

## Chapter 19, Special Land Uses

### SECTION 19.00 INTENT

This Chapter 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 in this Chapter are designed to allow reasonable use of lands for applicants while maintaining adequate protection of the health, safety, convenience, and general welfare of Eureka Charter Township. For purposes of this Ordinance, all Special Land Uses within each Zoning District are subject to the conditions and standards of this Chapter.

### SECTION 19.01 APPLICATION PROCEDURES

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

- A. Application. An application shall be submitted to the Zoning Administrator not less than 21 days prior to the next scheduled Planning Commission meeting. The Zoning Administrator shall review the application for completeness, and when complete, transmit it to the Planning Commission.
- B. Required Information. An application for a special land use shall be accompanied by the following documents and information:
  1. An application form that has been completed in full by the applicant.
  2. The payment of an application fee as established by the Township Board.
  3. A site plan as specified in Chapter 4, Site Plan Review.
  4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county, or local departments of public safety (police and fire), health, highways or roads, and/or environment.
- C. Public Hearing Required. Upon receipt of the materials required in Section 19.2 (B), the Planning Commission shall hold a public hearing on the application, providing notice of such hearing in accordance with the Zoning Act.
- D. Planning Commission Review. The Planning Commission shall review the application for special land use, comments received at the public hearing, the site plan, and any other materials submitted in relation to the application. The Planning Commission shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision into the meeting minutes. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Chapter and any other standards in this Ordinance applicable to the proposed special land use.
- E. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. Reasonable

conditions may be attached to a special land use approval. The Special Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the special land use permit to the applicant and the Township Clerk.

- F. Performance Guarantee. In authorizing a Special Land Use Permit, the Planning Commission may require a performance guarantee pursuant to Section 29.06.
- G. Appeals. No decision or condition related to the special land use application shall be taken to the Zoning Board of Appeals.
- H. Amendments. Amendments to special land use permit shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan may be made to an existing special land use permit with the approval of the Zoning Administrator.
- I. Transfers. The special land use permit, with any and all associated benefits, conditions, and required security may be transferred to a new owner upon the sale or transfer of the property in question. The original owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.
- J. Re-Submission. No petition for Special Land Use approval that has been disapproved shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Administrator after learning of new and significant facts or conditions that may result in favorable action upon resubmission.
- K. Construction. A Special Land Use approved pursuant to this Chapter shall either be under substantial construction, or operation begun within one year after the date of final approval of the Special Land Use by the Zoning Administrator.
- L. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
  - 1. If replaced or superseded by a subsequent permitted use or special land use.
  - 2. If the applicant or current owner of the property requests the rescinding of the special land use permit.
  - 3. If the special use is considered abandoned pursuant to Section 19.01 (M).
  - 4. If a building permit has not been obtained or if on-site development has not commenced substantially within one year of approval of the special land use.
- M. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a special land use approval for an additional one year period if the evidence shows that all of the following conditions exist:
  - 1. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.

2. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
  3. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
  4. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
- N. An application for an extension of a site plan must be filed at least 60 days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Township, whichever is applicable.
- O. Abandonment. Any approved special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:
1. The owner declares or otherwise makes evident his/her intent to discontinue such use.
  2. When the use has been replaced by a different use.
  3. The cessation of the permitted special land use for a period of 12 consecutive months or more.
- P. Violations and Revocation. Any violation of the terms, conditions, or limitations of a special land use permit or this Ordinance shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder, specifying the alleged violation(s) and holding a public hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

## SECTION 19.02 SPECIAL LAND USE REVIEW STANDARDS

The following standards, in addition to specific standards for special land uses contained in Section 19.03, shall be satisfied before the Planning Commission makes a decision on a Special Land Use application:

- A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the specific standards of Section 19.03 and, in addition, that the special land use will also meet the following standards:
1. The special land use will 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. The special land use will 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, lighting, noise, smoke, fumes, glare, or odors.
  3. The special land use will be consistent with the intent and purposes of the Eureka Charter Township Master Plan.

4. The special land use will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
  5. The special land use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water, and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
  6. The special land use will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
  7. The special land use is reasonable.
- B. The Planning Commission may attached 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 19.01(N). Conditions imposed shall be those necessary to:
1. Meet the intent and purpose of the Zoning Ordinance;
  2. Relate to the standards established in the Ordinance for the land use or activity under consideration with the subject application;
  3. Ensure compliance with those standards;
  4. Protect the general welfare;
  5. Protect individual property rights; and
  6. Ensure that the intent and objectives of this Ordinance will be observed.

### **SECTION 19.03            SPECIFIC STANDARDS FOR SPECIAL LAND USES**

The specific and detailed standards of this Section are requirements that must be met by those uses within the zoning district(s) where the use is allowed in addition to the foregoing general standards and requirements. Those uses specified in this Ordinance 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 as are cited in the following:

#### **SECTION 19.03.01 ACCESSORY DWELLING UNIT (ADU)**

- A. ADUs shall be attached to the principal residence and shall be a maximum of 400 sq. ft. with a minimum five-foot common wall and 36" clear span door having a 1 ½ hour Fire rating between the principal residence and the ADU, which shall include the attic.
- B. The ADU shall be temporary in nature and a relative or legal designated dependent shall be identified as being cared for in this living unit. Once the relative or dependent is no longer residing in the unit it shall be returned to the living space of the principal dwelling.
- C. The ADU shall meet all setback standards for the principal residence.

- D. The ADU shall appear as part of the principal residence with the same building style and appear as part of the principal residence.
- E. Annually, the owner of the principal residence shall sign an affidavit stating which relative or legal dependent is currently residing within the ADU. If no one is residing in the ADU, the unit shall be returned to the living space of the principal dwelling.
- F. The ADU shall not be used as a second residence other than as listed above, and under no circumstances shall the unit be rented on a long-term or short-term basis in a manner inconsistent with this section.
- G. Prior to issuance of a Special Use Permit, the owner of the principal residence shall receive approval for any additional water or sewer additions from the Mid-Michigan Health Department, and if the system needs to be expanded, a permit shall be obtained from the Department prior to issuance of the Special Use Permit.

