

## Chapter 20 – SPECIAL LAND USES.

### Sec. 20.1 SCOPE.

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 20.04, as applicable.

- (A) Adult uses.
- (B) Amusement parks.
- (C) Veterinary/Animal hospitals.
- (D) Bed and breakfast establishments.
- (E) Churches.
- (F) Commercial camp grounds.
- (G) Deleted 3/28/16.
- (H) Commercial soil removal.
- (I) Deleted 3/28/16.
- (J) Convalescent homes.
- (K) Day care centers.
- (L) Drive-through restaurant.
- (M) Golf courses, country clubs, shooting clubs.
- (N) Group day care homes.
- (O) Hospitals.
- (P) Hotels and motels.
- (Q) Housing for the elderly.
- (R) Housing for Fraternities & Sororities.
- (S) Incinerators and sanitary fills.
- (T) Junk yards.
- (U) K-12 Schools.
- (V) Kennels.
- (W) Marinas.
- (X) Miniature golf courses, golf driving ranges, and similar outdoor recreation uses.
- (Y) Mortuaries and funeral homes.
- (Z) Open air businesses.
- (AA) (deleted October 13, 2014)
- (AB) Radio and television towers.
- (AC) Riding and breeding stables.
- (AD) Vehicle service stations and repair.
- (AE) Vehicle wash establishments.
- (AF) Deleted 3/28/16.
- (AG) Processing of Agriculture Products not grown on the farm (revised 10-27-97)
- (AH) Foster Family Group Home. (revised 5-24-04)
- (AI) Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, State Licensed Residential Group Facility. (revised 5-24-04)

- (AJ) Deleted 3/28/16.
- (AK) Mini-storage garages. (revised 8/22/2011)

**Sec. 20.2 APPLICATION PROCEDURES.** (revised 6/24/2013)

The application for a Special Land Use shall be submitted and processed under the following procedures:

- (A) An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board and by a complete site plan as specified in Chapter XIX in sufficient copies and at such time prior to the next regular Planning Commission meeting as prescribed by the Planning Commission. The petitioner shall attend a pre-application meeting with the zoning administrator prior to submission of the application in accordance with the established Township policy. (revised 11-28-2005) In the event the allowance of a desired use requires both a rezoning and special land use approval, each request shall be considered independently, with the rezoning being addressed first.
- (B) Review procedures will be as follows:
  - (1) The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
  - (2) The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing the notice of such hearing in accordance with the statutory requirements of the State of Michigan relative to the approval of special land uses by Townships. The Planning Commission shall then either approve, approve with conditions, or deny the request and state the basis for the decision and any conditions which should be imposed.
  - (3) No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- (C) A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the special land use, except as noted below.
  - (1) The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the special land use approval.
  - (2) The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - (3) If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the special land use approval shall be null and void.
- (D) The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements in Chapter 20, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

**Sec. 20.3 GENERAL STANDARDS.** (revised 6/27/2013)

The following general standards, in addition to those specific standards established for certain uses, shall be satisfied before the Planning Commission makes a decision regarding a Special Land Use application.

- (A) Each application shall be reviewed for the purpose of determining that the proposed use meets the following standards and, in addition, that each use of the proposed site will:
  - (1) 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.
  - (2) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
  - (3) Not create excessive additional requirements at public cost for public facilities and services.
  - (4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (B) The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 20.2(D).
  - (1) to meet the intent and purpose of the Zoning Ordinance,
  - (2) to relate to the standards established in the Ordinance for the land use or activity under consideration,
  - (3) to insure compliance with those standards,
  - (4) to protect the general welfare,
  - (5) to protect individual property rights, and
  - (6) to ensure that the intent and objectives of this Ordinance will be observed.
- (C) The general standards and requirements of this section are basic to all special land uses. The specific and detailed requirements set forth in the following section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

