

ARTICLE 21

SPECIAL USE REQUIREMENTS

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Section 21.10 Purpose

The formulation and enactment of this Ordinance is based upon the division of the Village into specific districts, in each of which certain specified, mutually compatible uses are permitted by right.

In addition to such uses, however, there are certain other uses which may be essential or desirable for the welfare of the community and its citizenry, or substantial parts of it. Such uses may be entirely appropriate and not essentially incompatible with the uses permitted by right in a zoning district, though not at every or even at any location therein, or without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties.

This Ordinance therefore requires approval of special uses of each use listed in the individual zoning districts as A Special Uses, and specifies in this section the procedures and standards that are to be followed.

Section 21.21 Application and Review Procedure

The following application and review procedure shall be utilized for the issuance of a special use permit:

A. Initiation of Request for Special Land Use

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.

B. Application for Special Use

An application for a special use shall be filed with the Zoning Official on an application form prescribed by the Village. The application shall be accompanied by such plans and/or data prescribed by the Zoning Official and shall include as a minimum the requirements of Article 15, Site Plan. Additionally, evidence shall be provided demonstrating that the proposed special use conforms to the standards set forth in this Article. All required fees, including the costs associated with notices for the public hearing, as prescribed by the Village Council shall accompany the application.

C. Action on the Application

Upon receipt of an application that complies with all submittal requirements and payment of all applicable fees, the Village shall have published in a newspaper of general circulation in the Village, one (1) notice that a request for a special use approval has been received. Additionally, the Village shall send by mail or by personal delivery said notice to all owners of property for which approval is being considered, to property owners and occupants of each dwelling unit within three-hundred (300) feet of the boundary of the property in question. For structures containing more than four (4) dwelling units owned or leased by different individuals, partnerships, businesses, or organizations, notice shall be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "Occupant" may be used in making notification.

The notice shall:

1. Describe the nature of the special use request.
2. Indicate the property, which is subject of the special use request.
3. State when and where the special use request will be considered.
4. Indicate when and where written comments will be received concerning the request.

5. Indicate that a public hearing on the special use request may be requested by a property owner or the occupant of a structure located within three-hundred (300) feet of the boundary of the property being considered for a special use.

D. Public Hearing

At the initiative of the Planning Commission, or upon the request of the applicant for special use authorization, or a property owner or the occupant of a structure located within three-hundred (300) feet of the boundary of the property being considered for the special use approval, a public hearing with notification as required for a notice of request for special use approval, shall be held before a decision on the special use request is made. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special use request, which is based on discretionary grounds shall not be made unless notification of the request for special use approval, or notification of a public hearing on a special use request is given as required by this Article.

E. Authorization

For each application for a special use, the Zoning Official and/or consultant retained by the Village, shall review said application and make a recommendation to the Planning Commission. The Planning Commission may deny, approve, or approve with conditions any application for a special use.

F. Basis for Decision

The Planning Commission shall incorporate their decision into a statement of conclusions relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Section 21.30 Standards and Requirements Per Special Use.

The Planning Commission shall include in its review of any special use application, compliance with the following conditions. No special use shall be approved by the Planning Commission unless it finds the following adhered to:

- A. The special use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, for landowners and residents who are adjacent thereto, and for the Village as a whole.
- B. The special use is compatible and in accordance with the goals, objectives, and policies of the Village=s adopted Land Use Plan and/or Comprehensive Plan.
- C. The special use is necessary for the public convenience at that location.
- D. The special use is compatible with the adjacent uses of land and can be constructed, operated, and maintained so as to continue to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed;
- E. The special use shall be of such location, size, and character that it will be harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts;
- F. The special use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
- G. The special use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.
- H. The special use will not cause injury to the value of other property in the neighborhood in which it is to be located.
- I. The location, use, and assembly of persons in connection with the proposed special use will not be hazardous to the district in which the use is located, hazardous to a specific use or life and property within the district, or be incongruous therewith or in conflict with the normal traffic of the district.
- J. The special use will protect the natural environment, help conserve natural resources and energy, and will not involve uses, activities, processes, materials, and equipment or conditions of operations that will fail to be in full compliance with the performance measures established in Article 14 of this Ordinance.