**SECTION 19.03.02 ADULT USES**

- A. 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 operations characteristics, particularly when several such uses are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.
- B. Adult uses facilities may be permitted only in the IND Industrial district:
  - 1. The facility shall not be located within 1,500 feet of any property zoned RR, SR, UR, or MHR.
  - 2. For massage parlors, 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 other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township Board, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
  - 3. An annual Zoning Permit renewal and corresponding zoning inspection is required.
- C. Establishments shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission as provided herein.
- D. Any sign or signs proposed for an adult use business must comply with the requirements of this Ordinance's sign regulations, shall not include photographs, silhouettes, drawings, or pictorial

representations of any type, nor include any animated illumination or flashing illumination.

- E. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering and exiting the business, and using lettering which is at least two inches in height, stating that:
  - 1. "Persons under the age of 18 years are not permitted to enter the premises."
  - 2. "No alcoholic beverages of any type are permitted on the premises unless specifically allowed pursuant to a license issued by the Michigan Liquor Control Commission."
- F. No product for sale, rent, 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.
- G. No adult use shall be open for business prior to 9:00 a.m. or after 11:00 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, clean-up, preparation, record-keeping, and similar purposes.

#### **SECTION 19.03.03 RESERVED**

#### **SECTION 19.03.04 ADULT FOSTER CARE LARGE GROUP HOME**

- A. An adult foster care home shall at all times maintain all valid state and local licenses.
- B. An adult foster care home serving 13 but not more than 20 residents shall not be located within 1,500 feet of any other adult foster care home.

#### **SECTION 19.03.05 ADULT FOSTER CARE CONGREGATE FACILITY**

- A. An adult foster care home shall at all times maintain all valid state and local licenses.
- B. An adult foster care congregate facility serving more than 20 residents shall not be located within 1,500 feet of any other adult foster care congregate facility.

#### **SECTION 19.03.06 AIRPORT**

- A. A site plan submitted in conjunction with the special land use for an airport shall illustrate areas where aircraft operations occur such as a terminal, hangers, aircraft parking areas, runways, taxiways, flight school or club, flight viewing area, fueling areas, aircraft maintenance, administrative, charter, customs or other similar aircraft use areas.
- B. Apron, runway, taxiway, and tie-down clearance specifications established by the federal Aviation Administration shall apply.
- C. A minimum setback of 50 feet shall apply from any buildings to the boundary of the airport property.
- D. Drives and service roads to commercial and industrial buildings must be paved.
- E. All utilities shall be placed underground.

### **SECTION 19.03.07 RESERVED**

### **SECTION 19.03.08 ANIMAL GROOMING SERVICE**

- A. All portions of the unit must be equipped with a central air-conditioning and ventilation system which shall be maintained in a proper operating condition so that windows and doors may remain closed year-round without producing an adverse interior environment.
- B. When such uses are located in a building occupied by other uses and to which access is gained through a common entry, access to the grooming facility must be from a separate entry, which shall give direct access from the street or sidewalk.
- C. All rooms in which animals are to be contained for more than 30 minutes without receiving consistent attention from a handler must be equipped with sufficient sound-proofing materials to ensure that noise does not carry to adjacent businesses or residences.
- D. Pets shall not be kept overnight.

### **SECTION 19.03.09 ASSISTED LIVING FACILITY**

- A. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.
- B. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the planning commission finds that such requirements may be modified due to varying hours of operation or other factors or as provided in Section 20.09, Adjustment of Standards.
- C. Notwithstanding Table 9.1, Suburban Residential District Regulations, all dwellings shall consist of at least 450 square feet of floor area per dwelling unit.
- D. The number of efficiency dwelling units may exceed 15 percent of the total number of dwelling units, provided the total number of dwelling units shall not exceed 18 dwelling units per net usable acre of land.
- E. The owner shall file with the Township a covenant acceptable to the Township Attorney on behalf of him/herself, his/her heirs, personal representatives, successors, and assigns, stating that occupancy of the development shall be limited to persons 55 years of age or older. The covenant shall be executed and recorded with the county register of deeds, prior to the issuance of a building permit.
- F. The Planning Commission may, at a public hearing held in accordance with the public hearing requirements set forth in this ordinance, permit assisted living facilities to exceed the maximum building height limitations of the district, provided the building(s) shall be set back from all property lines one foot for each foot the structure exceeds the maximum building height limitation of the district. In no case shall building(s) exceed seven (7) stories or 75 feet in height, whichever is the lesser.

### **SECTION 19.03.10 AUTOMOBILE GASOLINE STATION**

- A. Curb cuts for ingress and egress to an automobile gasoline station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
- B. The Planning Commission may establish hours of operation for automobile gasoline stations to protect the character of the land uses in the vicinity.
- C. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by state and federal statutory and regulatory authority.
- D. All buildings, pump islands, canopies, and other facilities shall be located in conformance with the yard and setback requirements of the zoning district in which it is located.
- E. Dismantled, wrecked, or immobile vehicles stored shall not be permitted to be stored on the site.
- F. No vehicles shall be parked on-site for the purpose of selling or renting such vehicles.
- G. Any hazardous materials proposed to be stored, used, or handled on-site shall be disclosed by the applicant and all such storage, use, and handling shall be conducted in accordance with any applicable state or federal requirements.

**SECTION 19.03.11 AUTOMOBILE SERVICE AND REPAIR FACILITY, MAJOR**

- A. The storage of automobiles awaiting repair, equipment, and similar items shall be in a side or rear yard and shall be screened from view around the entire periphery by a sight-obscuring wall or fence not less than six feet in height meeting the screening requirements of this Ordinance.
- B. The area upon which vehicles and related materials are stored, including the main and accessory buildings, shall be located not closer than 500 feet to any public building, church, hospital, park, daycare center, or school, nor closer than 100 feet to any Residential district or use.
- C. All batteries, chemicals, and other toxic or hazardous substances shall be removed from vehicles. All hazardous materials must be stored or disposed of in accordance with applicable state or federal regulations.
- D. All work on vehicles must be conducted inside the building.

