

# Chapter 11

## **SPECIAL LAND USES**

### **SECTION 11.1 INTENT**

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow, on one hand, practical latitude for the applicant but at the same time, maintain adequate provision for the protection of the health, safety, convenience and general welfare of Eureka Charter Township. For purposes of this Ordinance, all Special Land Uses within each Zoning District are subject to the conditions and standards of this Chapter.

### **SECTION 11.2 APPLICATION PROCEDURES**

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

- A. An application shall be submitted through the Zoning Administrator on a form for that purpose and shall be accompanied by the payment of a fee as established by the Township Board and by site plans as specified in Chapter 4. In the event that both a rezoning and Special Land Use approval are required, the rezoning shall be completed prior to consideration of the Special Land Use.
- B. Review procedures are as follows:
  - 1. The Planning Commission shall hold a public hearing on the application, providing notice of such hearing in accordance with the Zoning Act.
  - 2. The Planning Commission shall review the application and such other information available to it through the public hearing or from any other source.
  - 3. The Planning Commission shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision into the meeting minutes.
  - 4. No petition for Special Land Use approval which has been disapproved shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Administrator after learning of new and significant facts or conditions which may result in favorable action upon resubmission.

- C. A Special Land Use approved pursuant to this Chapter shall either be under construction, or operation begun within two years after the date of final approval of the Special Land Use by the Zoning Administrator.

### **SECTION 11.3                    GENERAL STANDARDS**

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

- A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the Specific Standards of Section 11.4 and, in addition, that the special land use will:
  - 1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
  - 2. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, lighting, noise, smoke, fumes, glare or odors; or
  - 3. Not be inconsistent with the intent and purposes of the Master Plan.
- B. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 11.2. Conditions imposed shall be those necessary to:
  - 1. Meet the intent and purpose of the Zoning Ordinance;
  - 2. Relate to the standards established in the Ordinance for the land use or activity under consideration with the subject application;
  - 3. Ensure compliance with those standards;
  - 4. Protect the general welfare;
  - 5. Protect individual property rights; and
  - 6. Ensure that the intent and objectives of this Ordinance will be observed.

### **SECTION 11.4                    SPECIFIC STANDARDS FOR SPECIAL LAND USES**

The specific and detailed standards of this Section are requirements which must be met by those uses in addition to the foregoing general standards and requirements. Those uses specified in this Ordinance as permitted uses or as Special Land Uses shall be subject to the requirements of the District in which the use is located in

addition to all applicable conditions, standards and regulations as are cited in the following:

- A. Adult uses
- B. Bed and breakfast inns
- C. Collision repair (body shops)
- D. Commercial schools
- E. Golf courses
- F. Group day care homes – as defined by the State of Michigan
- G. Hospital for human care
- H. Indoor theaters and recreation centers such as bowling alleys, skating rinks and other similar uses
- I. Junkyards
- J. Mining and similar activities
- K. Museums and libraries
- L. Nursing or convalescent homes
- M. Open air businesses
- N. Outside storage businesses
- O. Public or private non-profit schools
- P. Retail businesses exceeding 250,000 square feet
- Q. State-licensed residential group home care facilities
- R. Towers in excess of 100 feet in height for Commercial Wireless Telecommunication Services
- S. Truck and freight terminals
- T. Warehousing, light processing, repackaging and distribution businesses
- U. Kennels
- V. Adult Dwelling Unit (ADU)
- W. Drive-Thru Establishments
- X. Event Venues

#### **A. Adult Uses**

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operations characteristics, particularly when several such uses are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.

2. Adult uses are permitted if:
  - a. The use is located within a Zoning District where the use requires Special Land Use approval.
  - b. The use shall not be located within a 1,000 foot radius of any other adult use, public park, school, childcare facility or church.
  - c. For massage parlors, all persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a school of massage therapy that is certified by the State of Michigan or have other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township Board, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
  - d. An annual Zoning Permit renewal and corresponding zoning inspection is required.
3. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission as provided herein. Further, if a use subject to the control of this subsection is discontinued for 12 consecutive months, the use may not be reestablished without applying for and receiving Special Land Use approval as required herein.
4. Any sign or signs proposed for an adult use business must comply with the requirements of this Ordinance's sign regulations, shall not include photographs, silhouettes, drawings or pictorial representations of any type, nor include any animated illumination or flashing illumination.
5. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering and exiting the business, and using lettering which is at least two inches in height, stating that:
  - a) "Persons under the age of 18 years are not permitted to enter the premises."
  - b) "No alcoholic beverages of any type are permitted on the premises unless specifically allowed pursuant to a license issued by the Michigan Liquor Control Commission."
6. No product for sale, rent or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

7. No adult use shall be open for business prior to 9:00 a.m. or after 11:00 p.m., however, employees or other agents, or contractors of the business, are permitted to be on the premises at other hours for

legitimate business purposes such as maintenance, clean-up, preparation, record-keeping and similar purposes.

