

CHAPTER 24

SPECIAL LAND USES

SECTION 24.1 DESCRIPTION AND PURPOSE. Special use permits are required for proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review and which may be allowed only after the imposition of reasonable conditions. The purpose of this in-depth review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this chapter and other applicable standards contained or referenced in the zoning ordinance.

SECTION 24.2 APPLICABILITY. Only unclassified uses, and uses or activities identified in the use provisions of the various zoning districts, are required to undergo review under the procedures of this Chapter. All special use permit applications must include a site plan meeting the content requirements of Section 26.3.

SECTION 24.3 PROCEDURES FOR ALL SPECIAL USES. The following procedures shall be required in processing and considering an application for a special use permit.

1. Applications - The applicant shall submit an application which shall include a review fee as established by the Township Board, a site plan per the requirements of Section 26.3, and other written evidence and drawings showing that all the quantified requirements for the applicable special use are being met.
2. Notices - Upon receipt of a complete application, a notice of public hearing shall be published within a newspaper which circulates within the Township. An additional notice shall be sent by mail or by personal delivery to all owners of property to whom real property is assessed and to all occupants of all structures within 300 feet of the boundary of the property that is the subject of the application and to the petitioner.
3. Notice Timing - Such notice must be given no less than 5 days nor more than 15 days before the date the application will be considered.
4. Notification Items - The notice shall:
 - a. Describe the nature of the special land use requested.
 - b. Indicate the property which is subject of the special land use request.
 - c. State when and where the special land use request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
5. Indicate that a public hearing on the special land use request will be held on a specific date, time and location.

6. Public Hearing - A public hearing by the Planning Commission will be held before a decision is made. Notice of the hearing shall be given as stated in Sections 24.3(3) and (4).

SECTION 24.4 CONDITIONS. Reasonable conditions may be required by the Planning Commission with the approval of a special land use. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission or its agent and the landowner/permit holder. If any conditions are changed, deleted or added as mutually agreed upon under the provisions Section 24.5, the Planning Commission shall also maintain a record of such changes.

SECTION 24.5 CHANGES TO AN APPROVED SPECIAL LAND USE. Any conditions imposed upon an approved special land use, including the approved final site plan, may not be changed except upon the mutual consent of the Planning Commission and the applicant, and as otherwise provided by this Section.

1. Major changes. Except for changes determined to minor as provided below, changes to an approved special land use site plan or to any condition imposed on an approved special land use shall be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures provided by this Chapter for an original request for special land use approval.
2. Minor changes. Minor changes to an approved special land use site plan may be approved by the Zoning Administrator, acting as the agent of the Planning Commission, without review and approval by the Planning Commission. For purposes of this Section, the provisions of Section 26.9 (2) shall be utilized to define "minor changes." If the Zoning Administrator

approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Planning Commission for inclusion in the record pertaining to the special use.

3. The Zoning Administrator may in his or her discretion refer any decision regarding a proposed change to an approved special land use site plan to the Planning Commission for review and approval whether or not the change may qualify as a minor change as determined under Section 24.5(2). In making a determination as to whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

SECTION 24.6 TIME LIMITS AND EXPIRATION OF PERMIT. A Special Use Permit and the conditions imposed shall run with the land, regardless of land ownership. A special use permit will remain in effect unless or until one or more of the following occurs:

1. An activity or use authorized by the special use permit has not commenced within two years of the date of issuance and the conditions of authorization do not specify a greater period of time before commencement.
2. The use ceases for a consecutive period of one year and a longer period of inactivity was not specified in the conditions of approval contained in the permit.
3. The use as authorized by the special use permit is of a temporary or terminal nature and has been terminated in compliance with the conditions of the special use permit.
4. The special use permit is revoked for reasons of non-compliance or violation as outlined in Section 24.8.

A special use permit which is expired, terminated or revoked as a result of one of the above circumstances shall be considered null and void and a new special use permit will be required for the activity to recommence.

SECTION 24.7 PERFORMANCE GUARANTEE. The Planning Commission may require as a condition of its approval that the applicant file surety in the form of a performance bond, letter of credit, or certified check in a form satisfactory to the Township and in an amount established by the Planning Commission conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the Planning Commission may condition its approval. The Planning Commission shall, in establishing the form and amount of the surety, consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses. If the owner of the property and the operator of the proposed use shall be separate, each of them shall be required to execute the bond as principal.

SECTION 24.8 COMPLIANCE, VIOLATION, REVOCATION OF PERMIT.

1. **Construction in compliance with final site plan.** Any building permit issued for construction pursuant to an approved special land use shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval as set forth by the Planning Commission. Any deviation from the approved site plan or conditions shall operate to

automatically invalidate the building permit and shall be a violation of this Ordinance.

2. If a violation of any condition of approval or applicable regulation is found to exist subsequent to construction or commencement of the authorized use the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state and that the special use permit may be revoked if the violation is not remedied within 45 days or less (as specified by the Zoning administrator in the letter of notification). If the violation is not corrected within the specified time, the Zoning Administrator shall suspend the permit and place the matter on the next agenda of the Planning Commission for consideration and formal action on the revocation. The permit holder/land owner shall be notified of such meeting. The full procedures outlined for initial application under Section 24.3 shall be required prior to the reinstatement of a special use permit that has been revoked by the Planning Commission.

SECTION 24.9 APPEALS AND VARIANCES. The Planning Commission shall have final authority with respect to approval, approval with conditions, denial or revocation of a special use permit. In addition, once the Planning Commission has approved a special use, the Zoning Board of Appeals may not accept an application to waive or modify any imposed condition pertaining to the approved special use or any applicable quantity or dimensional ordinance requirement. If the Planning Commission denies a special use permit, the Zoning Board of Appeals has no jurisdiction to hear that decision.