**SECTION 19.03.12 AUTOMOBILE WASH**

- A. All washing activities shall be carried out within a building, however drying, waxing, vacuuming, and similar activities associated with manual and coin-operated automobile washes may occur outdoors.
- B. No vacuum equipment shall be located closer than 100 feet from any property line which abuts a property zoned or used for residential purposes.
- C. Noise generated on-site from any source shall not exceed 60 decibels measured at any property line.
- D. Adequate drainage shall be provided to prevent flooding, freezing of runoff, and environmental damage.
- E. Manual and coin automobile washes shall provide adequate space for drying and waxing vehicles.

- F. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle waiting or stacking areas for the facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site.
- G. The applicant shall demonstrate that no litter and debris will travel off-site.
- H. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

**SECTION 19.03.13 RESERVED**

**SECTION 19.03.14 BED AND BREAKFAST INN**

- A. Such uses shall only be established in a detached single-family dwelling and shall not alter the residential character of the building or structure.
- B. The operator of the bed and breakfast inn shall occupy the dwelling as his/her principal residence.
- C. There shall not be more than seven (7) total guest rooms.
- D. Meals may be served only to the operator's family, employees, and overnight guests.
- E. Any accessory use(s) must comply with the zoning district in which the property is located.
- F. Guest stays shall not exceed 14 consecutive days nor more than 30 days in one year.
- G. The establishment shall have at least two exits to the outdoors.
- H. Rooms used for sleeping shall have a minimum area of one hundred 100 square feet for two occupants, plus an additional 30 square feet for each additional occupant. Rooms shall be designed to accommodate no more than four occupants.
- I. Each sleeping room shall be equipped with a smoke detector.

**SECTION 19.03.15 BUILDING MATERIALS SALES AND STORAGE**

- A. There shall be at least a 50-foot setback between the operating area of any building materials storage area and all property lines.
- B. When within 200 feet of any Residential District or use, said operations shall be screened and/or buffered by plantings, hedges, and/or fences so as not to be visible from off the premises.
- C. Operations of the yard shall not cause undue noise, traffic, odors, or lighting glare that are detrimental to the character of the surrounding area.
- D. All lots where materials and products are stored shall be constructed to all-weather standards (i.e., gravel base and gravel or paved surface).

**SECTION 19.03.16 RESERVED**

**SECTION 19.03.17 CAMPGROUND**

- A. The application shall include a clear definition of the sponsoring agency or organization, if applicable,

including names of owners/operators and/or officers of the camp. Any affiliation with regional or national organizations shall be disclosed.

- B. The applicant shall provide a detailed description of the proposed camping program to be carried out at the facility. Such description shall include the times of the year when the camp is proposed to be occupied, the nature of any instruction or educational program that may be provided, the numbers, ages, and gender of campers to be accommodated, the ratio of camp staff to campers, and other information which the township determines is necessary to provide a complete presentation of the proposed facility.
- C. Campsites shall not be located within 100 feet of any property line.
- D. Minimum lot area shall be ten (10) acres.
- E. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
  - 1. All commercial uses allowed shall occupy no more than 2,000 square feet.
  - 2. No merchandise for display, sale, or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission.
  - 3. All commercial uses shall be set back 200 feet from any property line.
- F. Each campsite shall have a minimum area of 1,500 square feet.
- G. A common area shall be provided at the ratio of 1,000 square feet for each campsite.
- H. Driveways and parking areas shall be at least 50 feet from any adjacent property line.
- I. The applicant shall provide a detailed plan for refuse disposal, restrooms, potable water, and similar facilities.
- J. The applicant shall secure all necessary permits from Township, county, state, and federal authorities.

### **SECTION 19.03.18 CHILD CARE CENTER**

- A. Facilities shall be located with direct access to a public road.
- B. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than 300 feet.
- C. Playground equipment shall not be located in a front or side yard. All outdoor play areas shall be enclosed with fencing, a minimum of four feet high or as required by the State of Michigan.
- D. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
- E. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
- F. There shall be provided on the site a useable outdoor area at the rate of at least 66 square feet for each child, or as required by the State of Michigan.

- G. The applicant shall provide the Township with copies of all licenses required by the State of Michigan Department of Licensing and Regulatory Affairs or other applicable agency(ies).

**SECTION 19.03.19 CLUB OR LODGE**

- A. The site shall be a minimum of two (2) acres.
- B. All vehicular ingress and egress to the site shall be directly from a public thoroughfare, unless otherwise approved by the Planning Commission.
- C. Access to the site shall be located according to county and/or state requirements as applicable.
- D. Where the site abuts a Residential District, a buffer zone shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer zone in accordance with Chapter 22 of this Ordinance.
- E. The facility shall be located and designed such that no objectionable noise shall be carried to adjoining properties.

**SECTION 19.03.20 RESERVED**

**SECTION 19.03.21 CONTRACTOR'S ESTABLISHMENT**

- A. The area of a site proposed for use as a contractor's establishment shall not be less than one (1) acre in size.
- B. The site shall be fenced on both sides and rear with chain link or similarly durable fencing not less than six (6) feet nor more than eight (8) feet in height.
- C. No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.
- D. Outdoor storage yards shall be designed and operated in a manner that minimizes dust, noise, glare, fumes, and similar impacts from adversely affecting neighboring properties.

**SECTION 19.03.22 CONVALESCENT OR NURSING HOME**

- A. Minimum lot size shall be three (3) acres.
- B. The main and accessory buildings shall be set back at least 75 feet from all property lines.
- C. The facility shall be designed to provide a minimum of 500 square feet of open space for every bed used or intended to be used. This open space shall include landscaping but may not include off-street parking, driveways, required yard setbacks, and accessory use areas.

