

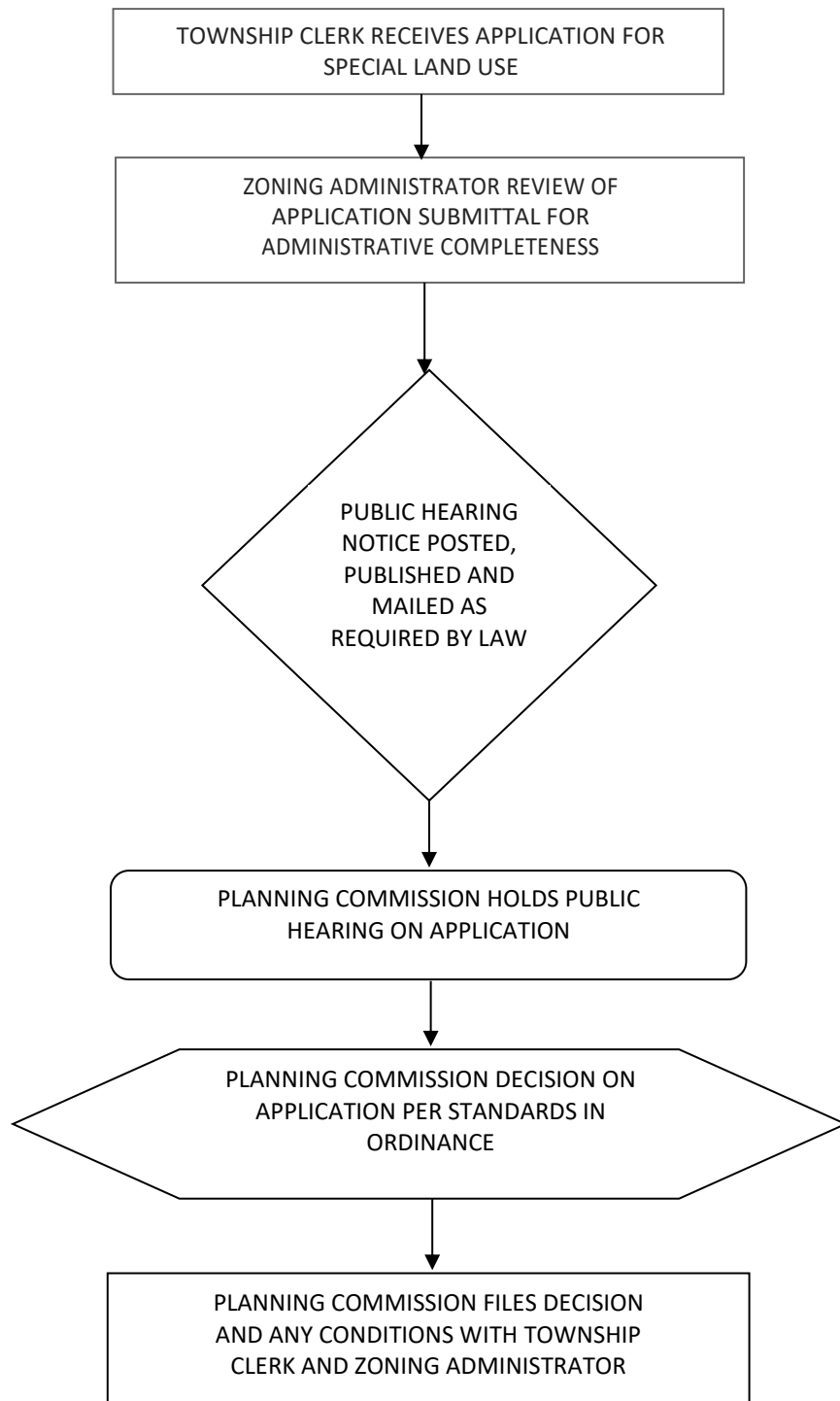
**ARTICLE 23**  
**SPECIAL LAND USES**

- 23.1 EXPLANATION OF SPECIAL LAND USES: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Planning Commission is authorized to approve the establishment of certain uses designated as Special Land Uses within the various zoning classifications in the ordinance. Such special land uses have been selected because of the characteristics of the use which, in the particular zone and location involved, might cause the use to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto, without prior review pursuant to approval standards and in appropriate circumstances also approval conditions.
- 23.2 SPECIAL LAND USE PROCEDURE: All applications for special land use approval shall be submitted and processed under the following procedures:
1. The application shall be filed in triplicate with the Township Clerk, and shall include all of the following:
    - A. A completed application form, using the special land use application form prescribed by the Township.
    - B. A site plan substantially complying with the requirements for the content of a final site plan as specified in Section 24.4 of this ordinance.
    - C. All specifications, data, and other materials on which the applicant intends to rely to show all applicable standards for special land use approval are met.
    - D. Payment of the fee set by the Township Board for special land use applications.
  2. The Township Clerk shall promptly refer one copy of the applicationsubmi2al to the Township Attorney, and one copy to the Zoning Administrator. The Zoning Administrator shall promptly review the submittal to determine whether it is administratively complete, and shall notify the applicant of any deficiencies in the content of the application submittal. An application shall not be processed for public hearing unless and until it is administratively complete as determined by the Zoning Administrator.
  3. When the Zoning Administrator has determined an application submittal to be administratively complete the Zoning Administrator shall notify the applicant of that determination, and request 11 copies of the complete application submittal. Upon receipt of such copies the Zoning Administrator shall promptly refer individual copies of the administratively complete application to the members of the Planning Commission, the Township Attorney, and to the Township Clerk to

be available for public examination.

4. The Planning Commission shall hold a public hearing on an administratively complete application. The Planning Commission shall review the application subsequent to the public hearing, at the same meeting or at a subsequent meeting, and may require the applicant to provide additional information about the proposed use relevant to any standard for special land use approval specified in this ordinance. The applicant has the burden of proving compliance with all special land use approval standards.
5. The Planning Commission shall approve a special land use application if the application is in compliance with all applicable standards, other applicable ordinances, state and federal statutes, and any conditions lawfully imposed under the Zoning Ordinance. The Planning Commission's decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. The decision of the Planning Commission on a special land use application is a final decision, subject to appeal to a court of competent jurisdiction as authorized by law. The Zoning Board of Appeals does not have jurisdiction to hear an appeal from any decision of the Planning Commission on a special land use application.
6. An approved special land use is subject to site plan review pursuant to Article 24 of this ordinance.

## FLOW DIAGRAM FOR SPECIAL LAND USE APPLICATIONS



23.3 STANDARDS FOR SPECIAL LAND USE APPROVAL: An application for special land use approval shall not be approved by the Planning Commission (with or without conditions) unless the Planning Commission finds from the evidence that all of the following standards and requirements are met:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards required in subsections 1-7 above for approval of any special land use can and will, in the Commission's judgment, be met at all times;
9. The standards specifically applicable to the particular use in Section 23.7 or elsewhere in this Ordinance can and will, in the Commission's judgment, be complied with at all times.