**Sec. 20.4 SITE DESIGN STANDARDS.** (revised 6/27/2013)

Those uses specified in Section 20.1 as permitted by "right" or as special land uses shall be subject to the requirements of the District in which the use is located in addition to all applicable conditions, standards and regulations regarding site design and development and other standards and conditions as are cited in the following:

- (A) **Sexually Oriented Businesses** (revised June 23, 2003)
  - (1) **Purpose and Intent**

The purpose and intent of these provisions is to regulate sexually oriented businesses and related activities to promote the health, safety, and welfare of patrons and employees of such businesses, and to promote the health, safety, and welfare of the citizens of Georgetown Charter Township. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics,

particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a surrounding residential neighborhood. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution or by Article I, Section 5 of the Michigan Constitution of 1963. Additionally, it is not the intent of the provisions of this Ordinance, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market. These regulations shall not be interpreted as intending to legitimize any activities which are prohibited by federal or state law, or by any other Ordinance of Georgetown Charter Township.

**(2) Definitions**

The following words and terms, as used in this Ordinance, shall have the meaning indicated in this Section.

- a. Adult Bookstore, Adult Novelty Store, or Adult Video Store - A commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any one or more of the following:
  - i. Books, magazines, periodicals, or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or,
  - ii. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs i. or ii. above, and still be categorized as an Adult Bookstore, Novelty Store, or Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it comprises forty (40) percent or more of the establishment's gross revenues, or if such materials occupy forty (40) percent or more of the floor area of visible inventory within the establishment.

- b. Adult Cabaret - A nightclub, bar, restaurant, lounge, or similar commercial establishment that regularly features:
  - i. Persons who appear in a state of nudity;
  - ii. Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas; or,

- iii. Films, motion pictures, video cassettes, slides, electronic, digital, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- c. Adult Motion Picture Theater - A commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- d. Sexually Oriented Business - An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial enterprise that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas.
- e. Specified Anatomical Areas -
  - i. Less than completely and opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below the top of the areola; or,
  - ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- f. Specified Sexual Activities -
  - i. Human genitals in a state of sexual stimulation or arousal;
  - ii. Acts of human masturbation, sexual intercourse or sodomy; or
  - iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**(3) Use Requirements**

- a. The use is located within a zone district in which sexually oriented businesses are specifically permitted as a Special Land Use.
- b. The use is not located within a 1,000 foot radius of any other such use, measured in a straight line from the nearest lot line to the nearest lot line, except that such restrictions may be waived by the Planning Commission, if the following findings are made:
  - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
  - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

- iii. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
  - iv. That all applicable state laws and local ordinances will be observed.
  - v. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- c. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
  - d. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M. and no such use shall be open on Sundays.
  - e. No alcohol shall be served at any adult use.
  - f. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
  - g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
  - h. The use shall be located more than five hundred (500) feet from any Residential District boundary, measured to the nearest lot line of the proposed use.

**(B) Amusement parks.**

- (1) The minimum lot size shall be ten (10) acres.
- (2) The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
- (3) The main and accessory buildings shall not be located nearer than three hundred (300) feet to any adjacent dwelling.
- (4) Any amusement enterprises located within five hundred (500) feet of any adjacent residential district shall not open earlier than 9:00 a.m. nor close later than 10:00 p.m.

**(C) Animal Hospitals.**

- (1) Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (2) All principal use activities shall be conducted within a totally enclosed main building.

(D) **Bed and breakfast establishments.**

- (1) The establishment shall be directly serviced by public water and sanitary sewer services.
- (2) The establishment shall be located on property with direct access to a paved public road.
- (3) No such use shall 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) Such uses shall only be established in a detached single family dwelling.
- (5) Parking shall be located to minimize negative impacts on adjacent properties.
- (6) The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
- (7) 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.
- (8) Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be prohibited.
- (9) Only one sign shall be allowed for identification purposes. Such sign shall be non-illuminated and un-animated, be mounted flat against the wall of the principal building and not exceed four (4) square feet in area.
- (10) The establishment shall contain the principal residence of the operator.
- (11) 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.
- (12) Breakfast may be served only to the operator's family, employees, and overnight guests.