8. An annual Township Zoning Permit, corresponding inspection(s) and corresponding Certificate of Occupancy and Use is required to assure compliance with this Section and this Ordinance.

#### **B. Bed and Breakfast Inns**

1. Such uses shall only be established in a detached single family dwelling.
2. The bed and breakfast inn shall be the principal residence of the operator.
3. The total number of guest rooms in the establishment shall not exceed seven.
4. Meals may be served only to the operator's family, employees and overnight guests.
5. Any accessory use(s) must comply with the Zoning District in which the property is located.

#### **C. Collision Repair (body shops)**

1. The storage area shall be screened from view around the entire periphery by a sight-obscuring wall or fence not less than seven feet in height, meeting the screening requirements of this Ordinance. Said wall or fence shall be of sound construction, painted and otherwise finished neatly and inconspicuously.
2. The area upon which vehicles and related materials are stored, including the main and accessory buildings, shall be located not closer than 500 feet to any public building, church, hospital, park, daycare center, or school, nor closer than 100 feet to any Residential District or use.
3. No part of the fence shall extend toward a road beyond the front wall of the main building. The exterior of the fenced-in area shall be screened with grass and trees and/or shrubs to minimize the appearance of the installation. Fencing shall be at least 25 feet from any other property line.
4. No storage shall be permitted outside the required fenced area and no materials shall be stacked higher than such fence.
5. All batteries, chemicals and other toxic or hazardous substances shall be removed from vehicles. Junk materials must be stored or disposed of in accordance with applicable State or Federal regulations.
6. All work on vehicles must be conducted inside the building.

#### **D. Commercial Schools**

1. Public access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

#### **E. Golf Courses**

1. Minimum lot size shall be 40 acres.
2. The main and accessory buildings shall be set back at least 75 feet from all property and right-of-way lines.
3. Retail sales and services only to guests and visitors may be permitted.
4. There will be no externally visible evidence of a commercial activity, however incidental.

#### **F. Group Day Care Homes**

1. An outdoor recreation area shall be provided at a ratio of 150 square feet for each client served and shall be enclosed with fencing having a minimum height of four feet.
2. Off-street parking shall be provided for family members and employees of the facility. Client pick-up and drop-off areas shall be located in such a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
3. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
4. The facility shall be in compliance with all applicable State licensing requirements.

#### **G. Hospitals**

1. Minimum lot area shall be 10 acres and minimum lot width shall be 200 feet.
2. At least one property line shall abut an arterial or collector street, as designated by the Montcalm County Road Commission or the Michigan Department of Transportation. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said street.
3. All main and accessory buildings shall be set back at least 100 feet from any property line.
4. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or sight-obscuring wall or fence of six feet or more in height. Access to and from the ambulance and delivery areas shall be directly from an arterial or collector street, as designated by the Montcalm County Road Commission or the Michigan Department of Transportation.

5. No power plant, laundry or loading area shall be located nearer than 100 feet to any adjacent Residential District or use.
6. No more than 25% of the gross site area shall be occupied by buildings, excluding parking structures.

#### **H. Indoor Theaters and Recreation Centers, such as bowling alleys, skating rinks and other similar uses**

1. Driveways serving the site shall be located at least 100 feet from any intersection (measured from the nearest right-of-way line to the nearest edge of said access).
2. The main and accessory buildings shall be located a minimum of 100 feet from the property line of any Residential District or use.
3. All uses shall be conducted completely within a fully enclosed building.