- K. The vehicular circulation for the proposed special use will be in the best interest of the public health, safety, and welfare in relationship to egress/ingress to the site, vehicular turning movements related to street intersections and street gradient, sight distance, and potential hazards to the normal flow of traffic; and
- L. The special use is within the provisions of uses requiring special use approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and the proposed site layout is in compliance with the general standards of Article 15, regarding site development and shall ensure that:
1. The use and associated activities on the property are so located as not to hinder the projected development of the adjacent properties or to impair the existing uses of adjacent lands. This shall include all uses associated with the particular use such as parking, lighting, display signs, etc.
 2. Sufficient landscaping, fencing, walls, and other means of buffering are to provided to insure that operation of the use will not be objectionable to nearby uses or dwellings by reason of noise, fumes, or flash, of lights nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise create the potential of endangering the public safety.

No special use approval shall be granted by the Planning Commission unless it finds the special use affirmatively meets the criteria listed herein, which are deemed applicable in each case.

In addition to the previous standards, the following shall be adhered to:

Adult Foster Care Group Homes

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.
2. No foster care group homes shall be located closer than one-thousand-five-hundred (1,500) feet to any other foster care group home or foster care family home, measured from the nearest wall of each structure.

3. No additional facility shall be approved which would contribute to an excessive concentration of foster care group homes within a neighborhood.

Automobile and other Vehicle Wash Establishments.

1. A minimum front yard setback of twenty (21) feet shall be required for all structures.
2. Required off-street parking and vehicle waiting areas shall be provided in accordance with Article 20.

Automotive Fueling Stations, Service Stations, Repair Centers, and Public Garages.

1. All standards and requirements identified in Article 14 shall be adhered to.

Boarding Houses, Rooming Houses, and Lodging Houses (Excluding Bed and Breakfast Inns)

1. All standards and requirements identified in Article 14 shall be adhered to.

Cemeteries

1. Sites shall have a minimum lot area of five (5) acres.
2. All structures shall be a minimum of fifty (50) feet from any lot line.
3. The site must abut an arterial or collector, with all ingress and egress directly to such a street.

Child Care, Day Care Centers, and Child Care Centers

1. An outdoor play area shall be required of one hundred (100) square feet per child cared for, with a total minimum area of one-thousand-five-hundred (1,500) square feet.
2. An on-site drive shall be provided for drop-off and loading.

Churches, Temples, and Places of Worship.

1. Site shall have a minimum lot area of one (1) acre.
2. The minimum lot width shall be one-hundred (100) feet and the minimum side and rear yards shall be twenty-five (25) feet.
3. The site must abut an arterial or a collector, with all ingress and egress directly to such a street.

Commercial Greenhouses, nurseries, and Garden Centers Exceeding 1,000 square feet.

1. Site shall have a minimum of one acre.
2. All structures must be a minimum of forty (40) feet from all lot lines.
3. The storage of materials and display areas shall meet all the yard setback requirements applicable to any building in the zoning district.
4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Commercial Outdoor Recreation Establishments (Excluding Golf Related Uses).

1. Sites must abut an arterial, with all ingress and egress directly to such a street.
2. No building or spectator seating facility shall be located within fifty (50) feet of a property line.

Convalescent or Nursing Homes, Housing for the Elderly.

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.
2. The allowable density of the underlying zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the State of Michigan, or twenty-five percent (25%) for non-licensed nursing care and supportive care units.