**SECTION 19.03.23 DWELLING, MULTIPLE-FAMILY**

- A. No dwelling unit shall have its principal access more than 150 feet from either an access drive or a public street, and the required off-street parking area.
- B. Multiple family dwellings shall be located on a parcel of at least one (1) acre.

- C. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.
- D. Dwelling unit density for multiple-family dwellings shall not exceed four (4) units per acre.

#### **SECTION 19.03.24 EATING AND DRINKING ESTABLISHMENT**

- A. Such facilities shall maintain, at all times, all required state and local licenses and permits.
- B. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels and no objectionable vibration shall be carried onto adjoining property zoned for, or occupied by, residential uses.
- C. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in residential districts or residential uses.
- D. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust, or debris from the facility.
- E. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.

#### **SECTION 19.03.25 EDUCATIONAL FACILITY**

- A. Public access to the site shall be located as far as practicable feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- B. Athletic fields shall not be located closer than 200 feet from any property line abutting a Residential District or use.
- C. An education facility shall have its primary access directly from a paved, all-season road.
- D. All outdoor play areas shall be enclosed with a durable fence six feet in height.
- E. All required state and local licenses, charters, permits, and similar approvals shall be issued prior to occupancy for any educational purposes.
- F. Exterior light structures shall be no higher than 20 feet.
- G. Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- H. Sidewalks may be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
- I. The planning commission may establish standards to limit routine noise generated by an educational facility to no more than sixty (60) decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning, and the probable frequency of objectionable noise levels

that may be generated by the use.

- J. An educational facility with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in Section 19.03.51.
- K. Public schools under the jurisdiction of the Michigan superintendent of public instruction are not subject to the requirements of this Ordinance, in accordance with the Revised School Code, MCL 380.1263(3).

### **SECTION 19.03.26 EVENT VENUES**

- A. **Application Materials.** In addition to a site plan as required by Chapter 4 (“Site Plan Review”) of the zoning ordinance, an application for an event venue shall include the following:
  - 1. A narrative describing the plan for the operation of the business, including types of events, catering, alcohol service, proposed days and hours of operation, supervision by responsible parties, and other information necessary or useful to demonstrate compliance with the intent and purposes of this special land use and the requirements imposed herein.
  - 2. A written report by a qualified engineer, architect, or builder stating at least a preliminary conclusion that the building proposed is in, or can be brought into, compliance with all applicable building, electrical, mechanical, and structural requirements applicable to a place of public assembly.
  - 3. Confirmation from the Road Commission for Montcalm County that a commercial driveway permit can be issued to provide access to the venue and parking area.
- B. **Regulations and Conditions for Event Venues in the AG District.** In addition to the general requirements for special land use approval, the following specific requirements apply to an event venue located in the AG district:
  - 1. Existing Building. The building proposed as the event venue shall be a barn that was originally been constructed for farming or agricultural purposes. This does not prevent remodeling or reinforcement of an existing building, or the construction of accessory buildings in support of the main venue, as permitted herein.
  - 2. Minimum Parcel Size. The event venue shall be located on a parcel of no less than ten (10) acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in compliance with the other standards in the ordinance on less than 10 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling the events on the property.
  - 3. Operation by Occupants. The person who operates the event venue shall have a primary residence on the property. This is not intended to prevent the use of caterers or others to perform functions under the supervision of the operator of the business. The Planning Commission may modify this requirement in cases where it determines that the applicant/operator lives in the vicinity and the applicant establishes that the property will be closely monitored during all events,

in a manner substantially the equivalent as oversight by a person living on the property. To assure continued compliance with this provision, notification of all transfers of property associated with an event venue special land use shall be given to the Township zoning administrator 30 days prior to any such land transfer.

4. Timing of Events. All events shall be completed by 12:00 a.m., and guests shall vacate the premises by that time. Any cleanup activity shall be completed no later than 48 hours after an event. Alcohol service shall be concluded not later than 11:00 p.m. The Planning Commission may impose more restrictive days and hours of operation, if appropriate, to protect neighboring properties or land use.
5. Attendees. The maximum number of attendees shall be not more than 200, or such lesser number specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code and available parking. The Planning Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend, or limiting the number of events in a weekend.
6. Amplified Music. Any speakers for amplified music or announcements shall be permitted only inside a fully enclosed building or structure. Amplified music may not be played later than 11:00 p.m. and shall comply with all Township noise ordinance requirements. In no event shall music, amplified or not, be reasonably detectable off the property after 11:00 p.m.
7. Parking. Any sawhorses, cones, or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours before an event and removed no later than 48 hours after an event.
8. Parking Surface. Event venue parking areas may have a grass surface if maintained in a dust and mud-free condition. For more permanent parking, Chapter 12 ("Parking and Loading") of the zoning ordinance shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the business on non-paved areas as clearly designated on the site plan, is safe, and is compatible with adjacent or nearby properties. Dust and mud conditions shall, in all events, be controlled and avoided.
9. Lighting. Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the zoning ordinance and shall require the approval of the Township zoning administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.
10. Trash and Refuse. All trash and refuse resulting from events will be removed by the event sponsor or caterer no later than 48 hours after an event.

11. **Responsible Party.** The property owner shall maintain responsibility for operations at the site. The applicant shall designate to the Township a responsible party, with cellular and other phone contact, who is one of the owners or residents of the property, as a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. As a condition of special land use approval, the property owner shall be responsible for compliance with the conditions of this special land use approval, regardless of whether violations are actually committed by employees, contractors, guests, or others.