Prior to a decision by the Planning Commission for a special use permit, an application for a variance from any quantity or dimensional requirement contained in the Zoning ordinance (a standard other than the General Standards of Section 24.11) may be made to, and decided upon by the Zoning Board of Appeals. If the Zoning Board of Appeals waives or modifies a standard, the Planning Commission may accept the waiver, modify the Zoning Board of Appeals modification or waiver to a lesser degree, or uphold the original standard as specified in the Zoning Ordinance, if in its discretion, compliance is deemed necessary to satisfy the General standards of Section 24.11.

SECTION 24.10 RE-APPLICATION. An application for a special use permit which has been denied wholly or in part by the Planning Commission shall not be reconsidered until the expiration of the 1 year from the date of such denial except on the grounds of significant newly discovered evidence or proof of significantly changed conditions. Such evidence or conditions must be found by the Zoning Administrator as being sufficient to justify reconsideration by the Planning Commission.

SECTION 24.11 GENERAL STANDARDS. In formulating a decision on any special use permit application, the Planning Commission shall make findings and determinations with respect to each of the following general standards:

1. Whether or not, taking into consideration the size, location and character of the proposed land use it will be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principals, with (1) the surrounding uses; and/or (2) the orderly development of the surrounding neighborhood and/or vicinity.
2. Whether or not the proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is generally experienced for

the vicinity involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic.

3. Whether or not the proposed special land use will cause unreasonably impacts upon existing uses on surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and/or cause unreasonably impacts upon persons. Where identified impacts can be remedied by way of design, construction and/or use, the proposed use must be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
4. Whether or not the proposed use will be such that the proposed location and height of buildings, structures facilities or activities, and location, nature and height of walls, fences and landscaping will interfere with or discourage the appropriate development and use of adjacent land and building.
5. Whether or not the proposed use is in general or specific agreement with the Comprehensive Future Land User Plan map designation for land uses in the area where the use is to be built and/or any general or specific master plan policies regarding the type of special land use proposed.
6. Whether or not the proposed special land use will unreasonably burden the capacity of public services and/or facilities.
7. Whether or not the proposed use is in all other ways designed, located, and planned to be operated so that the public health, safety and welfare will be protected.

SECTION 24.12 DEVELOPMENTAL IMPACT ASSESSMENTS. Prior to formulating its findings and prior to making a decision regarding compliance with the above general standards, the Planning Commission may require the applicant to prepare and submit a developmental impact assessment. The developmental impact assessment shall describe in detail the effect and impact, adverse or otherwise, that the proposed special land use may have with respect to the following matters:

1. The property included in the project and the surrounding and neighboring lands, including topographical contours and soil conditions.
2. Environmental factors such as: streams, rivers, wetlands, and the quality of surface and ground waters.
3. Traffic congestion.
4. Local school systems.
5. Population in the surrounding area and the Township.
6. Additional costs to governmental units and school districts.
7. Aesthetic qualities and blighting influences, if any, upon surrounding properties.
8. Noise, vibration, dust and dirt, litter, gas smoke, odor, light, and glare.

9. Public safety services.
10. Drainage.
11. Surrounding property values.
12. Sanitation, including water supply and sewage disposal.
13. General appearance and character of the area.
14. Historical structures and places.
15. Archaeological sites and artifacts.
16. Wildlife and trees and forests.
17. Such other matters as the Planning Commission may request to be included.

The developmental impact assessment shall, when required by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, Intermediate School District and local Board of Education, County Sheriff's Department, local Fire Department, and other agencies as determined appropriate by the Planning Commission.

SECTION 24.13 SPECIAL USE DESIGN STANDARDS. The general requirements of Section 24.11 are requirements that must be met by all special uses. In meeting the general standards and unless otherwise specified, all special uses will be required to adhere to the minimum height, yard, building and area requirements of the zoning district in which the use is proposed and to other regulations generally applicable to uses permitted by right in the district. Additionally, certain special uses as listed below will be required to adhere the specific design standards and requirements as further contained in this section.

A. Special Uses Assigned Specific Design Standards

1. Outdoor Uses Such As Parking And Display For Automobile Sales, Patio Dining Facilities, Building Supply Outlets, Open Air Car Washes Or Any Other Use, Process, Service Or Business Identified In A Zoning District As A Permitted Use, Which In Whole Or In Part, Is To Be Conducted Outside Of An Enclosed Building.
2. Attached Accessory Dwellings
3. Churches And Other Places Of Religious Assembly As May Be Permitted In The "R" Districts
4. Private And Parochial Schools
5. Commercial Greenhouses And/Or Landscape Contractor Yards As May Be Permitted In The "R" Districts.

6. Education And Religious Retreats
7. Major Regional Cultural Facilities Such As Public Or Semi Public, Arboretums, Botanical Gardens, Nature Preserves Animal Preserves And Zoos
8. Earth Removal, Sand And Gravel Mining
9. Farm Markets
10. Hospitals/Medical Institutions For The Treatment And Care Of People
11. Homes For The Elderly Or Retired
12. Group Day-Care Homes
13. Child Care Centers
14. Adult Day-Care Homes
15. Adult Day-Care Centers
16. Adult Foster-Care Small Group Home
17. Wireless Communications Facilities/Antennas And Towers Exceeding 35 feet

B. Design standards applicable to Certain Special Uses

1. Outdoor uses such as parking and display for automobile sales, patio dining facilities, building supply outlets, open air car washes or any other use, process, service or business identified in a zoning district as a permitted use, which in whole or in part, is to be conducted outside of an enclosed building.