(E) **Churches** (in residential districts only-revised April 1998).

- (1) Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
- (2) The property location shall be such that at least one (1) property line with a minimum lot width of two hundred (200) feet abuts and has access to a collector, major arterial, or minor arterial street. (revised 2-24-2003)

(F) **Commercial campgrounds.** (revised October 14, 2013)

- (1) Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
- (2) Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
- (3) No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) sq. ft.

- (4) Each lot shall provide dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
- (5) Each site shall contain a minimum of fifteen hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy five (75) feet.
- (6) Each travel trailer site shall have direct access to dust-free roadway of at least 12 feet in width or the minimum width as required by the State of Michigan for a campground. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
- (7) Any open drainageways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commission of Ottawa County.
- (8) All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
- (9) The development of the entire lot is subject to all applicable requirements of the Department of Natural Resources.
- (10) A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

**(G) Deleted 3/28/16.**

**(H) Commercial soil removal.**

- (1) No soil, sand, gravel, or other earth material shall be removed from any land within the township without special land use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the township;
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - c. The earth removal involves less than 100 cubic yards;
  - d. The earth removal is for the purpose of constructing a swimming pool;
  - e. The earth removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
  - f. A mineral mining license has been approved by the Mineral Mining Board and the operation complies with the terms and provisions of the mining license.(revised 4-27-06)
- (2) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable State statutes, the State requirements shall prevail.
- (3) No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation

where the site is located in or within two hundred (200) feet of any residential or commercial district.

- (4) Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
- (5) No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
- (6) No building shall be erected on the premises except as may otherwise be permitted in the zoning ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the Planning Commission.
- (7) The Planning commission shall stipulate routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
- (8) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general.
- (9) Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
- (10) When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical) unless the requirement has been waived by the Township Mineral Mining Board. (revised 6-26-2001) A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.
- (11) Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.
- (12) The Planning Commission may require a performance bond or other guarantee as deemed necessary to ensure that the requirements of this Ordinance are fulfilled, and may revoke the Special Land Use approval at any time if specified conditions are not met.
- (13) The Planning Commission may require an environmental impact statement, engineering data, or other such justification supporting the need for and consequences of such extraction if it is believed that the extraction may have an impact on natural topography, drainage, water bodies, floodplains, or other natural features.

(I) **Deleted 3/29/16.**

(J) **Convalescent Homes.**

- (1) Minimum lot size shall be three (3) acres.
- (2) The lot location shall be such that at least one property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
- (3) The main building or buildings shall be set back from all property lines a minimum of (revised 1-27-03):
  - a. 40 feet for single story buildings,
  - b. 60 feet for two story buildings,
  - c. 75 feet for buildings exceeding two stories or twenty-five (25) feet, whichever is less,
- (4) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.

(K) **Day care centers.**

- (1) There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility up to a total of 20 clients. Further, there shall be provided a minimum of an additional fifty (50) square feet of usable outdoor recreation for each client over the first 20 clients. (revised 9/27/2010)
- (2) The outdoor recreation area shall be fenced and screened from any abutting residential district by a greenbelt, in accordance with the requirements of Section 3.11.
- (3) In addition to required off-street parking, off-street pick-up and drop-off areas shall also be provided.
- (4) The facility shall comply with all applicable State licensing requirements.