**C. Regulations and Conditions for All Event Venues.** In addition to the general requirements for special land use approval, the following specific requirements apply to all event venues:

1. **Parking.** Off-street parking shall be provided as shown on the site plan submitted with the special land use application. The minimum number of spaces shall be as provided in Chapter 12 (“Parking and Loading”) of the zoning ordinance for places of assembly without fixed seats.
2. The Planning Commission may impose a maximum number of permitted vehicles, and shall require appropriate screening, fencing, or other landscaping, and shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses.
3. No parking whatsoever shall occur on public roads, even if permitted by Road Commission regulations, and violation of this requirement shall constitute grounds for revocation of the special use permit.
4. **Temporary Structures.** Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, may be installed and shall be dismantled and removed by the end of the season.
5. **Signage.** One permanent sign shall be permitted in the same manner as allowed for permitted non-residential uses in the district. Temporary signage providing additional information may be placed not more than 48 hours prior to the scheduled event.
6. **Toilets and Lavatory Facilities.** Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code and applicable health department regulations, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the site plan.
7. **Setback Requirements.** All buildings and structures on the site shall conform to the minimum setback requirements of the district in which it is located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the business if such building or structure does not meet the current minimum setback requirements.

8. Traffic Control and Security. If necessary, to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, personnel shall be supplied by the property owner to direct traffic. Also, security personnel shall be provided by the property owner to the extent necessary to ensure good order and safety are maintained during all events.
9. Auxiliary Structures. It is the intention of this section that significant additional buildings generally not be constructed to support the event venue. Auxiliary structures connected with the event venue, such as gazebos, pavilions, and restroom facilities, may be constructed as shown on the site plan. Auxiliary structures constructed to support the event venue shall not exceed a total area of 1,200 square feet.
10. Noise. An event venue business, and all uses, events, programs, or activities connected with the business, shall not create, assist in creating, continue, or permit the continuation of any excessive or unnecessarily loud disturbances.
11. Compliance with Laws and Regulations; Permits and Insurance. All required federal, state, county, and local permits for each use, event, program or activity, shall be secured and maintained by the applicant, including but not limited to the following:
  - a. Buildings, including but not limited to barns, shall not be used in the business until documentation is provided to the Township from a certified architect or engineer that the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the business shall be inspected by Township building and electrical inspectors for the proposed uses of the building for the business.
  - b. Alcoholic beverages shall not be provided unless the provider secures and maintains an appropriate license from the Michigan Liquor Control Commission.
  - c. Driveway permits from the Road Commission for Montcalm County are necessary for ingress and egress from the site.
  - d. All buildings and structures shall be kept in compliance with applicable building and construction codes.
12. Additional Requirements. The Township planning commission may impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, noises, and disturbances, and other operational aspects based on experience with the operation.

### **SECTION 19.03.27 RESERVED**

### **SECTION 19.03.28 FUNERAL HOME**

- A. The minimum lot area shall be two (2) acres and the minimum lot width shall be 150 feet.
- B. An off-street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

- C. No waiting lines of vehicles shall extend off-site or onto any public road.
- D. Driveways and parking areas shall be at least 50 feet from any adjacent property line.

### **SECTION 19.03.29 GOLF COURSE**

- A. Golf courses shall be located on a lot at least 40 acres in area.
- B. The main and accessory buildings shall be set back at least 75 feet from all property and right-of-way lines.
- C. Retail sales and services only to guests and visitors may be permitted.
- D. A 50-foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses, or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
- E. All parking areas and access drives shall be paved, provided the Planning Commission may permit a gravel surface in lieu of paving.
- F. A golf driving range accessory to the principal use of the golf course is permitted, provided the area devoted to this use shall maintain a seventy 75-foot front yard and a 100-foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.

### **SECTION 19.03.30 GREENHOUSE**

- A. The storage or materials display areas shall meet all yard setback requirements applicable to any buildings in the District.
- B. All loading activities and parking areas shall be provided on the same premises.
- C. The storage of any soil, fertilizer, or similar loosely-packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- D. No display area shall be located within the required front yard.
- E. Activity must be located not less than 200 feet from a Residential District or existing residential use.
- F. The display or storage areas shall be provided with a permanent, durable, and dustless surface.

### **SECTION 19.03.31 GROUP DAY CARE HOME (ADULT OR CHILD)**

- A. An outdoor recreation area shall be provided at a ratio of 150 square feet for each client served and shall be enclosed with fencing having a minimum height of four feet.
- B. Off-street parking shall be provided for family members and employees of the facility. Client pick-up and drop-off areas shall be located in such 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.
- C. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.

- D. The facility shall be in compliance with all applicable state licensing requirements.
- E. Such facilities shall be located at least 1,500 feet from any one of the following:
  - 1. A licensed or pre-existing operating group or commercial day-care home.
  - 2. An adult foster care facility.
  - 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people.
  - 4. A community correction center resident home, halfway house, or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.
- F. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.
- G. The Planning Commission shall approve group day care home special land use applications if the application satisfies the requirements specified in MCL 125.3206(4).

**SECTION 19.03.32 RESERVED**

**SECTION 19.03.33 HOSPITAL**

- A. The minimum lot area shall be 10 acres and the minimum lot width shall be 200 feet.
- B. At least one property line shall abut Class A road as designated by the Road Commission for Montcalm County or the Michigan Department of Transportation. The primary ingress and egress for off-street parking facilities for guests, patients, employees, and staff shall be directly from said road.
- C. All main and accessory buildings shall be set back at least 100 feet from any property line.
- D. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or sight-obscuring wall or fence of six feet or more in height. Access to and from the ambulance and delivery areas shall be directly from an arterial or collector street, as designated by the Road Commission for Montcalm County or the Michigan Department of Transportation.
- E. No power plant, laundry, or loading area shall be located nearer than 100 feet to any adjacent Residential District or use.
- F. No more than 25% of the gross site area shall be occupied by buildings, excluding parking structures.
- G. Any hazardous materials proposed to be stored, used, or handled on-site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance any applicable county, state, or federal requirements.
- H. Helicopter landing pads may be permitted as accessory uses.