Unless specifically exempted herein, any business, service, process or storage which is to be conducted outdoors or any portion of such business or use to be conducted or supported by activities or facilities located outside of an enclosed building is required to be approved as a special use. Excluded from regulation under these specific provisions, but which may or may not be regulated under other provisions of this ordinance are; agricultural uses, educational and recreational facilities, automobile parking for customers or employees, customary off-street loading spaces, essential service facilities, heating and air conditioning equipment, ATM machines and drive-through facilities, gasoline and fuel dispensing facilities and signs

- a. Unless specifically waived by the Planning Commission open-air activity, display, or storage shall be accessory to a permanent principal use or business conducted within an enclosed building also located on the site or shall be under the ownership or control of the lot owner or a principal use tenant of the site.
- b. The hours of operation, frequency and duration of the activity shall be considered in relation to the activity's location and its traffic, visual, noise, odor, glare and vibration impacts on adjacent uses and streets. The

Planning Commission may limit the frequency, hours of operation or its duration as means to control or mitigate these impacts.

- c. The Planning Commission may require complete or partial screening of any goods or materials or products to be stored or displayed outside. In making the determination regarding required screening of outdoor storage, the Planning Commission shall consider the impact of such storage on adjacent uses, and also the potential of such storage to become a blighting influence.
- d. Surface areas on which the outdoor storage or activity is to take place shall be reviewed for adequacy of drainage and dust control measures. The Planning Commission may require that areas be paved depending on the level of activity and or type of material or product involved.
- e. Out-door storage or other activity shall not be permitted within any required landscape buffer areas, required parking areas, or in any location that results in conflict with vehicle circulation or minimum parking requirements.
- f. Where for security reasons, or to keep trash, paper, and other debris from blowing off the premises, fencing of an appropriate height and type may be allowed or may be required at the perimeter of the outdoor storage, display or activity area.
- g. All open-air businesses or activities shall comply with all applicable health department regulations regarding sanitation and general health conditions.
- h. At a minimum, packaged or containerized product display areas for product and material sold on the premises shall meet the front yard setback requirements applicable to principal buildings in the zoning district within which the use is to occur. All bulk or non-containerized material or products sold on site along with any such material product, equipment or supplies stored or parked for eventual use off-site shall be located behind the front line of the principal building and where possible completely behind buildings or structures located on the site.
- i. The minimum side and rear lot line setbacks for an outdoor use or activity within or adjacent to a residential district shall be 50 feet. In all other zoning districts the side and rear lot line setbacks shall be a minimum of 15 feet. Additional setback may required by the Planning Commission after consideration of the specific type of use or activity proposed, adjacent uses, topography and vegetation drainage and other concerns, and the effectiveness of proposed buffering and screening techniques.
- j. All loading activity and off-street parking areas shall be provided on the same property.
- k. The storage of bulk soil, fertilizer, or similar loosely contained materials shall be contained by bunkers, walls, berms or other impoundments specifically designed to prevent adverse effect upon the environment and adjacent properties. A Pollution Incidence Prevention plan as outlined by the Michigan Department of Environmental Quality may be required and shall serve as the basis for the design of storage areas whether or not direct authorization of the facility falls under the auspices of that agency.

- i. Under the provisions of Section 24.4 the Planning Commission may, require the applicant to furnish a performance guarantee in an amount determined by the Commission to be reasonable and necessary to ensure strict compliance with any regulation contained herein or condition of approval.

2. Attached accessory dwellings

- a. The proposed accessory dwelling must be located either within or attached to a single-family dwelling or it may be attached to an attached garage. Free-standing units are not permitted and the accessory dwelling must have a common wall, floor, or ceiling with the single-family dwelling or garage.
- b. The accessory dwelling and the principal dwelling shall have at least one common interior door.
- c. Only one accessory dwelling may be created attached to or within a single-family detached dwelling unit.
- d. If constructed at the same time as the principal dwelling, an accessory dwelling may be occupied no sooner than the principal dwelling.
- e. The accessory dwelling may not result in any new door entrance on an exterior wall facing a front yard property line. The property shall retain a single family appearance from the street and an exterior addition shall be otherwise architecturally compatible with the primary dwelling. Compatibility includes coordination of architectural style, exterior building materials and colors, roofing form and materials, and other architectural features.
- f. Accessory dwellings shall maintain all applicable setback and height standards set forth for principal dwelling in the subject zoning district.
- g. The accessory dwelling shall be designed as a separate and complete housekeeping unit with living, sleeping, cooking, and bathroom areas that can be isolated from the remaining original dwelling unit. It shall have a minimum floor area of 500 square feet but shall not exceed a maximum 800 square feet or 30% of the floor area of the primary dwelling.
- h. If the proposed accessory dwelling is created by the conversion of a garage, additional off-street parking spaces may be required.
- i. The owner of the property shall occupy the primary dwelling and the principal dwelling shall serve as the owner's principal place of residence.
- j. As a condition of special use approval the owner shall execute and record at the Kent County Register of Deeds, deed restrictions or other legal documentation that states and/or has the following effect:
 - i. The principal structure and the attached accessory dwelling shall remain in the same ownership.
 - ii. "The accessory dwelling is not intended or authorized for use as a fully independent rental or condominium dwelling but has been authorized by Grand Rapids Charter Township as a special land use having occupancy and ownership restrictions. Unless otherwise rescinded or amended by Grand Rapids Charter Township, the

special use permit granted on (insert date) and recorded on (insert liber and page) represents a zoning restriction that limits the use and occupancy of the accessory dwelling to persons related by blood, marriage or legal guardianship to the owner or occupant of the principal dwelling, and to guests. This restriction is subject to enforcement by Grand Rapids Charter Township."

A copy of the documents shall be submitted to the Zoning Administrator upon recording.