#### **I. Junkyards**

1. Minimum lot area shall be five acres.
2. The storage area shall be screened from view around the entire periphery by a sight-obscuring wall or fence not less than seven feet in height and meeting the screening requirements of this Ordinance. Said wall or fence shall be of sound construction, painted and otherwise finished neatly and inconspicuously.
3. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than 500 feet to any public building, church, hospital, park, day care center or school, or closer than 100 feet to any Residential District or use.
4. All buildings shall be set back not less than 50 feet from any property line. Fenced areas shall not be located closer than 150 feet from any right-of-way line and 50 feet from any other property line. Such required setback areas shall be planted with trees, grass and shrubs to minimize the appearance of the installation.
5. No storage shall be permitted outside the required fenced area and no materials shall be stacked higher than such fence.
6. All batteries, chemicals and other toxic or hazardous substances shall be removed from vehicles and other junk materials and shall be stored or disposed of in accordance with applicable State or Federal regulations.

#### **J. Mining and Related Activity**

1. Mining, a Special Land Use is required for mining in any zoning district.
2. Operation shall take place during daylight hours.
3. Truck routes shall be established by the Planning Commission with advice from the Montcalm County Road Commission and/or the Michigan

Department of Transportation in order to minimize the wear on public streets and to avoid residential areas.

4. Sensory perception for sound, vibration, light, dust, smoke, fumes and odor shall not exceed the following performance standard, measured at the common property lines:
  - a. Sound intensity levels shall not exceed the following;
    - 55 decibels when adjacent to Residential Districts.
    - 65 decibels when adjacent to Commercial Districts.
    - 79 decibels when adjacent to Industrial Districts.
    - Objectionable, intermittent or shrill noise shall be muffled.
  - b. Smoke, dust or dirt, other than water vapor, shall not be discharged into the air for more than four minutes in any one-half hour which exceeds the shade designated as NO. 2 on the Ringelmann Chart, published by the United States Bureau of Mines and/or when correlated with the Umbra scope for smoke densities. The quantity of airborne solids shall not exceed 0.02 grains per cubic foot at a temperature of 500 degrees Fahrenheit.

**K. Museums and Libraries**

1. The main and accessory buildings shall be located a minimum of 100 feet from any Residential District or use.
2. All uses shall be conducted completely within a fully enclosed building.

**L. Nursing or Convalescent Homes**

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

**M. Open Air Businesses**

1. Minimum lot size shall be one acre.
2. The Planning Commission may require a six-foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper and other debris from blowing off the premises.
3. Open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The lot area used for display or storage areas shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
5. In the case of a plant materials nursery:

- a. The storage or materials display areas shall meet all yard setback requirements applicable to any buildings in the District.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any soil, fertilizer or similar loosely-packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- 6. No display area shall be located within the required front yard.
  - 7. Activity must be located not less than 200 feet from a Residential District or existing residential use.

**N. Outside Storage Businesses**

- 1. Sight-obscuring fencing must be installed outside the storage area.
- 2. No part of the fence shall extend toward a road beyond the front wall of the main building. The exterior of the fenced-in area shall be screened with grass and trees and/or shrubs to minimize the appearance of the installation.
- 3. Nothing being stored can be stacked higher than the fence.
- 4. Nothing may be stored outside the fenced area.
- 5. Vehicles in storage must be able to be licensed and/or titled including watercraft. Inoperable vehicles may not be stored.
- 6. Items must be stored in an orderly fashion so the surrounding neighborhood shall not be negatively impacted.

**O. Public or Private Non-Profit Schools**

- 1. Minimum lot size for elementary schools shall be 20 acres, middle schools shall be 30 acres and high schools shall be 40 acres.
- 2. Athletic fields shall not be located closer than 200 feet from any property line abutting a Residential District or use.
- 3. A greenbelt may be required in accordance with the landscaping requirements of this Ordinance.

**P. Retail businesses exceeding 250,000 square feet gross floor area conducting business entirely within an enclosed building**

- 1. Public access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- 2. Any principal building shall have side and rear yard setbacks of at least 50 feet.
- 3. The Planning Commission may require landscaping in accordance with the landscaping requirements of this Ordinance, or a six-foot fence or wall

along the rear and/or sides of the lot to keep trash, paper and other debris from blowing off the premises.

4. No mechanical rooms or loading areas shall be located nearer than 200 feet to any Residential District or use.
5. Any loading area facing a Residential District or use shall be screened by a major buffer, as defined by the landscaping requirements of this Ordinance. Loading areas shall not be located within any required yard and may not be located in the front yard.
6. Any lot on which such use is conducted shall have at least 300 feet of frontage on an arterial street as designated by the Montcalm County Road Commission or the Michigan Department of Transportation.