(L) **Drive-through restaurant.**

- (1) The main and accessory buildings shall be set back a minimum distance equal to the required setback in Chapter 24 and a minimum of sixty (60) feet from any adjacent residential property line. (revised 3/28/16)
- (2) Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- (3) Where the site abuts residentially zoned property, a greenbelt shall be provided along such property line, in accordance with Section 3.11.
- (4) The site shall be so designed as to provide adequate stacking space for drive-through customers without obstructing access to off-street parking spaces, interfering with traffic circulation through the site, or causing vehicles to queue off the site.
- (5) Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

(M) **Golf courses, country clubs.**

- (1) Minimum lot size shall be forty (40) acres, unless the use is located within a Residential PUD.
- (2) The main and accessory buildings shall be set back at least seventy five (75) feet from all property and right-of-way lines.
- (3) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

(N) **Group Day Care Homes.**

- (1) An outdoor recreation area shall be provided at a ratio of one hundred fifty (150) square feet for each client served and shall be enclosed with fencing having a minimum height of four (4) feet.
- (2) Off-street parking shall be provided for family members and employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
- (3) The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (4) The facility shall be in compliance with all applicable State licensing requirements.
- (5) The facility shall not be located closer than one thousand five hundred (1,500) feet to another group day care home, an adult foster care group home, a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections.

(O) **Hospitals.**

- (1) Minimum lot area shall be ten (10) acres and the minimum width shall be two hundred (200) feet.
- (2) The lot location shall be such that at least one (1) property line abuts a major or minor arterial street. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said major thoroughfare.
- (3) Minimum main and accessory building setback shall be one hundred (100) feet.
- (4) Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street.
- (5) No power plant, laundry, or loading area shall be located nearer than three hundred (300) feet to any adjacent residential use.
- (6) No more than twenty-five (25) percent of the gross site area shall be occupied by buildings, excluding parking structures.

(P) **Hotels and motels.**

- (1) Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
- (2) Where the front yard is used to provide access, the required front yard shall be landscaped and kept free of parking and aisles, except for drive openings.

- (3) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
- (4) A minimum lot area of one (1) acre is required together with a minimum lot width of one hundred and fifty (150) feet, and there shall be no less than eight hundred (800) square feet of lot area per guest unit.
- (5) When adjacent to a Residential District, a greenbelt shall be provided, in accordance with Section 3.11.

**(Q) Housing for the elderly.**

- (1) Minimum lot size shall be five (5) acres and the minimum width shall be two hundred (200) feet.
- (2) Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
- (3) Each dwelling unit shall contain at least two hundred and fifty (250) square feet of area, not including kitchen and sanitary facilities.
- (4) For purposes of calculating allowable density and parking requirements for elderly housing facilities offering various levels of care the following shall apply in the respective zoning districts where permitted (providing other provisions of this ordinance are met). If the number of units of each level of care is not specified on the site plan, calculations shall be based assuming independent living units.

Independent living (defined as low level congregate care)	one (1) unit equals one (1) unit of multi-family
Intermediate level congregate service (one or two common meals, housekeeping, linen and similar services provided)	two and one-half (2½) units equal one (1) unit of multi-family
Convalescent housing units i.e. high level, 24-hour nursing care (parking shall be based on requirements listed in Sec. 26.8)	four (4) units equal one (1) unit of multi-family

**(R) Housing for fraternities & sororities.**

- (1) The organization must be recognized by and affiliated with a state accredited college or university and shall be located within one (1) mile of such institution.
- (2) Minimum lot size shall be 15,000 square feet.
- (3) Minimum lot size shall be 1,500 square feet per resident.
- (4) Two (2) parking spaces shall be provided for each sleeping room or one and one-half spaces for each resident, whichever is greater.
- (5) Only one (1) such structure shall be located on each lot.
- (6) Each fraternity or sorority house shall be limited to one (1) shared kitchen facility.

(S) **Incinerators and sanitary landfills.**

- (1) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable state statutes, the state requirements shall prevail.
- (2) All uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespassing and contain debris.
- (3) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
- (4) The Planning Commission shall stipulate routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.
- (5) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or the community in general.