23.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL LAND USES: The Planning Commission is authorized to impose conditions on the approval of a special land use, if the Planning Commission determines it has authority to approve the special land use application. Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity

under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The Planning Commission shall have the right to impose a condition limiting the duration of a special land use only where the use is by its nature a temporary use, and may reserve the right of periodic review of compliance with the conditions and limitations imposed upon such use.

The Planning Commission is also authorized to require a performance guarantee as a condition on a special land use approval, as follows:

- A. To insure compliance with the zoning ordinance (and/or conditions imposed at the time of approval), the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering 100% of the estimated costs of improvements associated with a project for which the approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
- B. The Planning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- C. If any improvements are not constructed within the time limit established as part of the approval or within any extension thereof, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- D. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. "Improvements" does not

include the entire project which is the subject of zoning approval.

23.5 COMPLIANCE WITH APPROVAL:

1. The site plan submitted with the special land use application, the specifications in the application, and all conditions imposed by the Planning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the special land use approval. An approved special land use which at any time fails to comply with the terms of the approval, or any provision of this Ordinance, shall cease to be a lawful use, and shall be subject to revocation in accordance with Section 23.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.
2. Every special land use approval shall be subject to an automatically imposed approval condition pursuant to which the approval lapses if the approved use has not substantially begun within one year from the date of approval. Upon request of the applicant, filed prior to the lapse of special land use approval, the Planning Commission may save its prior approval from lapsing where the applicant shows good cause for the delay, and the Planning Commission finds there have been no changed conditions that would potentially affect the prior findings of the Planning Commission with respect to any standard for approval of the use.

23.6 REVOCATION OF SPECIAL LAND USE APPROVAL: All approved special land uses shall be subject to the following provisions, as a condition automatically imposed upon every such approved special land use:

1. Zoning Administrator Revocation Recommendation. The Zoning Administrator may recommend revocation of a special land use approval upon determining a probable violation of the terms and conditions of a special land use approval or related provisions of this Ordinance. The Zoning Administrator shall provide written notice of the revocation recommendation to the approval holder/property owner by personal delivery or regular mail, and also to the Township Clerk by personal delivery or regular mail.
2. Planning Commission Review of Revocation Recommendation. The Planning Commission shall review the Zoning Administrator's recommendation to revoke a special land use approval, and shall hold a public hearing thereon preceded by notice in accordance with statutory provisions governing special land use matters.
3. Revocation of Special Land Use Approval. After notice and public hearing as provided herein the Planning Commission may vote, by a majority of its membership, to revoke a special land use approval upon verifying the grounds for the Zoning Administrator's revocation recommendation by a preponderance of the evidence presented thereon at the hearing, and upon a further finding that the underlying violations have not been cured, and are not likely to be cured

within a reasonable period of time as established by the Planning Commission. Written notification of a Planning Commission determination to revoke a special land use approval shall be provided to the approval holder and property owner by personal delivery or regular mail.

