

Article 7 – Special Uses

7.1 Purpose

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Article. Applications for special use permits may be filed by any person who owns or has an interest in the property subject to the application.

7.2 Application Procedures

Application for special use permits shall be submitted to the Zoning Administrator no less than twenty-one (21) days prior to the meeting at which the Zoning Board will consider the application. The review of applications submitted less than twenty-one (21) days prior to such meetings will be delayed until the next scheduled meeting.

Applications must be accompanied by the materials and information described below:

- a. A completed Special Use Permit application form and application fee.
- b. Three (3) copies of a site plan prepared as specified in Article 5.
- c. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under Section 7.7.

When a complete application is submitted, the Zoning Administrator shall confer with the Chairperson of the Planning Commission to schedule a public hearing on the application.

7.3 Notice of Public Hearing

Notice of the public hearing on the special use application must be published in a newspaper not more than fifteen (15) days and not less than five (5) days before the date of the meeting at which the public hearing will be held.

Notice of the hearing must also be delivered, either by mail or by personal delivery, to the applicant and all owners and occupants of property located within three hundred (300) feet of the property subject to the application for the special use permit. These notices must describe:

- a. The special use being requested;
- b. The property subject to the request (address, tax number, and/or legal description);
- c. The date, time, and place of the public hearing;
- d. Where and when the application, site plan, and other materials may be inspected by the public; and
- e. Where and when written comments on the application will be received.

7.4 Public Hearing and Review Procedures

The Zoning Board shall hold the public hearing on the proposed special use, and shall review the site plan and other materials submitted with the application.

Following the public hearing, the Zoning Board shall make a recommendation to the Township Board, based on whether or not the proposed special use is consistent with the specific standards applicable to the special use, as well as the general standards described in Section 7.7. If it is found that the proposed special use is consistent with these standards, the Zoning Board must recommend that the proposed special use be approved.

At any point during its review of an application, the Zoning Board may request that the applicant modify the site plan, or present additional information deemed necessary before making a recommendation on the proposed special use. In such cases, the Zoning Board shall table consideration of the application until the applicant provides the amended site plan or additional information.

7.5 Township Board Action

After receipt of a report and recommendation from the Zoning Board, the Township Board shall approve, approve with conditions, or deny the special use application. If the Township Board finds that the proposed special use is consistent with the specific standards applicable to the use, as well as the general standards described in Section 7.7, the special use must be approved.

If the Township Board finds that the proposed special use is not consistent with the standards in Sections 7.7 and 7.12, then it may recommend that the use be approved with conditions, or denied altogether. In any event, the decision to approve, approve with conditions, or deny the application must be made within sixty (60) days of the date of the public hearing.

7.6 Appeal of Decision

The Township Board's decision on applications for proposed special uses may be appealed to the Zoning Board of Appeals.

7.7 General Standards for Approval of Special Uses

Prior to approving, approving with conditions, or denying an application under the provisions of this Article, the Zoning Board must find that a proposed special use complies with the standards listed in this section:

- a. The property subject to the application is located in a zoning district in which the proposed special use may be established.
- b. The special use, as proposed, complies with the specific standards applicable to that special use as listed under the regulations for that zoning district.
- c. The proposed special use will be consistent with the intent and purpose of the Township Master Plan, as well as the intent and purpose of the zoning district in which the proposed use will be located.

- d. The proposed special use will not result in a material burden on police and fire services, nor on other public services and facilities.
- e. The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.
- f. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
- g. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

7.8 Basis for Determination

In rendering its decision on a proposed special use, the Township Board shall make specific reference to the standards in Section 7.7, Section 7.12, and the basis in fact for any conditions attached to the approval of a special use.

7.9 Performance Guarantee

The Township Board may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering the estimated cost of improvements associated with an approved special use to assure that the use complies with approval as granted. If required as a condition of approval, a performance guarantee shall be provided at the time approval is granted by the Township Board. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Township Board on Application by the depositor in reasonable proportion to amount of work completed on the required improvements.

7.10 Compliance with Conditions of Special Use Permit Required

An approved special use shall be developed, constructed, operated, and maintained in strict compliance with the terms of the special use permit, including the approved site plan and any attached conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and approved by the Township Board.

If the functional elements or improvements associated with a special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with the special use permit as granted.

7.11 Terms of Permit

If a use established under a Special Use Permit is discontinued for one (1) year, the Special Use Permit shall expire. To re-establish the use after such expiration, a new Special Use Permit is required, beginning with a new application to the Township.