3. Churches and other places of religious assembly

- a. The site shall be so located as to have at or least one property line abutting a major street that is designed to handle mixed through traffic. Primary ingress and egress to the site shall be directly onto the major street unless access is provided by means of a marginal access street. Secondary access to a minor street may be permitted if the access is within 650 feet of an intersection with a through street.
- b. The application for special use approval shall include a description, floor plan and site plan of both immediate and long-range facilities planned for the site.
- c. Churches and other places of religious assembly with an initial and ultimate seating capacity of fewer than 250 persons, (seating capacity shall be determined by the seating capacity of the sanctuary and auxiliary assembly halls combined), shall be located on a lot or parcel of land having a minimum area of 2 acres and a minimum lot width of 200 feet as measured at the front property line. There shall be a minimum front, side, and rear yard building setback of 50 feet except that churches having frontage on arterial streets shall have a front-yard building setback of at least 100 feet.
- d. Churches and other places of religious assembly with an initial or planned seating capacity of more than 250 persons, shall be located on a lot or parcel of land having a minimum lot size of 3 acres and a minimum lot width of 300 feet.
- e. The minimum requirements for parking, lighting, landscaping, and greenbelts shall be the applicable provisions relating to non-residential uses found in Chapters 28 and 29. These requirements are subject to modification by the Planning Commission if deemed necessary to minimize the impacts on adjacent properties or to otherwise improve compatibility for the special use.
- f. Signs shall be as regulated by Chapter 30. Religious symbols or icons that exceed the area limits for wall signs may be permitted by the Planning Commission if it is determined that such symbols or icons are architectural elements of the building's design.

4. Private and Parochial schools

- a. The use shall be located so as to have at least one property line abutting a major street designed to handle mixed through traffic.
- b. The frontage on the street shall be a minimum of 300 feet.
- c. The sites shall have a minimum area of at least 5 acres, or 1 acre for each 50 students permitted within the capacity of the building or buildings, whichever is greater.
- d. All buildings and structures, be located a minimum of 100 feet from any front property line, and at least 75 feet from all other property lines. All light fixtures and recreational or athletic facilities shall be located a minimum of 50 feet from any property lines unless specifically approved as part of the special use permit.
- e. The minimum requirements for parking, lighting, landscaping, and greenbelts shall be the applicable provisions relating to non-residential uses found in Chapters 28 and 29. The requirements are subject to modification by the Planning Commission as deemed necessary to minimize the impacts on adjacent properties or to otherwise improve compatibility of the special use.
- f. Signs shall be as regulated by Chapter 30.

5. Commercial Greenhouses and/or landscape contractor yards as may be permitted in the “R” and S-R Districts.

- a. The minimum lot area shall be at 3 acres, with 300 feet of lot frontage.
- b. Not more than 35% of the lot may be covered by buildings and/or greenhouse. Outdoor storage and loading shall be limited to 40 percent coverage.
- c. On-site retail and wholesale sales activities associated with landscape contractors must be specifically approved by the Planning Commission and limited to natural and manmade products used by the operator in carrying out the trade. On-site retail and wholesale sales activities associated with commercial green houses shall be limited to products grown on the premises and limited additional items used in the preparation of floral or garden arrangements, as authorized by the Planning Commission..
- d. All buildings shall be located a minimum of 100 feet from any front property line and 50 feet from any side or rear property line.
- e. All outdoor storage display and equipment activity shall be subject to the special use provisions relating to outdoor uses as outlined in Section 24.13 Sub-Section 1.
- f. Parking areas for retail sales shall comply with the provisions of Section 28.7(4), as applicable, and Section 28.5

- g. Loading areas shall comply with Section 28.9. Truck and equipment loading areas and customer traffic shall be separated whenever possible.
- h. All equipment and commercial vehicle parking and storage areas shall be situated so as to limit its view from adjacent streets and residences on a year-around basis
- i. Signs shall comply with the applicable provisions of Chapter 30 as related to non-residential uses in residential districts.

6. Educational and Religious Retreats

- a. The minimum parcel size shall be 10 acres with 300 feet of street frontage.
- b. All buildings and structures, shall be located a minimum of 100 feet from any front property line, and at least 75 feet from all other property lines. All light fixtures and activity areas such as recreational or athletic facilities and sanitary facilities shall be located a minimum of 50 feet from any property lines unless specifically approved as part of the special use permit. Outdoor music facilities and amphitheaters shall be a minimum of 250 feet from property lines and shall be adequately otherwise adequately sited and screened to prevent nuisance noise effects.
- c. All domestic water supplies and sanitary facilities shall be approved by the Kent County Health Department or the Michigan Department of Environmental Quality as applicable.
- d. The facility shall comply with the Township's regulations regarding open burning.
- e. The minimum requirements for parking, lighting, landscaping and greenbelts shall be as the applicable provisions relating to non-residential uses found in Chapters 28 and 29. These requirements are subject to modification by the Planning Commission if deemed necessary to minimize the impacts on adjacent properties or to otherwise improve compatibility for the special use.
- f. Recreational vehicle parking and camping shall be prohibited.

7. Major Regional Cultural Facilities Such As Public Or Semi Public, Arboretums, Botanical Gardens, Nature Preserves Animal Preserves And Zoos

- a. The minimum parcel size shall be 20 acres with 600 feet of street frontage.
- b. Developmental impact assessment: A developmental impact assessment as described Section 24.12 shall be required.
- c. Type and intensity of use: The individual principal and accessory uses and the overall project intensity permitted shall be determined at the discretion of the Planning Commission, based on the proposed facility's compatibility with adjacent land and land uses, its consistency with the Comprehensive Future Land Use Plan, and plans and policies for public sewer and water, the impacts that the use will have upon the environment, the character of the area, utilities, storm water drainage, road capacity, traffic safety and circulation, public safety services, schools, and factors deemed to be of relevance by the Planning Commission.

- d. Minimum standards relative to parcel size, lot width, yard area, structure height, setbacks, signs, parking and loading, screening, lighting, environmental protection, or other applicable attributes: Unless specifically waived by the Planning Commission during the special land use review process, adherence to the most restrictive standards applicable to any permitted or special use allowed in the district in which the use is proposed shall be required.