4. Appeal of Revocation of Special Land Use Approval: Premises for which a special land use approval has been revoked by the Planning Commission shall be used only as otherwise allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district. A determination of the Planning Commission revoking a special land use approval may be appealed to the circuit court as provided by law.

23.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL LAND USES: The following specific standards shall be required of the particular special land uses designated in this section, pursuant to Section 23.3.9 of this Ordinance, in addition to the standards specified in Section 23.3.1-8. The required standards for each such use are referred to in the following table and included in the subsequent applicable text for the corresponding item number.

<b>SPECIAL LAND USE</b>	<b>ZONING DISTRICT</b>	<b>ITEM NUMBER</b>
Bar, nightclub	US-131	15
Bed & breakfast facility	AG-1, AG-2, RR	1
Child day care center or child care center	RR	16
Child (group) day care home	AG-1, AG-2, RR, R-1, R-2, R-3	2
Foster care (large group) home	AG-1, AG-2, R-1, R-2, R-3	19
Earth removal	AG-2	4
Golf course	AG-2, RR, C/R	5
Institutional or public use	AG-2, RR, R-1, R-2, R-3, P/RU	7
Kennel	AG-1, AG-2	8
Mini-storage facility	US-131	9
On-farm biofuel production facility (Type II or Type III)	AG-1, AG-2	10
Private airstrip	AG-1, AG-2	11
Public utility service facilities	AG-1, AG-2, RR, R-1, R-2, R-3, R-4, C/R, P/RU, LC, LI, US-131	12

SPECIAL LAND USE	ZONING DISTRICT	ITEM NUMBER
Recreational vehicle campground	C/R	13
Seasonal mobile home park	C/R	14
New single-family dwelling on non-productive land	AG-1, AG-2	17
New single-family dwelling (in AG-2 District)	AG-2	18
Solar Energy Generating Facility	US-131	20
Wireless communications support structure	AG-1, AG-2, US-131	3

1. Bed & Breakfast Facility:

- A. All bed & breakfast facilities shall be subject to and comply with the characteristics of a "home-based business "as set forth in Section 2.2 (except the bed & breakfast facilities shall be in the dwelling itself, and not in a garage or accessory building).
- B. A dwelling in which a bed & breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
- C. The maximum stay for patrons of a bed & breakfast facility shall be seven days.
- D. Sufficient off-street parking area shall be available on the premises so as to provide one parking space per sleeping room, not including spaces required for the permanent occupants of the premises.
- E. All bed & breakfast facilities shall have a smoke detector in proper working order in every sleeping room, and a fire extinguisher in proper working order on every floor of the dwelling.

2. Child (Group) Day Care Home:

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
  - 1) Another state licensed group day care home;
  - 2) Another adult foster care small group home or large group



home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act(1979 Public Act 218, as amended -- MCL 400.701 et seq);

- 3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
- 4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
  - C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
  - D. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
  - E. It shall meet all applicable sign regulations set forth in this ordinance.
  - F. It shall meet all applicable off-street parking requirements set forth in this ordinance.
3. Wireless Communications Support Structure (including equipment compound and wireless communications equipment):
- A. Purpose: The purpose of this portion of the Zoning Ordinance is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience sometimes referred to as "towers" or "communication towers" and "antennas") based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening,

and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. Definitions: The following terms used in this portion of the Zoning Ordinance shall be defined as follows:

- 1) "Alternative tower structure" means man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
- 2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
- 3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more wireless telephone switching offices, and/or long distance providers, or the public switched telephone network.
- 4) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Colocation" has a corresponding meaning.
- 5) "Communication Tower" or "Tower" means the same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
- 6) "Equipment Compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- 7) "Height" means, when referring to a wireless communications support structure, the distance measured

from the finished grade to the highest point on the structure, including the base pad and any antenna.

- 8) "Wireless Communications Equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables; but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- 9) "Wireless Communications Support Structure" (see definition in Section 2.2).