7.12 Specific Standards, Requirements, and Conditions for Special Land Use Permits

The following charts specify the standards, requirements, and conditions for the various special land uses permitted by this Ordinance. The following items should also be noted:

- a. The granting of a Special Use Permit requires Site Plan Review and a public hearing.
- b. A Special Use Permit is a privilege granted by the Township when certain conditions are met. A special land use is not allowed “by right”.
- c. The Township will revoke a Special Use Permit for failure to maintain compliance with the terms of the permit.
- d. Each special use must meet the minimum requirements for the Zoning District in which it is located, except as specifically noted in this section.
- e. This section lists the standards and additional requirements for uses that may be authorized by Special Use Permit. These standards supercede the District Regulations.

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
<p>Veterinary clinics Kennels</p>	<ol style="list-style-type: none"> 1. Minimum site shall be 20,000 square feet if animals are entirely within an enclosed building; 5 acres required if an outdoor exercise area is included. 2. All buildings and outdoor pens or enclosures shall be no closer than 50 feet to any property or road right-of-way line. 	<ol style="list-style-type: none"> 1. Operation shall include proper control of animal waste, odor, and noise. 2. Outdoor exercise areas shall be enclosed by a solid wall or chain link fence at least 6 feet high.
<p>Medical clinics</p>	<ol style="list-style-type: none"> 1. Minimum area shall be 20,000 square feet. 2. Main building setbacks shall be 50 feet on all sides. 	<ol style="list-style-type: none"> 1. Must provide an obscuring fence 6 feet high on all sides adjacent to parcels zoned R-1, R-2 or R-3.
<p>Clubs, lodges, fraternal organizations, & community center buildings</p>	<ol style="list-style-type: none"> 1. Minimum site area shall be one acre. 2. Main building setbacks shall be 50 feet on all sides. 	<ol style="list-style-type: none"> 1. Must provide an obscuring fence 6 feet high on all sides adjacent to parcels zoned R-1, R-2 or R-3.
<p>Public and private parks, including RV parks and campgrounds</p>	<ol style="list-style-type: none"> 1. Minimum site area shall be 5 acres. 	<ol style="list-style-type: none"> 1. The site shall include adequate vehicle access and parking facilities. 2. Zoning Board may require a fence up to 6 feet in height around the perimeter of the site. 3. Campgrounds must comply with all state & local health department requirements.

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Bed & Breakfast establishment	1. Same as Zoning District in which site is located.	<ol style="list-style-type: none"> 1. Must provide at least one bathroom for each two sleeping rooms provided for guests. 2. Must provide one off-street parking space for the inn plus one space for each sleeping room. 3. There shall be no separate cooking facilities for guests.
Mobile home park	1. Minimum site area for park shall be 10 acres.	1. All development shall conform to the Michigan Mobile Home Commission Act and its Administrative Rules.
Golf courses	1. No principal or accessory building shall be closer than 50 feet to any abutting residential district or within 200 feet of any existing residential dwelling.	1. Zoning Board may specify fencing and screening requirements.
Hotels and motels	<ol style="list-style-type: none"> 1. Minimum site area shall be two acres. 2. All buildings shall be set back at least 50 feet from any property line or road right-of-way. 	<ol style="list-style-type: none"> 1. Site shall have at least one property line on county primary road or state highway. 2. Each guest unit shall have a minimum floor area of 250 square feet.
Manufacturing establishment	<ol style="list-style-type: none"> 1. Minimum site area shall be one acre. 2. All buildings shall be set back at least 50 feet from any property line or road right-of-way. 	<ol style="list-style-type: none"> 1. Use shall comply with all federal, state, and local laws pertaining to water supply, wastewater disposal, storm drainage, fire safety, and hazardous materials storage. 2. Township may require performance bond to ensure proper site maintenance, including outdoor storage areas.

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Drive-in or drive-thru business taverns & nightclubs (excluding adult entertainment businesses)	<ol style="list-style-type: none"> 1. Site shall be at least 100 feet from any residence or residential zoning district. 	<ol style="list-style-type: none"> 1. Driveways shall be at least 60 feet from the right-of-way line of the nearest intersecting road. 2. If there is more than one driveway, they shall be at least 60 feet from one another at the nearest edges. 3. The site shall have its primary access from a county primary road or state highway. 4. If drive-through washing or oil change facilities are included, the site must provide a holding area for at least 4 vehicles to wait off the public right-of-way.
Commercial recreation facilities	<ol style="list-style-type: none"> 1. Site shall be a minimum of one acre in size. 2. Site shall be at least 100 feet from any residence or residential zoning district. 	<ol style="list-style-type: none"> 1. Zoning Board may determine the need for a fence or berm.
Public & private schools, churches, and government buildings	<ol style="list-style-type: none"> 1. Site shall be a minimum of two acres in area. 2. All buildings shall be set back at least 50 feet from any property line or road right-of-way line. 3. Structures over 30 feet in height shall be set back one additional foot for each foot of height over 30 feet. 	<ol style="list-style-type: none"> 1. Site shall have its main access from a county primary road or state highway.
Warehousing and storage businesses	<ol style="list-style-type: none"> 1. Site shall be a minimum of two acres in size. 2. Site must be at least 100 feet from any residential zone or property. 	<ol style="list-style-type: none"> 1. Site must have direct access to county primary road or state highway. 2. Must have an obscuring fence or berm at least 8 feet high on all sides abutting any A-1 or R districts.