**SECTION 10.03.34 RESERVED**

**SECTION 19.03.35 HOTEL/MOTEL**

- A. A hotel or motel that includes auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site and shall be further regulated pursuant to Section 19.03.51, places of public assembly.
- B. A hotel/motel that includes an eating and drinking establishment shall be further regulated pursuant to Section 19.03.25.
- C. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the area in which it is located.
- D. Each unit shall contain not less than 250 square feet of floor area, and shall contain at least two rooms, including a bathroom.
- E. Parking areas shall have a minimum front yard setback of 20 feet and side and rear yard setbacks of ten feet.
- F. No guest shall establish permanent residence at a hotel.

#### **SECTION 19.03.36 RESERVED**

#### **SECTION 19.03.37 JUNKYARD OR SALVAGE YARD**

- A. The minimum lot area shall be at least (10) acres.
- B. 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 and meeting the screening requirements of this Ordinance. Said wall or fence shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.
- C. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than 500 feet to any public building, church, hospital, park, day care center, or school, or closer than 100 feet to any Residential District or use.
- D. All buildings shall be set back not less than 50 feet from any property line. Fenced areas shall not be located closer than 150 feet from any right-of-way line and 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.
- E. No storage shall be permitted outside the required fenced area and no materials shall be stacked higher than such fence.
- F. All batteries, chemicals, and other toxic or hazardous substances shall be removed from vehicles and other junk materials and shall be stored or disposed of in accordance with applicable state or federal regulations.
- G. All junkyards shall obtain all applicable federal, state, and local permits and licenses.

#### **SECTION 19.03.38 KENNEL/ANIMAL DAY CARE**

- A. Kennels and animal day care uses, including outdoor play areas and runs, shall be set back at least 100 feet from all property lines and shall not occur in a front yard
- B. The applicant shall submit evidence that noise shall be contained to the property. If it is documented that animals are barking for more than two (2) hours over five (5) or more separate days, the special use permit may be suspended or revoked pursuant to Section 19.01(N). Documented barking is where the County Sheriff or Zoning Administrator has witnessed continued barking.
- C. Kennels shall have a permit issued by Montcalm County and be in good standing with the County Animal Control Department.

#### **SECTION 19.03.39 LAUNDROMAT**

- A. The planning commission may impose hours of operation limitations to protect the character of surrounding uses.
- B. The laundromat shall be maintained in a manner compatible with the surrounding neighborhood.
- C. The applicant shall provide satisfactory evidence that all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive, or flammable substances shall be equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the Township; and to prevent said substances from being perceptible outside such containment.

#### **SECTION 19.03.40 RESERVED**

#### **SECTION 19.03.41 MACHINE SHOP**

- A. There shall be a minimum lot width of 200 feet.
- B. Any main building shall be a minimum of 100 feet from a road/street right-of-way and a minimum of two hundred 200 feet from an adjacent residential district or use.
- C. Any outside storage area shall not exceed 2,000 square feet in area and shall be screened from view on all sides by a fence or wall between six and eight feet in height or landscaped equivalent. The fence or wall shall be tall enough to screen the view of the contents of the storage area. The Planning Commission may require that certain items or equipment be stored inside if such outdoor storage would be incompatible with surrounding properties.
- D. Any portion of a building containing the use shall not have loading doors, windows, or other similar openings facing an abutting Residential District or use. If openings are present, they shall remain closed at all times while any part of the business is in operation.

#### **SECTION 19.03.42 MANUFACTURING, PROCESSING, AND/OR ASSEMBLY**

- A. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
- B. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored,

used, or handled on the site. Use and handling shall be conducted in accordance with applicable local, state, and federal requirements.

- C. Federal, state, and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate federal, state, and county permits and approvals.
- D. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
- E. The Planning Commission may require buffering, screening, setbacks, and other elements, including those greater than otherwise required by this Ordinance, to protect the public health, safety, and welfare.
- F. The applicant shall demonstrate and disclose the following:
  - 1. Potential environmental impacts on air, surface water, ground water, soils, and natural features. The applicant shall provide evidence that these potential impacts shall be minimized or fully mitigated.
  - 2. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity. The Planning Commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
  - 3. The potential chemical composition of all emissions to the air, groundwater, and surface waters shall be disclosed.

#### **SECTION 19.03.43 MEDICAL OFFICE**

- A. Any disposal of bio-hazardous waste shall be in conformance with federal, state, and local requirements.
- B. Where a parking area abuts a Residential District or use, the parking area must be screened using appropriate and effective screening methods as determined by the Planning Commission.

#### **SECTION 19.03.44 MINING OPERATION**

- A. Mining operations shall be regulated by Eureka Charter Township Mining Ordinance (Ordinance #84), as amended.
- B. In addition to the standards of Ordinance 84, the Planning Commission shall also consider whether or not the applicant has satisfied his/her burden in demonstrating the following pursuant to MCL 125.3205:
  - 1. That there are valuable natural resources on the subject property,
  - 2. That the applicant can extract such resources and reasonably expect to operate at a profit, and;
  - 3. That no very serious consequences will result from extraction, after considering the following

standards:

- a. The relationship of extraction and associated activities with existing land uses.
- b. The impact on existing land uses in the vicinity of the property.
- c. The impact on existing property values in the vicinity of the property and along the proposed haul routes, based on credible evidence.
- d. The impact on pedestrian and traffic safety in the vicinity and along the proposed haul routes.
- e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- f. The overall public interest in the extraction of the specific natural resources on the property.

#### **SECTION 19.03.45 MINI-STORAGE FACILITY**

- A. The area of the proposed site shall be at least two (2) acres.
- B. The use shall be established and maintained in accordance with all applicable local, state, and federal laws.
- C. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residential properties and be provided with a smooth and dust-free surface.
- D. All parking, maneuvering, and drive lane areas shall be provided with a paved surface and all drive aisles shall be sufficient to accommodate vehicular movements and the parking of vehicles for loading/unloading purposes.
- E. Automatic night lighting and fully cut-off fixtures must be used.