3. All dwelling units shall have a minimum of four-hundred-fifty (450) square feet per single-family dwelling unit, and eighty square feet per resident in multiple room convalescent or nursing homes not exceeding four (4) residents per room.
4. Retail and service uses may be permitted on the site, if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential building. No exterior signs of any type are permitted for these accessory uses.
5. All medical waste facilities shall be secured and meet the requirements of the Public Health Department of the State of Michigan.
6. Paved walkways shall be provided from the main building entrance(s) to any sidewalks along the adjacent public street.

Drive-In or Drive-Through Establishments.

1. All standards and requirements identified in Article 14 shall be adhered to.

Essential Public Service Buildings and Structures, Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations, Gas Regulator Stations.

1. No storage yards are permitted in residential zoning districts.
2. Applications must provide evidence of necessity for the proposed location.
3. Electric or gas regulator equipment and apparatus shall be set back a minimum of thirty (30) feet from all lot lines.

Funeral Homes and Mortuaries.

1. Sites shall have a minimum lot area of one (1) acre and minimum lot width of one hundred (100) feet.
2. An off-street vehicle assembly area shall be provided in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

Golf Courses.

1. Minimum lot size shall be forty (40) acres.
2. The principal and accessory buildings, including maintenance sheds, shall be set back at least fifty (50) feet from all property and street lines.
3. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted to protect nearby residential areas.

Group Day Care Homes.

1. Sites shall have a minimum lot area of twenty thousand (21,000) square feet.
2. An on-site drive shall be provided for drop-offs and loading. This drive shall be provided in accordance with the standards identified in Article 20.
3. There shall be a fenced, contiguous open space with a minimum area of five-thousand (5,000) square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.

Home Occupations.

1. The exterior appearance of the structure shall not be altered or the occupations conducted within the residence in such a manner as would cause the premises to differ from its residential character either by the use of colors, materials, lighting, noise, or vibrations. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
2. No person other than members of the immediate family occupying such dwelling shall be employed on the premises.
3. No more than twenty-five percent (25%) of the actual floor area of said residences shall be used for such purposes. The use of accessory buildings for such purposes is prohibited.

4. There shall be no outside storage of any kind, related to the home occupation.
5. The use may not increase vehicular traffic flow and parking beyond that associated with the residential use.
6. Mechanical or electrical equipment used by the home based business shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocations.
7. Only one (1) non-illuminated nameplate of 144 square inches in size, which may display the name of the home occupation business, shall be allowed in accordance with Article 19 of this Ordinance.

Home Based Businesses.

1. The exterior appearance of the structure shall not be altered or the occupations conducted within the residence in such a manner as would cause the premises to differ from its residential character either by the use of colors, materials, lighting, noise, or vibrations. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home based business exists.
2. No more than one (1) person other than members of the immediate family occupying such dwelling shall be employed on the premises.
3. No more than twenty-five percent (25%) of the gross area of one floor of said residence or fifty percent (50%) of an on-site accessory building shall be used for such purposes.
4. There shall be no outside storage of any kind, related to the home based business.
5. The use may not increase vehicular traffic flow and parking by more than one (1) additional vehicle at a time, unless off-street parking, as per Article 20 of this Ordinance, is provided.

6. Mechanical or electrical equipment used by the home based business shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocations.
7. Only one (1) non-illuminated nameplate which may display the name of the home based business, shall be allowed in accordance with Article 19 of this Ordinance.

Hospitals.

1. Sites shall have a minimum lot area of two (2) acres.
2. Front, side, and rear yard minimum setbacks shall be fifty (50) feet.
3. Parking setbacks shall be forty (40) feet in the front yard and twenty (21) feet for side and rear yards.
4. All structures shall be a minimum of one-hundred (100) feet from any lot lines of adjacent residential zoning districts.
5. Ambulance and delivery areas shall be properly designed, using landscaping and/or architectural detail, to obscure the area from all adjoining residential properties in accordance with the standards identified in Article 18.
6. Sites must abut an arterial, with all ingress and egress directly to such a street.
7. Accessory uses, such as a pharmacy, gift shop, cafeteria, and similar customary hospital uses shall be allowed, provided they are located within the principal building, except that no exterior signs for any of any accessory use shall be permitted.
8. Disposal of medical waste shall meet all required state and federal safety and security requirements. Medical waste storage shall be contained in facility-controlled areas with properly designed landscaping and/or architectural detail, to obscure the area from all adjoining properties.