To promote flexibility and creativity in design and development of major cultural facilities, departures from the restrictive regulations outlined in the preceding paragraph may be granted at the discretion of the Planning Commission as conditions of approval. Such departures may be authorized if there are features or planning mechanisms designed into the project that will, based upon the findings of the Planning Commission, achieve the objectives of each of the regulations from which a departure is being requested.

- e. Design considerations. Through quality design and the use of best-management practices within the facility, surrounding properties shall be protected from the effects of noise, odors, vibration, light, and other nuisances or hazards generated by or within the facility. Each proposed regional cultural facility shall function to enhance the overall community and must be located and operated in such a way as to address potential development impacts (as identified by the required developmental impact assessment).

Prior to approval, there shall be demonstrated a proper location, high quality of design and a capability for the facility to be managed in compliance with the above pre-requisites. In making the necessary determinations, the Planning Commission shall find that the facility includes each of following facility design attributes:

- i. Effective perimeter setbacks, screening, buffering, and transitioning of internal uses and facilities for the purposes of eliminating and preventing noises, odors and other nuisances from having impacts on adjoining properties.
- ii. Appropriate public and private utilities properly designed with respect to location, availability, ownership and capacity to be installed in harmony with the environment and with methods that minimize construction phase impacts.
- iii. Well separated internal walkways buffered from internal and external traffic hazards and linkages that will integrate the facility with existing and proposed external walkways.
- iv. The preservation of significant natural features and the utilization of methods to integrate and harmonize natural features with signs, lighting, landscaping and construction materials.

- v. Adequate external street capacity and proposed street improvements, access points and traffic flow control devices that minimize external traffic impacts and which safely and efficiently manage the internal circulation of buses, passenger cars, and service and emergency vehicles.
- vi. Appropriately located off-street parking, loading, refuse, and other service areas and natural and man-made site features that are designed and intended to minimize noise, glare, vibration, and odors emitted from such facilities.
- vii. The integration of dedicated/perpetual yard areas and other open spaces for the purpose of avoiding overcrowding of on site facilities and activity areas in both the initial and final phases of development.
- viii. Environmentally appropriate methods and practices utilized in the application and storage of pesticides, herbicides, and other chemicals and in the management of animal wastes and other byproducts of the facility.
- ix. Adequate and appropriate site and perimeter safety, security, and emergency measures to be employed for the protection of both animals and humans in and surrounding the facility.
- x. Ample Expansion areas, facility phasing plans, and approaches to design and construction that minimize future negative impacts and disruptions on surrounding properties and the community at large as phases and expansions are initiated.

8. Earth removal, Sand and Gravel Mining

For the removal of earth, sand, gravel, stone aggregate and other raw materials; all provisions and regulations of the Mineral Mining Licensing Ordinance, known as Ordinance No. 250 and as amended from time to time, are hereby adopted by reference.

After considering all available facts and after a public hearing, the Planning Commission, if it shall determine that the proposed operation will not be injurious to the general public health, safety and welfare and after making the determinations outlined in Ordinance No. 250, shall authorize the Zoning Administrator or his designee to issue a permit conditioned upon compliance with the requirements of this chapter and Ordinance No. 250. Said permit shall be for a period of one year except that the Planning Commission may authorize a permit for removal of earth, sand, gravel, stone aggregate, and other raw materials or minerals for longer than one year, but not to exceed five years, if the Planning Commission finds that the removal for the additional period will not be injurious to the public health, safety, and welfare, considering the nature of the removal operation, the quantity of the raw materials or minerals to be removed, and the impact of the removal on adjacent property. Permits shall be non-transferable in whole or in part and if the property owner and the operator are not the same, the permit shall be issued jointly to the property owner and the operator.

The Planning Commission may establish such other reasonable requirements as are deemed necessary to properly protect the public health, safety and welfare and may waive or modify any of the requirements outlined in Sections 9a, 10, 12, 13, 17, 19, 20, 21 and 23 of Ordinance No. 250 which are not deemed requisite by the Planning Commission to protect the public health, safety and welfare.

9. Farm Markets

Farm markets shall be operated in connection with the principal use of the property for permitted agricultural purposes, subject to the following requirements:

- a. The farm market sales area shall be located on a parcel of at least 25 acres within the Township consisting of a single lot or a combination of contiguous lots (being separated, if at all, only by a public street) under the same ownership (the "farm market property"). For purposes of the farm market regulations contained in this Section, the phrase "grown on the farm market property" shall include fruits, vegetables, flowers or herbs grown on the farm market property or on other property which is owned or controlled by the owner of the farm market property.
- b. The farm market shall be owned and operated by the owner of the farm market property.
- c. The operation of the farm market shall be incidental and subordinate to, and shall complement and enhance, the existing and principal use of the farm market property for the authorized agricultural use of the property for raising and harvesting fruits, vegetables, flowers or herbs. A farm market shall not be permitted in connection with animal or poultry husbandry or dairying. If the agricultural use of the farm market property for the raising and harvesting of fruits, vegetables, flowers or herbs ceases, or is discontinued to the extent that it is no longer the principal use of the property, the use of the property for a farm market shall cease.
- d. The operation of the farm market may include the following uses:
 - i. The retail sale for consumption or use off the premises of unprocessed fruits, vegetables, flowers or herbs grown on the farm market property. Unprocessed fruits, vegetables, flowers or herbs of the same kind as those grown on the farm market property but which are not grown on the farm market property may also be sold at retail for consumption or use off the premises.
 - ii. The preparation and retail sale for consumption or use off the premises of baked goods or fruit beverages (such as cider) made at the farm market using as an essential or primary ingredient agricultural products grown on the farm market property. Baked goods or fruit beverages (such as cider) made at the farm market using as an essential or primary ingredient agricultural products of the same kind as those grown on the farm market property but which are not grown on the farm market property may also be prepared and sold at retail for consumption or use off the premises.
- e. The preparation and retail sale for consumption on the premises of unprocessed fruits, vegetables, baked goods or fruit beverages as

permitted by Subsection 9(d) (i) and (ii). However, the size of any indoor or outdoor customer seating area or other areas which are accessible to customers and are provided primarily for customers to consume food or beverages purchased at the farm market shall be limited as provided by Subsection 9(f)(ii)(A). Subject to the prior approval of the Planning Commission, the following additional uses may be permitted on the farm market property as accessory uses to the farm market, provided that the use does not require a significant change in the agricultural operations on the property or a substantial physical alteration of the property, and provided that the additional requirements and limitations specified below are met:

- i. The preparation and retail sale for consumption on or off the premises of processed food or beverage products other than baked goods or fruit beverages as permitted by Subsection 9(d)(ii), limited to light snack items such as soups, sandwiches, beverages, baked goods and desserts, provided that the farm market property is contiguous to a public park or public recreation area, being separated from the park or recreation area, if at all, only by a public street..
 - ii. The assembly, making, display and retail sale of non-food items limited to cookbooks, implements for food preparation, live plants, seeds, dried flower arrangements, and incidental arts and crafts which are substantially related to the principal use of the farm market property for raising or harvesting fruits, vegetables, flowers, or herbs.
 - iii. The rental of non-motorized recreational equipment during seasons other than the agricultural growing season, provided that (1) the farm market property is contiguous to a public park or public recreation area, being separated from the park or recreation area, if at all, only by a public street, and (2) the rental equipment is for use only on the farm market property or on the adjacent public park or public recreation area.
- f. All farm market operations shall also be subject to the following requirements and limitations:
- i. The total combined size of all areas on the farm market property used primarily in connection with retail sales, display of goods or products intended for retail sale, and food preparation (other than cider mills); all indoor and outdoor customer seating areas and other areas provided for the consumption by customers of food or beverages purchased at the farm market; and all structures used in connection with the rental of non-motorized recreational equipment, shall not exceed four thousand square feet.
 - iii. All processed food or beverage products and all non-food items which are prepared, made or assembled on the farm market property in connection with the farm market shall be intended primarily for retail sale on the farm market property and not for distribution or subsequent resale at some other location.

- iv. On-site parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonable anticipated number of farm market patrons. The on-site parking shall be arranged in a manner to avoid the accumulation of parked cars on nearby streets. Notwithstanding any other provision of the Zoning Ordinance to the contrary, farm market parking areas do not need to be paved unless the Planning Commission determines, based upon the nature, size, density, location or design of a farm market, that paving is required for all or a portion of a parking area to protect the health, safety or welfare of those who will use the farm market, residents and landowners immediately adjacent to the farm market, or the Township as a whole.
- v. All farm market buildings and farm market activities, including parking, shall be located at least 150 feet from any adjacent lot line of property used for residential purposes.
- vi. All farm market activities, including parking, must be buffered from any adjacent residential use by authorized agricultural uses, landscaping or other appropriate buffering.
- vii. Farm market signs shall comply with the provisions of Chapter 30 of the Zoning Ordinance, except that the Planning Commission may in its discretion modify the size, area, placement and height requirements for signs as provided by Chapter 30 if the property owner demonstrates to the satisfaction of the Planning Commission that:
 - A. The modification of requirements is justified due to the nature, size, density, location or design of the farm market, including the design or placement of proposed signs; and
 - B. The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction, or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare.
- viii. The hours of operation of a farm market shall be limited to 7:30 a.m. to 9:00 pm.
- ix. Except as otherwise permitted by the Planning Commission consistent with the standards provided in Chapter 24 Section B, Subsection 1 of this Zoning Ordinance, all farm market activities except customary and incidental outdoor farm market activities shall be conducted within a completely enclosed building or buildings.
- x. The use of the property for purposes of a farm market shall comply with the requirements under Section 14.14 (location of buildings), and Section 14.15 (outdoor lighting) of this Ordinance, as determined necessary by the Planning Commission based upon the nature, size, density, location or design of the farm market or farm market activities.

10. Hospitals/Medical Institutions Providing Care And Treatment For People.

The following shall be required in connection with any approval granted for a general or specialized hospital to provide care for human beings:

- a. Such hospital shall be owned and operated by a non-profit corporation;
- b. No building or buildings shall be erected or used for such purposes except on a parcel of ground containing a minimum of 10 acres;
- c. The minimum size of any project must provide hospital beds for not less than 100 patients in the first phase of construction;
- d. No part of the hospital or of any building used for hospital purposes shall be closer than 100 feet to any adjacent lot.

11. Homes for the Elderly or Retired.

The following shall be required in connection with any approval granted for convalescent homes or homes for the elderly or retired:

- a. No building or buildings shall be erected, converted or used for such purposes except on a lot or parcel of ground containing a minimum of 10 acres of land, and
- b. The facility may include independent living units but as a minimum shall also include basic or intermediate nursing care, meal services, recreation and health facilities.
- c. There is a minimum lot area for dwelling unit of 2,500 square feet, and
- d. There is provided one off-street parking space for each dwelling unit, and
- e. No part of the building or buildings so used is closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the set back will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; will not result in visual blight, distraction, or clutter; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such set back requirements, the Planning Commission may attach conditions regarding the location, character, landscaping, or treatment of the buildings or premises or other such matters as are reasonable necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.
- f. Each dwelling unit shall contain a minimum of 400 square feet of floor area, exclusive of basement and attic space.
- g. A child care facility may be permitted as an accessory use to a home for the elderly or retired ("home"), subject to review and approval by the Planning Commission as otherwise provided for special land uses by this

Chapter, and subject to all of the following additional conditions and requirements:

- i. The child care facility may receive infants, preschool and elementary-school age children for care (including, without limitation, supervision, training or educational instruction) for periods of less than 24 hours a day.
- ii. The child care facility shall provide care primarily to children of employees of the home while those employees are engaged in carrying out their employment with the home. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees prior to the admission of any children of persons who are not employees of the home.
- iii. The principal functions of the child care facility shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the home and the children attending the child care facility, and to provide child care for the children of employees of the home.
- iv. The child care facility shall be located on the same property as the home to which the facility is accessory.
- v. The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements or operational characteristics for the safety of the children attending the facility, as determined necessary by the Planning Commission.
- vi. The child care facility shall be registered and licensed as required for "child care centers" or "day care centers" under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended; MCL 722.111 et seq.).