#### **SECTION 19.03.46 RESERVED**

#### **SECTION 19.03.47 OPEN AIR BUSINESS**

- A. The minimum lot size shall be one (1) acre.
- B. Open air business areas shall provide adequate areas for vehicular and pedestrian movement, and shall provide for adequate emergency vehicle access.
- C. The Planning Commission may require a six-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.
- D. Open air businesses shall comply with all applicable Mid-Michigan Health Department regulations regarding sanitation and general health conditions.
- E. The lot area used for display or storage areas shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

#### **SECTION 19.03.48 OUTDOOR RECREATION**

- A. The use shall be located on property with direct access to a public street.

- B. Any outdoor activity areas shall be set back a minimum of 50 feet from any residential district or use. The Planning Commission may impose a greater setback and/or additional fencing, landscaping, berming, or screening to protect adjoining residential properties.
- C. Any building shall comply with the yard setback requirements of the district in which it is located.

**SECTION 19.03.49 OUTDOOR STORAGE FACILITY OR YARD**

- A. Sight-obscuring fencing must be installed outside the storage area.
- B. No part of the fence shall extend toward a road beyond the front wall of the main building. The exterior of the fenced-in area shall be screened with grass and trees and/or shrubs to minimize the appearance of the installation.
- C. Nothing being stored can be stacked higher than the fence or outside the fenced area unless specifically authorized by the Planning Commission.
- D. Vehicles in storage must be able to be licensed and/or titled, including watercraft. Inoperable or junk vehicles may not be stored.
- E. Items must be stored in an orderly fashion so the surrounding neighborhood shall not be negatively impacted.

**SECTION 19.03.50 PERMITTED USES WITH DRIVE-THROUGH FACILITIES**

- A. All such uses shall have direct ingress and egress through a paved major thoroughfare with a right-hand turn lane in case of unforeseen stacking.
- B. Each drive-through entrance/exit shall be at least 150' from an intersection of public rights-of-way and at least 150' from the curb cut on an adjacent property. Exceptions may be granted by the Planning Commission when drive-thru pull out spaces are provided, or part of a service drive/shared drive situation.
- C. All automobile queuing for a drive-through window shall be separated from other onsite traffic patterns.
- D. Pedestrian areas shall be clearly marked and delineated with colored distinguishing material.
- E. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- F. Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- G. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle.
- H. The applicant shall demonstrate to the satisfaction of the Township Planning Commission that vehicle stacking areas for the drive-through facility are sufficient to accommodate the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site. A minimum of six vehicles stacking spaces per drive-through lane shall be provided. The Planning Commission may require additional stacking spaces for eating and drinking establishments

containing drive-through facilities based on the length of menu and other applicable factors.

- I. Landscaping of the drive-through aisle shall be provided per the Planning Commission as seen fit for the site situation, especially to adjoining zoning districts. Waste containers must be in locations that do not cause distraction of the site.
- J. In the event that safety issues arise, the Zoning Administrator may impose a non-use order until the matter is rectified.
- K. Order waiting parking spots may be required by the Planning Commission depending on establishment menu.
- L. Drive-through facilities shall also have an escape lane.
- M. Significant changes to the nature of the establishments or may require the applicant to return to the Planning Commission for possible parking, stacking, or physical changes to the site.
- N. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- O. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward adjacent property.

#### **SECTION 19.03.51 PLACE OF PUBLIC ASSEMBLY**

- A. The Planning Commission may require the completion of a traffic impact study to ensure streets will be capable of accommodating traffic from the proposed use.
- B. Outside activities shall not take place within 50 feet of any property line abutting a Residential District.
- C. The Planning Commission may require an additional greenbelt or screening to minimize visual, noise, or other effects from the proposed use or parking area.

#### **SECTION 19.03.52 RETAIL ESTABLISHMENT, MAJOR**

- A. Public access to the site shall be located as far as practicable from an adjacent intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- B. Any principal building shall have side and rear yard setbacks of at least 50 feet.
- C. The Planning Commission may require landscaping in accordance with the landscaping requirements of this Ordinance, or a six-foot fence or wall along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- D. No mechanical rooms or loading areas shall be located within 200 feet of any Residential District or use.
- E. Any loading area facing a Residential District or use shall be screened by a major buffer, as defined by the landscaping requirements of this Ordinance. Loading areas shall not be located within any required yard and may not be located in the front yard.
- F. Any lot on which such use is conducted shall have at least 300 feet of frontage on an arterial street as

designated by the Road Commission for Montcalm County or the Michigan Department of Transportation.

#### **SECTION 19.03.53 SAWMILL**

- A. The Planning Commission may limit operating hours and set specific operating times as part of the approval process.
- B. The use of a portable chipper, stud mill, or other similar processing equipment as well as any storage or accessory buildings located on the site shall be set back at least 100 feet from any road right of way or lot line. The Planning Commission may impose a greater setback in order to protect the public health, safety, and welfare.
- C. Vehicle access to the site shall be located on a road suitable to accommodate both vehicular and truck traffic. Parking and loading areas shall be provided and shall be constructed of gravel or stone surface.
- D. The maximum area of land permitted for raw material (log) storage, milling operations, and processed waste (sawdust and cuttings) storage shall not exceed five acres of contiguous land and shall be arranged so as not to constitute a fire hazard.
- E. The Planning Commission may limit the frequency of loading, shipment, or delivery activities to limit nuisances created by this activity from impacting adjacent land uses.
- F. All raw and processed material shall be stored in a neat and orderly manner. In addition, the property shall be kept free of junk, debris, garbage, and tall weeds and grasses. The outdoor storage of inoperable equipment, inoperable or unlicensed vehicles, and equipment or vehicle parts shall be strictly prohibited.
- G. All waste from sawmill operations shall be disposed of in a manner that meets all local, state, and federal laws.