Junkyards, Scrap Yards, Salvage Yards, and Resource Recovery Centers

1. Sites shall have a minimum lot area of five (5) acres.

2. A fifty (50) foot wide greenbelt as defined in Article 18 shall adjoin all property lines.
3. A decorative masonry wall six (6) feet in height shall be required at the interior boundaries of the greenbelt.
4. Junk and scrap materials shall not be stacked higher than the height of the screening wall.
5. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard.
6. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residences, business, or street from a height at the top of the wall enclosing the yard.
7. All batteries shall be removed from any vehicle and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil, and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid.
8. The front obscuring wall shall be set back the same distance as a building in the Limited Industrial Zoning District (LID), and all such walls shall be setback a minimum of five hundred (500) feet from any residential use or district.
9. The crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federal holidays.

Kennels, Commercial.

- 1 Site shall have a minimum lot area of two (2) acres.
2. All outdoor runs or breeding areas are to be enclosed on all sides by either a decorative masonry wall, six (6) feet in height, a greenbelt, a berm, or a buffer strip, constructed per standards identified in Article 18.

3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one-hundred (100) feet to an adjacent dwelling or any adjacent building used by the public and shall not be located in any required front, rear, or side yard setback.

Low Density Multiple Family Homes

1. The lot area per dwelling unit of the zoning district shall be adhered to.
2. All regulations and standards applicable to multiple family residences as identified in this Ordinance shall be adhered to.
3. A maximum of eight (8) dwelling units shall be constructed.
4. All yard requirements of the zoning district shall be increased by fifty percent (50%), except in a zoning district that permits multiple family dwellings as a principal permitted use.
5. All dwelling units shall be supplied with public water, if available to the property.
6. No building shall exceed one hundred-twenty (121) feet in width or depth and all buildings shall be substantially similar in appearance as other conforming uses in the neighborhood.

Mechanical Amusement Device Arcades, Pinball Parlors, or Pool Halls.

1. Sites are not permitted within three hundred (300) feet of any church or school.

Mining, Excavating, or Other Removal of Sand, Earth, Minerals, Etc.

1. All structures and machinery shall be a minimum of three- hundred feet from all property lines and four hundred feet from any residential districts.
2. The applicant shall submit a written statement describing:
 - a. An indication of the proposed use of the property following the extraction.

- b. An approved reclamation plan.
 - c. Documentation that demonstrates to the satisfaction of the Village that activities will not produce any serious consequences which will adversely affect the natural topography, drainage patterns, water bodies, floodplains, street conditions, nearby property values, or the use of adjacent land.
 - d. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition and that the applicant meets any requirements of the State of Michigan.
3. Truck routing shall be restricted to those streets designated to accommodate truck traffic on a year-round basis.
 4. A reclamation plan shall be provided indicating final grades which are level with surrounding grades and not in excess of five percent (5%) unless demonstrably necessary for the proposed reclamation land use. No topsoil shall be removed from the site, rather topsoil shall be redistributed properly upon completion of the extractive activities or the phases thereof.
 5. The site shall be enclosed with a six (6) foot security fence with a locking access gate. Such fences shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
 6. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
 7. No building or structure shall be erected on the site, except as may be permitted in that zoning district or if approved as a temporary structure for machinery or field office.

Off-Site Parking Lots and Structures

1. All such uses shall be enclosed by a decorative masonry wall, a berm, or a buffer strip, constructed in accordance with the standards identified in Article 18.