**Q. State-Licensed Residential Group Home Care Facilities**

1. Off-street parking shall be provided for family members and employees of the facility. Client pick-up and drop-off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
2. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
3. The facility shall be in compliance with all applicable State licensing requirements.

**R. Towers in Excess of 100 Feet in Height for Commercial Wireless Telecommunication Services**

1. Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved Commercial Wireless Telecommunication Services tower within a one-mile radius of the proposed tower unless one of more of the following conditions exists:
  - The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
  - Existing or approved towers and buildings within a one-mile radius can not accommodate the planned equipment at a height

necessary to function reasonably as documented by a qualified and registered professional engineer.

- Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed structurally, electrically and in all other respects to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at various heights.
  3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other State or Federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
  4. Any part of the structure or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall be set back for a distance equal to the setbacks for main buildings for the District in which it is located, except that in no case shall such structure or equipment be located less than 25 feet from any adjacent lot line or main building. This provision shall not apply to towers located on existing buildings, towers or other existing structures. The Planning Commission may require such structures or equipment on the ground to be screened in accordance with the landscaping requirements of this Ordinance.
  5. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other State or Federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
  6. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations unless a time extension is granted by the Zoning Administrator. Only one three-month extension shall be permitted and then only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
  7. The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services if any part of it is located within 200 feet of any Residential District lot line.

#### **S. Truck and Freight Terminals**

1. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or any other driveway.

2. Trucks and trailers parked overnight shall be set back a minimum of 100 feet from the front lot line.
3. The principal and accessory buildings and structures shall not be located within 200 feet of any Residential District or use.
4. The lot area used for parking, display or storage shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
5. Any vehicle or equipment stored outside of an enclosed building shall not extend into any required yard.

**T. Warehousing, light processing, repackaging and distribution businesses**

1. Permitted uses are intended to provide for various types of light industrial and manufacturing uses, wholesale businesses, warehouses and other uses compatible with surrounding land uses with the absence of objectionable external effects including open fires, smoke, glare and heat, toxic and noxious matter, offensive noise, vibration, odor and other hazards.
2. Permitted uses are characterized by low maximum usable floor area percentages, substantial setbacks, environmental sensitivity and creative site design. Regulations are defined to exclude uses that would have a detrimental effect upon the orderly development and function of the district and surrounding land uses.
3. Principal uses: Except as otherwise expressly permitted by this Chapter, no building or part of a building shall be used, erected, altered or converted on land used in whole or in part except for:
  - a. Agricultural products such as production in greenhouses of flowers, plants, shrubs, trees or other similar living products.
  - b. Food or kindred products including bakery, confectionary and similar products.
  - c. Cosmetics, pharmaceuticals and toiletries.
  - d. Printing, publishing and allied industries.
  - e. Electrical machinery, equipment and supplies, electronic components and accessories.
  - f. Engineering, measuring, optical, medical, scientific, photographic and similar instruments and goods.
  - g. Manufacturing, processing, packaging or assembling paper and paperboard containers and products, glass products, jewelry, silverware and plated ware, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artist supplies and materials, notions, signs and advertising displays.
  - h. Warehousing, refrigerated and general storage.

- i. Research and development facilities, including production activities, limited to 50% of the floor area of the principal building.
- 4. All permitted uses shall be conducted wholly within an enclosed building, except for loading and unloading operations and the on-site parking of vehicles.
- 5. Outside storage of materials, equipment or vehicles is permitted subject to the following restrictions:
  - a. Materials may only be stored in the side and rear yards except that materials may not be stored on the street side of a corner lot.
  - b. All storage of materials shall be visually screened to a height of at least six feet above the elevation of the nearest adjacent road or property. Screening shall consist of a decorative fence, wall or greenbelt or a combination of these materials.
  - c. In no case shall outside storage be stacked higher than the height of the visual screen.
  - d. No parking of vehicles shall be permitted within the front yard.

Specific Standards for Warehousing, Light Processing, Repackaging and Distribution Businesses recommended by Planning Commission on 12-19-07 and approved by Township Board on 1-14-08.