#### **SECTION 19.03.54 RESERVED**

#### **SECTION 19.03.55 TATTOO PARLOR**

- A. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.
- B. Food or beverages shall not be served at the establishment.
- C. The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.
- D. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the GC, General Commercial district.
- E. A proposed tattoo and piercing parlor shall be located a minimum of 1,000 feet from an existing tattoo and piercing parlor or educational facility, as measured from to the lot line. The Planning Commission may waive this requirement if it finds that physical features significantly separate the uses so as to avoid concentration of tattoo and piercing parlors, and to avoid the establishment of a tattoo and

piercing parlor in proximity to an educational facility.

#### **SECTION 19.03.56 TRUCK/FREIGHT TERMINAL**

- A. Access driveways shall be located no less than 200 feet from the centerline of the intersection of any street or any other driveway.
- B. Trucks and trailers parked overnight shall be set back a minimum of 100 feet from the front lot line.
- C. The principal and accessory buildings and structures shall not be located within 200 feet of any Residential District or use.
- D. The lot area used for parking, display, or storage shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
- E. Any vehicle or equipment stored outside of an enclosed building shall not extend into any required yard.

#### **SECTION 19.03.57 TELEVISION OR RADIO STATION**

- A. The minimum lot size shall be two (2) acres.
- B. Individual setbacks for any tower or other similar structure shall be at least one-half (½) the height of any such structure.

#### **SECTION 19.03.58 RESERVED**

#### **SECTION 19.03.59 VETERINARY OFFICE**

- A. Animal wastes, biohazard materials, or byproducts shall be disposed of as required by the Mid Michigan Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor-proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials, or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a veterinary clinic.
- B. All operations and the housing or boarding of animals shall be contained in one or more completely enclosed buildings.
- C. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of 60 decibels at any property line.
- D. The boarding of animals may be permitted as an accessory use. Outdoor areas used in the conduct of the veterinary office or boarding services shall be set back at least 100 feet from all property lines and shall not occur in a front yard.
- E. Kennels and animal day care uses, including outdoor play areas and runs, may also be permitted as an accessory use, shall be set back at least 100 feet from all property lines, and shall not occur in a front yard.

### **SECTION 19.03.60 WAREHOUSE**

- A. Additional landscaping may be required to help screen the building or any outdoor storage area.
- B. Hazardous materials shall be disposed of, stored, and handled as required by the Mid Michigan Health Department, the Michigan Department of Public Health, or other duly appointed authority. No hazardous materials shall be buried or incinerated on site.
- C. At least twenty (20%) percent of any elevation of a warehouse facility visible from a public road right-of-way shall be comprised of brick or another decorative material acceptable to the Planning Commission.

### **SECTION 19.03.61 WIRELESS COMMUNICATION FACILITY**

- A. Additional Information Required for Review. In addition to the requirements for site plans and special land uses, the following information shall be provided by the applicant when applying to construct a wireless communication antenna:
  - 1. Name and address of the proposed operator of the site.
  - 2. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.
  - 3. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
  - 4. A registered engineer's certification of the design and safety of the proposed tower for West Michigan conditions. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
  - 5. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
  - 6. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.
  - 7. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas that are either within the jurisdiction of the Eureka Charter Township, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennas within the Township, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
  - 8. The separation distance from other towers described in the inventory of existing sites shall be

shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.

9. Pursuant to MCL 125.3514, once all required materials are submitted, the Planning Commission shall review the application in accordance with the standards of Section 19.02 and shall either approve, approve with conditions, or deny the application within 90 days of receipt of all required information, as determined by the Zoning Administrator. If the Planning Commission does not approve, approve with conditions, or deny the application within 90 days, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

B. Siting Criteria.

1. Antennas for Commercial Wireless Telecommunication Services shall be required to co-locate on any existing or approved Commercial Wireless Telecommunication Services tower within a one-mile radius of the proposed tower unless one of more or the following conditions exists:
  - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
  - c. Existing or approved towers and buildings within a one-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
  - d. Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing tower or building.
2. The applicant's failure or refusal to allow any future applicant to co-locate its antenna on the applicant's tower consistent with these terms and conditions shall be a sufficient ground for the Township's revocation of the special use permit granted to the applicant.
3. If the Planning Commission determines that co-location on an existing tower is impossible, the applicant may request permission to construct a new tower, provided that all requirements of the zoning district in which a tower would be located are met, including minimum lot size.
4. Any new tower shall be at least one-half mile from an existing tower.

C. General Standards. Construction of wireless communication antenna including its accessory equipment and/or structures is permitted in Eureka Charter Township as a special land use and is

subject to the following provisions:

1. Any proposed wireless communication tower shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at various heights.
2. Towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities.
3. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
4. Any part of the structure or equipment placed on the ground pertaining to the tower shall be set back for a distance equal to the setbacks for main buildings for the District in which it is located, except that in no case shall such structure or equipment be located less than the following:
  - a. 25 feet from any adjacent lot line or main building in any district; or
  - b. 200 feet from any lot line of a Residential District or use.

This provision shall not apply to towers located on existing buildings, towers, or other existing structures.

5. The Planning Commission may require such structures or equipment on the ground to be screened in accordance with the landscaping requirements of this Ordinance.
6. Towers shall not be illuminated unless required by other state or federal authorities.
7. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
8. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by Eureka Township. All wireless communication antenna must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
9. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
10. The Planning Commission may require landscape screening of the service building and fencing.

11. Towers or antenna and their accessory equipment and buildings shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
  12. The applicant shall certify intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.
- D. Abandonment. Wireless communication facilities that are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations unless a time extension is granted by the Zoning Administrator. Only one three-month extension shall be permitted and then only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
1. The owner or operator shall notify the Township if a wireless communication facility becomes non-operational or otherwise ceases operations.
  2. The Zoning Administrator or Planning Commission may require a performance guarantee pursuant to Section 29.06 of this Ordinance for any wireless communication facility.