12. Group Day-Care Homes.

The following shall be required in connection with any approval granted for a group day-care home:

- a. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the group day-care is located.
- b. A group day-care home shall not be located closer than 1,500 feet (measured along a road, street or other public thoroughfare) to any of the following: another group day-care home (i.e., another facility of the same type); an adult day-care home; an adult foster care small group home or large group home, licensed by the State of Michigan; a facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the State of Michigan; or a community correction center, resident home, halfway house, or other similar facility which houses an

inmate population under the jurisdiction of the State Department of Corrections.

- c. Parking shall conform to the parking regulations applicable in the district in which the group day-care home is located.
- d. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group day-care home is located.
- e. A group day-care home shall provide and maintain on the lot a minimum of one square foot of outdoor play area per one square foot of gross building area with not less than 5,000 square feet of outdoor play area per facility. For purposes of this section, outdoor play area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least 4 feet in height, and shall be screened from any abutting residential use by vegetation having a height when planted of at least 5 feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the types of recreation activities provided in and outdoors.
- f. Operating hours of the group day-care home shall not exceed 16 hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
- g. Dormitory facilities shall not be permitted.
- h. Signs shall conform to the sign regulations applicable in the district in which the group day-care home is located.
- i. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- j. Child drop-off and pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the children attending the group day-care home.
- k. The group day-care home shall be registered and licensed as required for group day-care homes under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

13. Child Care Centers.

Any approval granted for a child care center shall be subject to all of the standards and requirements applicable to group day-care homes as provided by Subsection 12 of this Section 24.13 B, except for Subsections 12(b), 12(c) and 12(k) and shall also be subject to the following standards and requirements:

- a. Parking shall conform to the parking regulations applicable in the district in which the child care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Children	Additional Off-Street Parking Spaces
1 – 12	1
13 – 18	2
19 – 26	3
27 – 30	4

In addition, at least 1 off-street parking space shall be provided for each on-duty employee of the child care center.

- b. If the child care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.
- c. The child care center shall be registered and licensed as required for "child care centers", or "day care centers" under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, MCL 722.11 et seq., as amended).

14. Adult Day-Care Homes.

Any approval granted for an adult day-care home shall be subject to all of the standards and requirements applicable to group day-care homes as provided by Subsection 12, except for Subsections 12(e), 12(j) and 12(k),and shall also be subject to the following standards and requirements.

- a. Adult day-care homes shall provide and maintain on the lot a minimum of one square foot of outdoor open space per one square foot of gross building area with not less than 5,000 square feet of outdoor area per facility. For purpose of this section, outdoor open space area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor open space are shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor open space area shall be completely enclosed by a chain link or solid fence of at least 4 feet in height, and shall be screened from any abutting residential use by vegetation having a height when planted of at least 5 feet.

In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the

amount of outdoor play area proposed, the number and age of the adults for which care is provided, the hours of operation and the types of recreation activities provided in and outdoors.

- b. Drop-off and pick-up areas for adults receiving care, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the adults attending the facility.

15. Adult Day-Care Centers.

Any approval granted for an adult day-care center shall be subject to all of the standards and requirements applicable to group day-care homes as provided by Subsection 12, except for Subsections 12(b), 12(c), 12(e), 12(j) and 12(k). Subsections 14(a) and 14(b) of this Section 24.13 B shall also apply. The facility shall also be subject to the following standards and requirements:

- a. Parking shall conform to the parking regulations applicable in the district in which the adult day-care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Adult	Additional Off-Street Parking Spaces
1 – 12	1
13 – 18	2
19 – 26	3
27 – 30	4

In addition, at least 1 off-street parking space shall be provided for each on-duty employee of the adult day-care center.

- b. If the adult day-care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.

16. Adult Foster –Care, Small Group Homes.

For the purpose of this ordinance an adult foster –care small group home is a facility licensed under Act 218 of Public Acts of 1979 that provides care for 12 or fewer persons and which is not a home for the aged or a nursing home. Also licensed under Act 218 of Public Acts of 1979 but excluded from these regulations are adult foster-care family group homes. Such facilities are operated out of private residences by families residing on the premises and which care for 6 or fewer persons. The following shall be required in connection with any approval granted for an adult foster-care small group home that is not classified as an adult foster-care family group home:

- a. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the small group homes is located.
- b. A an adult foster-care small group home shall not be located closer than 1,500 feet (measured along a road, street or other public thoroughfare) to any of the following: another licensed adult foster –care small group home (i.e., another facility of the same type) an adult foster care large group home, licensed by the State of Michigan; a group day-care home; an adult day-care home; a facility offering substance abuse treatment and

rehabilitation service to 7 or more people, licensed by the State of Michigan; or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.

- c. Parking shall conform to the parking regulations applicable in the district in which the small group home is located.
- d. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the small group home is located.
- e. Dormitory facilities that are separate from the principal dwelling structure shall not be permitted.
- f. Signs shall conform to the sign regulations applicable in the district in which the small group home is located.
- g. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- h. Pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the residents of the facility.
- i. The facility shall be registered and licensed as required under the Act No. 218 of the Public Acts of 1979, as amended.