(T) **Junk yards.**

- (1) Minimum lot size shall be five (5) acres.
- (2) The storage area shall be screened from view around the entire periphery by a sight-obscuring wall or fence not less than seven (7) feet in height. Said wall or fence shall be of sound construction, painted and otherwise finished neatly and inconspicuously.
- (3) The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, , residence, park, day care nursery, or school, nor closer than one hundred (100) feet to any Residential or Agricultural District.
- (4) All buildings shall be set back not less than fifty (50) feet from any property line. Fenced areas shall not be located closer than one hundred fifty (150) feet from any right-of-way line and fifty (50) feet from any other property line. Such required setback areas shall be planted with trees, grass, and shrubs to minimize the appearance of the installation.
- (5) No storage shall be permitted outside the required fenced area and no materials shall be stacked higher than such fence.
- (6) All batteries, chemicals, and other toxic or hazardous substances shall be removed from vehicles and other junk materials and stored or disposed of in accordance with applicable State or Federal regulations.

(U) **K-12 Schools.**

- (1) Minimum site size for elementary schools shall be 20 acres, middle schools shall be 30 acres, and high schools shall be 40 acres. Where a combination exists, the greater land area shall apply.
- (2) Minimum lot width of 200 ft. abutting an arterial street; and at least one means of ingress and egress shall be located on such street.
- (3) Athletic fields shall not be located closer than two hundred (200) ft. from any property line abutting a residential zoning district.

- (4) A greenbelt shall be provided in accordance with Sec. 3.11 where, in the opinion of the Planning Commission, screening is needed to minimize visual, noise, or other impacts from the proposed development.

(V) **Kennels.**

- (1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
- (2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

(W) **Marinas.**

- (1) All such facilities shall abut or directly connect to the Grand River.
- (2) Storage of gasoline, fuel oil, or other flammable liquids or gases shall be permitted only if approved by the Environmental Protection Agency, Michigan Department of Natural Resources, and other agencies and laws governing such storage and shall be flood-proofed when located within the floodplain.
- (3) Required parking areas shall not be used for storage of boats, trailers, or equipment between May 1st and September 30.
- (4) Access drives shall be located a minimum of one hundred fifty (150) ft. from the centerline of the intersection of any street or driveway.
- (5) All repair, maintenance, and servicing of boats, trailers, and equipment shall be performed within a completely enclosed building.
- (6) No building shall be located within fifty (50) ft. of any adjoining side lot line.
- (7) A landscaped buffer shall be provided in accordance with Section 3.11 where, in the opinion of the Planning Commission, screening is needed to protect the rights of abutting property owners. In addition, all parking and storage areas shall be set back and screened in accordance with Section 26.3(E) of this Ordinance.
- (8) The marina may contain ancillary commercial activities such as equipment sales, restaurants (which may serve alcoholic beverages but excluding drive-through), and similar uses. (revised July 25, 2011)

(X) **Miniature golf courses, golf driving ranges, and similar outdoor recreation uses.**

- (1) All sites shall be located on a major or minor arterial street.
- (2) All traffic ingress and egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.
- (3) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- (4) All vehicles shall have clear vertical and horizontal sight distance approaching a public street in accordance with the applicable requirements of the Ottawa County Road Commission.
- (5) Where such use abuts property within a residential district, a transition strip at least one hundred (100) feet in width shall be provided along such property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within said transition strip.

- (6) A minimum yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

**(Y) Mortuaries and funeral homes.**

- (1) Minimum lot area shall be one acre with a minimum width of one hundred and fifty (150) feet.
- (2) A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
- (3) A caretaker's residence may be provided within the principal building.
- (4) The proposed site shall front upon an arterial or collector street. All ingress and egress shall be from said thoroughfare.