2. No parking structure shall exceed the height limitations established for the zoning district that the special use is located in.
3. Lighting for such uses shall conform to the performance measures identified in Article 14.
4. Accessory structures such as toll booths, self-pay stations, etc. may be constructed, provided they are located entirely within the parking lot or structure and otherwise conform to the provisions of this Ordinance.

Open-Air Businesses.

1. Sites shall have a minimum of lot area of ten thousand (10,000) square feet and a minimum lot width of one hundred (100) feet.
2. A fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, another debris from blowing off the premises, except as provided otherwise in this Ordinance.
3. All display or storage areas shall be provided with a permanent, durable, and dustless surface and shall be graded and drained so as to properly dispose of stormwater.

Open Storage Yards of Building and Construction Contractors, Landscaping Contractors, and Lumber Yards.

1. All display or storage areas shall comply with the minimum setback requirements for the zoning district in which the use is located, and no storage or outside display shall be permitted within any front yard.
2. Any outside display or storage yard shall be provided with a permanent, durable, and dustless surface and shall be graded and drained so as to properly dispose of stormwater.
3. The storage of soil, fertilizer, and similar loosely packaged material shall be contained and covered to prevent it from blowing into adjacent properties.

4. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the required screening or landscaping.

Outdoor Theaters.

1. All sites shall have a minimum lot area of five (5) acres and all structures shall be a minimum of one hundred (100) feet from all lot lines.
2. Screens may not face a principal or regional thoroughfare.
3. Sites must abut an arterial, with all ingress and egress directly to such a street.
4. No viewing areas shall be located closer than forty (40) feet to any lot line.

Party Stores

1. No such use shall be located within five hundred (500) feet of any school or church.

Private Parks, Country Clubs, and Golf Driving Ranges.

1. Sites shall have a minimum of five (5) acres.
2. All structures shall be a minimum of fifty (50) feet from adjacent residential zoning districts.
3. Sites must abut an arterial or collector, with all ingress and egress directly to such a street.
4. Where such a use abuts a residential zoning district, a decorative masonry wall, a greenbelt, a berm, or a buffer strip shall be provided in accordance with Article 18, between all operations, buildings, and structures, including fencing and the residential property.

Radio and Television Towers.

1. Sites shall have a minimum lot area of ten thousand (10,000) square feet.

2. Towers shall be located at a distance from each lot line equivalent to or greater than the height of the tower.

Recreation Vehicle Storage Yards.

1. Sites shall have a minimum lot area of one (1) acre.
2. Storage areas shall be enclosed by a security fence at least five (5) feet in height.

Self-Storage Warehouses.

1. The minimum lot area shall be one (1) acre.
2. The minimum building and parking setback shall be forty (40) feet from any public street right of way, fifty (50) feet from any residential zoning district, and twenty (21) feet from any non-residential zoning district.
3. All yards adjacent to residential districts, shall include screening and landscaping in accordance with the requirements of Article 18 of this Ordinance.
4. All storage shall be completely within enclosed buildings or structures.
5. A structure for a resident manager may be permitted on the site.
6. The use shall be limited to storage only.

Tattoo Parlors, Body Piercing Establishments, Ahead Shops

1. All such uses must be in conformance with any and all required local, County, and State requirements standards and ordinances.
2. No such use shall be located within five-hundred (500) feet of any school or church.

Veterinary Clinics and Hospitals

1. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
2. All boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel.
3. All outdoor runs are to be enclosed on all sides by either a decorative masonry wall, six (6) feet in height, a greenbelt, a berm, or a buffer strip, constructed per standards identified in Article 18.

Wireless Communications Facilities

1. All standards and requirements identified in Article 14, Section 14.76 shall be adhered to.

Section 21.40 Effects of Requirements.

The requirements noted in this Article are in addition to, or where in conflict, supersede, those general requirements by zoning districts. For all uses permitted after special approval, see the standards and requirements in Article 21, which must be met.