17. Wireless Communication Facilities/Antennas and Towers Exceeding 35 feet.

- a. Purpose. It is the general purpose and intent of the Township to comply with the requirements of the Federal Telecommunications Act of 1996 by authorizing towers and antennas needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Township. It is the further purpose and intent of this Section to:
 - i. Facilitate adequate and efficient provision of sites for towers and antennas.
 - ii. Ensure that towers and antennas are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - iii. Limit overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - iv. Require adequate information about plans for towers and antennas in order to permit the Township to effectively plan for the location of such facilities.
 - v. Minimize adverse impacts of the technological obsolescence of such facilities.

- vi. Minimize the negative visual impact of towers and antennas on neighborhoods, community land marks, natural beauty areas and public rights-of- way, by reducing the numbers of towers through co-location where feasible.
- b. Application. Antennas and towers exceeding a height of 35 feet shall be permitted only if approved as a special land use by the Planning Commission under the terms of this section. The application for special land use for such antenna or tower shall include the following information, in addition to what is otherwise required by the terms of this chapter:
- i. A detailed site development plan depicting the nature, type, appearance and location of the antenna and tower, any building or other structures and all other external features of the special land use, including driveways, fencing, isolation distances, screening and landscaping and other matters.
 - ii. A visual impact analysis which shall include graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Township Planner.
 - iii. A justification for the proposed height of the antenna and tower and an evaluation of alternative designs which might result in lower heights.
 - iv. A maintenance plan and any applicable maintenance agreement, prepared so as to ensure long-term, continuous maintenance of the antenna and tower and any supporting structures.
 - v. A list of all properties investigated for placement of the proposed tower and antenna and the rationale and other background material for selecting the proposed location. The applicant shall provide copies of correspondence to and from owners of properties who have been contacted by the applicant and who have refused to allow their property to be utilized, purchased or leased by the applicant.
 - vi. A list of other wireless communication providers who have been contacted by the owner regarding co-location as well as any correspondence to and from the other providers.
 - vii. A map showing existing and known proposed telecommunications facilities or other structures within and surrounding the Township which could possibly be used by the applicant to co-locate the proposed antenna.

c. Co-location.

- i. It is the policy of the Township that all wireless communication providers co-locate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Township and to encourage the use of existing towers and structures for new antennas.

The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a tower as defined herein, shall fail or

refuse to allow the alteration of a tower so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

- ii. Approval of co-located antenna. An application for co-location on an existing tower shall require only site plan review in order to obtain approval. The site plan shall be reviewed by the Site Plan Review Committee in accordance with the requirements of Chapter 26 of this Ordinance. The Committee shall also review the application in accordance with the applicable requirements and standards of this Section. The Committee shall have the authority to refer the application for co-location to the Planning Commission.
- d. Requirements and Standards. An antenna or tower approved as a special land use shall comply with all of the following requirements:
 - i. Items (a), (b), and (d) through (h) of Section 4.13(2).
 - ii. In addition to the standard for approval of all special land use permit applications contained in Chapter 24, the Planning Commission shall consider the following factors in determining whether to issue a special use permit;
 - A. Height of the proposed tower;
 - B. Proximity of the tower to residential structures and residential district boundaries;
 - C. Nature of uses on adjacent and nearby properties;
 - D. Surrounding topography;
 - E. Surrounding tree coverage and foliage;
 - F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - G. Proposed ingress and egress; and
 - H. Availability of suitable existing towers, or other structures for co-location, or alternative technologies not requiring the use of towers or structures, as discussed in Section 24.13(17)(iii) below.
 - iii. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structures or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- A. No existing towers or structures are located within the geographic area which meets the needs of the applicant.
 - B. Existing towers or structures are not of sufficient height to meet the applicant's needs.
 - C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - E. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - F. The applicant demonstrates that there are other material limiting factors that render existing towers and structures unsuitable.
 - G. The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable.
- iv. Facilities shall be located and designed so as to be reasonably harmonious with the surrounding area.
 - v. The maximum height of the antenna and tower shall be the minimum height necessary for reasonable communications by the applicant, and by other entities which may collocate on the structure.
 - vi. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes.
 - vii. The support system shall be constructed in accordance with all applicable building codes.
 - viii. A proposed tower for commercial telecommunications services shall be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three or more additional users. The Planning Commission may permit a tower design which would allow fewer than three other users if the Commission finds that three additional users would not be consistent with the intent and purpose of this section.
 - ix. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

- x. Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory. The monopole may be designed to resemble natural features or to fit in with the design of other existing structures in the area.
- xi. The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them. The Commission may require plantings to be placed on properties adjacent to the tower site in order to provide a more effective visual screen.
- xii. Towers for commercial telecommunications services which are abandoned or unused shall be removed by the owner or operator along with any associated buildings, structures or equipment within 180 days of a written notice from the Township, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to insure its removal.
- xiii. If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum upon notice given by the Township.
- xiv. Tower lighting shall not be permitted unless required by federal or state agencies.
- xv. Any ancillary building housing equipment needed for the operation of the antenna or tower, or any other appurtenance, shall be of a size, type, color and exterior materials which are aesthetically compatible with existing principal building within the surrounding area. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- xvi. Where a tower or antenna is proposed for the roof of a building or for the top of another existing structure, the tower shall be designed, constructed and maintained so as to be reasonably architecturally compatible with the principal building or structure.
- xvii. Any antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission based on

documentation from the applicant that a closer setback will not create a hazard to adjoining properties or roadways.

- xviii. The requirements of the Federal Aviation Administration, the Federal Communications Commission and the Michigan Aeronautics Commission shall be fully complied with.
 - xix. In its reasonable discretion, the Planning Commission may impose additional terms and conditions regulating the construction, installation, use, repair, maintenance and removal of an antenna or tower in order to achieve the intent and purpose of this section.
- e. Revocation of Permit. Failure to comply with conditions of approval stipulated for a tower or antenna under this section may result in the revocation of the Special Use Permit.