**(Z) Open air businesses.**

The use of an open air business is expressly prohibited in all zoning districts except (CS) Community Service Commercial district and (HS) Highway Service Commercial district. In the CS and HS districts, the use is allowed with special land use approval with is contingent upon compliance with the following standards (revised 03-26-07):

- (1) Minimum lot area shall be one (1) acre.
- (2) Minimum lot width shall be two hundred (200) feet.
- (3) Except in the Agricultural Districts, the Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- (4) All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
- (5) The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of special land use approval, require the permittee to furnish a Surety Bond in accordance with Section 29.4(B) of this Ordinance.
- (6) The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- (7) Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
- (8) All lighting shall be shielded from adjacent residential areas.
- (9) In the case of a plant materials nursery:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- (10) No display area shall be located within ten (10) feet of a road right-of-way line.

**(AA) (deleted October 13, 2014)**

**(AB) Radio, television, and wireless communication towers {excluding towers which meet the criteria of Sec. 3.27(B)}.**

- (1) The minimum lot size shall be the same as that of the district in which the tower is located.
- (2) The tower shall be set back from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the Zoning District.
- (3) In Residential Districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land.
  - a. Existing commercial wireless communication towers established prior to the adoption of the Wireless Communication Tower Ordinance in November 1997, located in residentially zoned districts may be rebuilt to a height not to exceed 195 feet for the sole purpose of accommodating co-location. (revised 11-27-2000)
- (4) A security fence at least six (6) feet in height shall be constructed around the tower and supports.
- (5) Where possible, joint use of tower facilities shall be required for multiple users in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility.
- (6) Unless located on the same site or tower with another user, no new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular communications tower.
- (7) Where the effect of any of the provisions of this ordinance would be to prevent or preclude the operation of amateur radio antennas, the Planning Commission may approve the use if the applicant demonstrates that the requirements would interfere with the reasonable accommodations of amateur radio communications. (Revised 11-97)

**(AC) Riding and breeding stables.**

- (1) No storage of manure or odor or dust producing materials or use shall be permitted within fifty (50) feet of any adjoining lot line.
- (2) Stables and other buildings (excluding residential structures) shall not be closer to any adjoining lot line than fifty (50) feet.
- (3) For commercial breeding, rearing, and housing of horses, mules, and similar domestic animals, the minimum lot size shall be ten (10) acres.

**(AD) Vehicle service stations and repair.**

- (1) Minimum lot area shall be 15,000 square feet.
- (2) Minimum lot width shall be one hundred (100) feet.
- (3) All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting residentially zoned property.
- (4) Ingress and egress drives shall be designed in accordance with the standards of the Ottawa County Road Commission.

- (5) No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of two per arterial street, and one for any other street.
- (6) No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent residential property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- (7) A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- (8) All areas not paved or occupied by buildings or structures shall be landscaped.
- (9) All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
- (10) When the site adjoins residentially zoned property, a greenbelt or sight-obscuring fence shall be provided in accordance with Section 3.11.
- (11) In the HS and I Districts, all outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) sq. ft. Outside parking of disabled, wrecked, or partially dismantled vehicles not to exceed a maximum of five (5) such vehicles shall not be permitted for a period exceeding ten (10) days. No such outdoor storage areas or parking of disabled, wrecked, or partially dismantled vehicles shall be permitted in the CS district. (revised 12-29-1998)
- (12) The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
- (13) (deleted 10/27/08).
- (14) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
- (15) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
- (16) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

**(AE) Vehicle wash establishments.**

- (1) All washing activities must be carried on within a building.
- (2) Vacuuming activities shall not be conducted in the required front yard.
- (3) Ingress to and egress from the building shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.

- (4) Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street or alley to enter the site.