**U. Kennel**

- 1. Kennels shall be permitted with no restriction on acreage.
- 2. Kennels shall have a Kennel permit issued from Montcalm County and be in good standing with the County Animal Control Department.
- 3. Minimum set back standards for kennels shall be 100' from all property lines.
- 4. If it is documented that the animals are barking for more than 2 hours over the course of 5 separate days, the special use permit is subject to revoking of the special use permit. Documented barking is where the County Sheriff has witnessed continued barking.

**V. Adult Dwelling Unit (ADU)**

- 1. The ADU is temporary in nature and a relative or legal designated dependent shall be identified as being cared for in this living unit. Once the relative or dependent is no longer residing in the unit the unit shall be returned to the living space of the principal dwelling with any exterior access to the ADU removed.
- 2. ADU's shall be attached to the principal residence and shall be a maximum of 400 sq. ft. with a minimum five (5) foot common wall and 36" clear span door having a 1 ½ hour Fire rating between the principal residence and the ADU, which shall include the attic.
- 3. The ADU shall meet all set back standards for the principal residence.

4. The ADU shall appear as part of the principal residence with the same building style and appear as part of the principal residence.
5. Annually, the owner of the principal residence shall sign an affidavit stating which relative or legal dependent is currently residing within the ADU. If no one is residing in the ADU it shall be reverted to a room or rooms within the principal residence with any exterior entrances removed.
6. The ADU shall not be used as a second residence other than as listed above, and under no circumstances shall the unit be rented.
7. Prior to issuance of a Special Use Permit, the owner of the principal residence shall receive approval for any additional water or sewer additions from the Mid-Michigan Health Department, and if the system needs to be expanded, a permit shall be obtained from the Department prior to issuance of the Special Use Permit.

**W. General Requirements for Drive-Thru Establishments**

1. All such uses shall have direct ingress and egress through a paved major thoroughfare with a right-hand turn lane in case of unforeseen stacking.
2. Each drive-thru entrance/exit shall be at least 150' from an intersection of public right-of-way, measured at the closest intersection curbs, and at least 150' from the curb-cut on an adjacent property. Exceptions may be granted by the Planning Commission when drive-thru pull out spaces are provided, or part of a service drive/shared drive situation.
3. All automobile queuing for a drive-thru window shall be separated from other on-site traffic patterns.
4. Pedestrian areas shall be clearly marked and delineated with colored distinguishing material.
5. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
6. Each drive-thru aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
7. The drive-thru lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a trailer.
8. The applicant shall demonstrate to the satisfaction of the Township Planning Commission that vehicle stacking areas for the drive-thru facility are sufficient to accommodate the highest volume likely at that facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site. In no event shall the stacking of vehicles be less than six vehicles per drive-thru lane if it's a non-food establishment (length of menu of food establishment will determine additional stacking requirements).
9. Landscaping of the drive-thru aisle shall be provided per the Planning Commission as seen fit for the situation, especially to adjoining zoning

districts. Waste containers must be in locations to not cause distraction of the site.

10. In the event that safety issues arise, the Zoning Administrator may impose a non-use order until the matter is rectified by the ZBA.
11. Order waiting parking spots may be necessary depending on establishment menu. An escape lane is necessary for any drive-thru.
12. Any additions to the establishment's proposed menu could require the establishment to return to the Planning Commission for possible parking stacking, physical changes to be required.

## **X. Event Venues**

1. **Application Materials.** In addition to a site plan as required by Chapter 4 ("Site Plan Review") of the zoning ordinance, an application for an event venue shall include the following:
  - a. A narrative describing the plan for the operation of the business, including types of events, catering, alcohol service, proposed days and hours of operation, supervision by responsible parties, and other information necessary or useful to demonstrate compliance with the intent and purposes of this special land use and the requirements imposed herein.
  - b. A written report by a qualified engineer, architect, or builder stating at least a preliminary conclusion that the building proposed is in, or can be brought into, compliance with all applicable building, electrical, mechanical, and structural requirements applicable to a place of public assembly.
  - c. Confirmation from the Road Commission of Montcalm County that a commercial driveway permit can be issued to provide access to the venue and parking area.
2. **Regulations and Conditions for Event Venues in the AG District.** In addition to the general requirements for special land use approval, the following specific requirements apply to an event venue located in the AG district:
  - a. Existing Building. The building proposed as the event venue shall be a barn that was originally been constructed for farming or agricultural purposes. This does not prevent remodeling or reinforcement of an existing building, or the construction of accessory buildings in support of the main venue, as permitted herein.