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Junkyards	<ol style="list-style-type: none"> 1. Site shall have a minimum area of 10 acres. 2. Active area shall be at least 200 feet from all property and road right-of-way lines. 	<ol style="list-style-type: none"> 1. Site shall have its main access from a county primary road or state highway. 2. The active area shall be surrounded by a solid fence or wall that is at least 8 feet high. 3. All storage, salvage, and other activities shall be confined to the enclosed area.
Adult entertainment businesses	<ol style="list-style-type: none"> 1. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel zoned R-1, R-2, or R-3. 2. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel containing a church, school, or public park. 3. No adult entertainment business may be established on a parcel that is within 1,000 feet of any parcel that contains another adult entertainment business. 	<ol style="list-style-type: none"> 1. Window displays, signs, decorative, or structural elements shall not include or convey any specific examples of adult entertainment uses.
Manufacturing establishment	<ol style="list-style-type: none"> 1. Same as Zoning District 	<ol style="list-style-type: none"> 1. All uses shall comply with all federal, state, and local pollution control standards, including noise, air, water quality, and hazardous materials storage. 2. All uses shall comply with all state and federal laws applicable to stormwater discharge and the emission of smoke, dust, noxious gases, noise, vibration, and radiation. 3. Township may require performance bond to ensure proper site maintenance, including outdoor storage areas.

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
<p>Natural Resources Extraction: Sand, gravel, clay, and topsoil mining or removal</p>	<ol style="list-style-type: none"> 1. Minimum site area shall be 10 acres. 2. Minimum width (frontage) shall be 250 feet. 3. No extractive or processing operations shall be conducted within 500 feet of a residence that existed at the time of application for a permit. 4. All fixed equipment and machinery shall be located at least 200 feet from any property or road right-of-way line. 5. No cut or excavation shall be made closer than 100 feet to any property or road right-of-way line. 	<ol style="list-style-type: none"> 1. Owner or agent must obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347). 2. Site plan shall include a Mining Operations Plan that shows a chronological plan for the extractive use and all other land disturbing activities, and the restoration of the site to a usable condition for agriculture or development. 3. Excavated areas shall be restored so that no finished grade is greater than one foot of rise in three feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act. 4. As part of Site Plan Review, Zoning Board may require fencing, berms, landscaping, or other means to adequately screen the use from adjacent properties, and to minimize public hazards. 5. Applicant shall provide a date for completing the mining operation, based on the volume of material to be extracted and the average annual extraction rates. The Special Use Permit shall expire upon that date. Any extension of operations beyond that date shall require the issuance of a new Special Use Permit.

Section 7.12.1, Continued Special Land Use Requirements

Special Land Use	Minimum Lot Area and Other Dimensional Requirements	Other Requirements
Private roads	<ol style="list-style-type: none"> 1. Private road shall have recorded permanent right-of-way & easement with a minimum width of 66 feet. 2. Private road shall not extend more than 1,320 feet from a public road without a second direct access to a public road. 3. A cul-de-sac with a minimum radius of 60 feet shall be required at the end of any dead-end private road. 	<ol style="list-style-type: none"> 1. A private road serving up to three (3) parcels shall have an improved area at least 20 feet in width and shall meet or exceed the Clare County Road Commission specifications for an aggregate base course road. 2. A private road serving four (4) or more parcels shall meet or exceed the Clare County Road Commission specifications for plat development and street construction. 3. A private road shall be assigned a name & street signs shall be installed in accordance with the standards & approval of the County Road Commission. 4. Applicants and/or owners of the private road shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road. 5. There shall be a recordable private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained so that it is safe for travel at all times. 6. A disclosure statement shall be placed in a deed restriction that is recorded for any parcels serviced by a private road before each parcel is sold. The statement shall inform the purchaser that the road abutting and/or servicing the parcel is private and is not required to be maintained by any government agency.