(AF) **Deleted 3/28/16.**

(AG) **Processing of Agriculture Products not grown on the farm** (revised 10-27-97)

- (1) The minimum parcel size shall be two (2) acres.
- (2) The minimum width shall be two hundred (200) feet.
- (3) Hours of operation shall be established by the Planning Commission in order to minimize negative impacts on surrounding properties.
- (4) No retail sales shall be permitted.
- (5) All machinery and processing activities shall be conducted entirely within an enclosed building.
- (6) Outdoor storage of material may be permitted, but shall not be located within any front or side yard, and shall be effectively screened from view on all sides by an opaque fence or evergreen planting. No material shall be stacked higher than the height of the screening, but in no case higher than eight (8) feet.
- (7) No building housing any part of the operation; no outdoor storage area; and no parking, loading, or maneuvering area shall be located within fifty (50) feet of any property line.
- (8) All parking and loading areas shall be paved.
- (9) The Planning Commission specify appropriate routes for truck traffic to and from the site where there is a potential for an adverse impact on nearby residential uses.

(AH) **Foster Family Group Home**

- (1) An outdoor recreation area shall be provided of at least one thousand (1,000) square feet in size and shall be enclosed with fencing having a minimum height of four (4) feet.
- (2) The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (3) The facility shall be in compliance with all applicable State licensing requirements.
- (4) The facility shall not be located closer than one thousand five hundred (1,500) feet to
- (5) another group foster care home, a group day care home, an adult foster care home, a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections. (revised 5-24-2004)

(AI) **Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, State Licensed Residential Group Facility**

In the AG, RR, LDR and LMR districts:

- (1) Minimum lot size shall be three (3) acres.
- (2) The lot location shall be such that at least one property line abuts an arterial or collector street (as listed in Chapter 24 b). The ingress and egress for off-street parking areas shall be directly from said thoroughfare.

- (3) The main building or buildings shall be set back from all property lines (or distances as determined in Chapter 24 b) a minimum of :
  - a. 40 feet for single story buildings,
  - b. 60 feet for two story buildings,
  - c. 75 feet for buildings exceeding two stories or twenty-five feet, whichever is less (revised 5-24-04)

In the AG, RR, LDR, LMR, MDR, MHR, HDR, NS and CS districts:

- (1) An outdoor recreation area shall be provided of at least one thousand (1,000) square feet in size and shall be enclosed with fencing having a minimum height of four (4) feet.
- (2) The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (3) The facility shall be in compliance with all applicable State licensing requirements.
- (4) The facility shall not be located closer than one thousand five hundred (1,500)
- (5) feet to another group foster care home, a group day care home, an adult foster care home, a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections. (revised 5-24-2004)

(AJ) **Deleted 3/28/16.**

(AK) **Mini-storage garages.** (revised 8/22/2011)

- (1) Minimum lot area shall be one (1) acre.
- (2) Minimum lot width shall be two hundred (200) feet.
- (3) The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- (4) The lot area used for parking shall be hard-surfaced and all storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- (5) Public access to the site shall be located at least one hundred (100) feet from any intersection, measured from the nearest right-of-way line to the nearest edge of said access.
- (6) Parking shall be provided as specified in Chapter 26 for storage buildings.
- (7) The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.
- (8) Where the site abuts residentially zoned property, a 25 foot greenbelt shall be provided along such property line, in accordance with Section 3.11.
- (9) (Deleted 5/12/2014)
- (10) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.

(AL) **Motor freight terminals and distribution centers including garaging and maintenance of equipment. Freight forwarding, packing and crating services.**

- (1) Minimum lot width shall be one hundred fifty (150) feet.
- (2) Minimum lot area shall be three (3) acres.

- (3) Except for necessary drives and walks, the front yard for a depth of thirty (30) feet shall be landscaped and not used for display, parking, loading, storage or accessory structures.
- (4) Outdoor storage may be permitted if located in the rear yard or non-required front yard and shall be screened from adjoining properties and streets by a sight-obscuring fence, wall or landscaping approved by the Planning Commission.
- (5) All parking and storage areas shall be striped and hard surfaced with a permanent, durable and dustless surface and graded and drained so as to dispose of all surface water.
- (6) No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of two per arterial street, and one for any other street.
- (7) A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- (8) All areas not paved or occupied by buildings or structures shall be landscaped or have a lawn or other type of live material ground cover.
- (9) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.