- b. Minimum Parcel Size. The event venue shall be located on a parcel of no less than ten (10) acres. The Planning Commission may modify the minimum acreage requirement for a particular use upon a finding that the use is compatible with adjacent or nearby properties and may be conducted in compliance with the other standards in the ordinance on less than 10 acres. The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling the events on the property.
- c. Operation by Occupants. The person who operates the event venue shall have a primary residence on the property. This is not intended to prevent the use of caterers or others to perform functions under the supervision of the operator of the business. The Planning Commission may modify this requirement in cases where it determines that the applicant/operator lives in the vicinity and the applicant establishes that the property will be closely monitored during all events, in a manner substantially the equivalent as oversight by a person living on the property. To assure continued compliance with this provision, notification of all transfers of property associated with an event venue special land use shall be given to the Township zoning administrator 30 days prior to any such land transfer.
- d. Timing of Events. All events shall be completed by 12:00 a.m., and guests shall vacate the premises by that time. Any cleanup activity shall be completed no later than 48 hours after an event. Alcohol service shall be concluded not later than 11:00 p.m. The Planning Commission may impose more restrictive days and hours of operation, if appropriate, to protect neighboring properties or land use.
- e. Attendees. The maximum number of attendees shall be not more than 200, or such lesser number specified by the Planning Commission, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code and available parking. The Planning Commission may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend, or limiting the number of events in a weekend.
- f. Amplified Music. Any speakers for amplified music or announcements shall be permitted only inside a fully enclosed building or structure. Amplified music may not be played later than 11:00 p.m. and shall comply with all Township noise ordinance requirements. In no event shall music, amplified or not, be reasonably detectable off the property after 11:00 p.m.

- g. Parking. Any sawhorses, cones, or other devices used to mark parking areas and direct traffic will be installed no more than 48 hours before an event and removed no later than 48 hours after an event.
- h. Parking Surface. Event venue parking areas may have a grass surface if maintained in a dust and mud-free condition. For more permanent parking, Chapter 12 ("Parking and Loading") of the zoning ordinance shall control, except that the Planning Commission may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the business on non-paved areas as clearly designated on the site plan, is safe, and is compatible with adjacent or nearby properties. Dust and mud conditions shall, in all events, be controlled and avoided.
- i. Lighting. Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the zoning ordinance and shall require the approval of the Township zoning administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.
- j. Trash and Refuse. All trash and refuse resulting from events will be removed by the event sponsor or caterer no later than 48 hours after an event.
- k. Responsible Party. The property owner shall maintain responsibility for operations at the site. The applicant shall designate to the Township a responsible party, with cellular and other phone contact, who is one of the owners or residents of the property, as a contact in case there are problems during the course of an event. The contact person shall at all times be available on the property during an event or shall designate to the Township the person who shall be at the site, available by phone and responsible (in addition to the named property owner) during an event. As a condition of special land use approval, the property owner shall be responsible for compliance with the conditions of this special land use approval, regardless of whether violations are actually committed by employees, contractors, guests or others.

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

- a. Parking. Off-street parking shall be provided as shown on the site plan submitted with the special land use application. The minimum number of spaces shall be as provided in Chapter 12 ("Parking and Loading") of the zoning ordinance for places of assembly without fixed seats.

The Planning Commission may impose a maximum number of permitted vehicles, and shall require appropriate screening, fencing, or other landscaping, and shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses.

No parking whatsoever shall occur on public roads, even if permitted by Road Commission regulations, and violation of this requirement shall constitute grounds for revocation of the special use permit.

- b. Temporary Structures. Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, may be installed and shall be dismantled and removed by the end of the season.
- c. Signage. One permanent sign shall be permitted in the same manner as allowed for permitted non-residential uses in the district. Temporary signage providing additional information may be placed not more than 48 hours prior to the scheduled event.
- d. Toilets and Lavatory Facilities. Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code and applicable health department regulations, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the site plan.
- e. Setback Requirements. All buildings and structures on the site shall conform to the minimum setback requirements of the district in which it is located, unless the Planning Commission imposes a greater setback requirement. An existing legal non-conforming building and structure shall not be used for the business if such building or structure does not meet the current minimum setback requirements.

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

business concerning traffic, traffic patterns, parking arrangements, noises, and disturbances and other operational aspects based on experience with the operation.