applicable to all mineral extraction and processing operations, and the owner and operator shall be obligated to comply with such standards.

- g. Upon cessation of operations by abandonment or otherwise, the owner and operator shall, within a reasonable period of time not to exceed 12 months thereafter, remove all plant structures, foundations, buildings, stockpiles, and equipment, provided that buildings and structures that have a function under the reclamation plan and that can be lawfully used under the requirements of the zoning district in which they will be located may be retained.

10.6.5. Mobile Home Park.

- a. All mobile home parks shall conform to the standards specified in MCLA §125.2301 et seq., the Mobile Home Commission Rules, dated March 1987, and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, dated May 26, 1984.
- b. All mobile homes shall be skirted within ninety (90) days of placement within the mobile home park and must meet the standards of MCLA §125.2301, et seq.
- c. All mobile homes shall be anchored when installed in a mobile home park with only those systems specified in pursuant to MCLA §125.2301, et seq.
- d. Mobile homes, permanent buildings and facilities, and other structures shall not be placed in any required yard.
- e. Mobile home parks shall be screened from view as follows:
 - 1. if the mobile home park abuts and existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development; and
 - 2. the mobile home park shall provide screening along any boundary line abutting a public right-of-way.
- f. The sale of new or used mobile homes are only permitted within the mobile home park on sites approved for permanent occupancy and accessory to the use of the park for dwelling purposes.
- g. All public and private utilities shall be underground.

10.6.6. Multifamily Dwellings.

- a. A fence, wall or planted material shall be required by the Planning Commission to screen neighboring residential properties.
- b. All parking areas and accessory structures shall be set back at least 20 feet from all boundary lines.

10.6.7. Public Uses.

- a. The public use shall be in conformance with the character of the adjacent neighborhood.
- b. The Planning Commission shall establish requirements for setback, parcel size, yard, parking, screening and other conditions necessary for the use to conform with the character of the adjacent neighborhood.

10.6.8. Salvage Yards.

- a. Minimum parcel size shall be 3 acres.
- b. The salvage yard shall be completely enclosed by a permanent, solid fence at least 8 feet in height through which the salvage yard is not visible. The fence shall be made of wood, metal or plastic, but shall not be composed of vehicle or equipment parts.
- c. The salvage yard shall be subject to site plan review as provided in Chapter 14 hereof.
- d. The salvage yard shall be established and maintained in accordance with all applicable federal, state and county laws and regulations.
- e. All storage areas shall be set back at least 67 from any boundary line and street and 25 feet off other boundaries and 1,000 feet from any R District. Such setbacks shall be landscaped to minimize the appearance and impact of the salvage yard. The spacing and type of plant materials shall be approved by the Planning Commission.
- f. No open burning shall be permitted.
- g. All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

10.6.9. State Licensed Residential Facilities.

- a. Such use shall be in conformance with the character of the adjacent neighborhood.
- b. The Planning Commission shall establish requirements for setback, lot size, yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood.

10.6.10. Wireless Communications Facilities.

- a. Minimum parcel size of .75 acres and minimum street frontage of 125 feet.
- b. The base of the wireless communications facilities and wire cable supports shall be fenced with a minimum 5 foot high fence.
- c. The wireless communications tower must be setback from all boundary lines a distance equal to its height.
- d. The applicant shall incur all costs associated with the person designated by the Planning Commission review.
- e. Accessory structures may be used only by the owner and operator of the wireless communications facilities and may not be located closer than 30 feet to any boundary line. Accessory structures shall not exceed 600 square feet of gross building area.
- f. All yard for the zoning district in which the wireless communications facilities are located shall be met.
- g. The plans for the wireless communications facilities shall be certified by a registered structural engineer.
- h. The applicant shall provide verification that all wireless communication facilities have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

- i. All wireless communications facilities must comply with all regulations of the Federal Aviation Administration and the Federal Communications Commission. Wireless communications facilities shall not be artificially lighted unless required by the Federal Aviation Administration.
- j. No part of any wireless communications facility shall be constructed, located or maintained at any time, permanently or temporarily, upon any yard area for the district in which the wireless communications facility is to be located. In no case shall a wireless communications facilities be located within thirty 30 feet of a boundary line.
- k. Wireless communications facilities shall be located so that they do not interfere with reception in nearby residential areas.
- l. Wireless communications facilities shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- m. The base of the wireless communications facilities shall occupy no more than 500 square feet.
- n. Minimum spacing between wireless communications facilities locations shall be 4 miles from any standing tower in order to prevent a concentration of wireless communications facilities in one area.
- o. Height of the wireless communications facilities shall not exceed 175 feet from grade within an A district, 200 feet from grade in the C-1 District, and 300 feet from grade within the I district.
- p. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- q. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- r. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the wireless communication facilities shall be made to conform to the extent required by such standard or the special land use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the wireless communication facilities.
- s. There shall be no employees located on a parcel containing wireless communications facilities on a permanent basis to service or maintain the wireless communications facilities.
- t. Where the parcel abuts an A or an R district, the owner shall plant 2 alternating rows of evergreen trees with a minimum height of five 5 feet on twenty 20 foot centers along the entire perimeter of the wireless communications facilities and related structures. In no case shall the evergreens be any closer than ten 10 feet to any structure.
- u. The wireless communications facilities shall be removed by the property owner within 6 months after the wireless communications facilities are abandoned or ceases to be used for any reason. Failure to use the wireless communication facilities for a period of 12 consecutive months shall be deemed an abandonment thereof.