C. Information Required with Special Land Use Application.

- 1) In addition to any information required for special land use applications pursuant to Section 23.2 of the Zoning Ordinance, applicants for special land use approval for a communication tower/antenna shall submit the following information:
  - a) A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subpart (d)(3), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or Planning Commission to be necessary to assess compliance with the standards for approval in this Ordinance.
  - b) Legal description and ownership of the parent parcel (and leased parcel, if applicable).
  - c) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential zoning district.

- d) An inventory of existing towers, antennas, or sites approved for towers or antennas that are owned/used by the applicant or any affiliated entity within Kalamazoo County, or within any adjoining township/county within 1 mile of Schoolcraft Township. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Schoolcraft Township or within 1 mile of any boundary thereof, and indicate the owner/operator of such towers if known.
- e) A landscape plan showing fencing and specific landscape materials.
- f) Finished color and, if applicable, the method of camouflage and illumination.
- g) A description of compliance with all applicable federal, state and local laws.
- h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the Township.
- j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k) A description of the desirable characteristics justifying the suitability of the proposed location.
- l) Point of view renderings of how the proposed

tower will appear from the surrounding area.

- m) Any additional information requested by the Planning Commission relevant to compliance with any provision of this Ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval. All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special land use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that 14 day period, or before expiration of that 14 day period notifies the applicant (in writing, or electronically) that the application is not administrative complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special land use application for this land use not more than 90 days after the application is considered to be administratively complete.

- D. Specific Standards for Approval of Special Land Use for Wireless Communication Support Structure: In addition to the generally applicable standards for approval of special land use applications pursuant to Section 23.3 of the Zoning Ordinance, the applicant for special land use approval of a wireless communications support structure, also sometimes referred to as a “tower”, shall present evidence demonstrating compliance with the following standards specific to this land use:

- 1) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology: The applicant shall demonstrate that no existing tower, other structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant’s proposed antenna, based on information submitted by the applicant showing any of the following:

- a) No existing towers or structures are located within the geographic area which meet applicant’s engineering requirements.
- b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

- c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f) There are other limiting factors that render existing towers and structures unsuitable.
  - g) An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- 2) Setbacks: The tower base must be set back a distance equal to 110% of the height of the tower from any adjoining lot line; provided that the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold-over or otherwise collapse within a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special land use approval in Section 23.3 of this Ordinance. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.

3) Separation:

- a) Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

Table 1

Off-Site Use/Designated Area	Separation Distance
Single-family, two-family or multiple-family residential uses	200 feet or 300% of height of tower, whichever is greater
Areas in any Residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and non-residential uses	None; only setbacks apply

- b) Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

Table 2

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000 ft.	5000 ft.	1500 ft.	750 ft.
Guyed	5000 ft.	5000 ft.	1500 ft.	750 ft.
Monopole 75 Ft in Height or Greater	1500 ft.	1500 ft.	1500 ft.	750 ft.
Monopole Less Than 75 Ft in Height	750 ft.	750 ft.	750 ft.	

- 4) Maximum Tower Height: The maximum tower height is 250 feet.
- 5) Colocation: The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Planning Commission determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special land use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Planning Commission pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- 6) Security fencing; safety: The equipment compound shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only. The tower or other support structure shall be equipped with an appropriate anti-climbing device.
- 7) Landscaping and Site Maintenance: A six foot tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the visual impact of the equipment compound would be minimal. The site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
- 8) Lighting: The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties,



and shall be designed to minimize bird collisions with the tower.

- 9) Signs: The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
- 10) Weather Resistance: The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- 11) Non-Interference: The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
- 12) Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least 1 year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
- 13) Aesthetics. Towers and antennas shall meet the following requirements:
  - a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.

- 14) Accessory Structures. The design of the buildings and

other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

15) Inspection and Maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.

16) Minimum Lot and Yard Requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.

E. Installation of Antenna or Other Wireless Communications Equipment on Existing Tower or in Existing Equipment Compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:

1) Where the existing tower has been granted special land use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound, are in complete conformance with the underlying special land use approval and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location

of associated accessory buildings/structures.

- 2) Where the existing tower has been granted special land use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with the Zoning Ordinance, no further zoning approvals are required if the Zoning Administrator further determines the proposed wireless communications equipment and where applicable, the proposed associated accessory buildings/structures and/or proposed changes to the existing equipment compound comply with all of the following (as applicable):
  - a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - b) The existing wireless communications support structure/ existing equipment compound is itself in compliance with the zoning ordinance.
  - c) The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
  - d) The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit collocation.
  - e) The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
  - f) The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with (c), (d), (e), or (f), but which otherwise is compliant with sub-part (2), is subject to zoning approval pursuant to approval of an amended site plan by the Planning Commission in accordance with all applicable provisions of this Ordinance, but without further special land use approval.

- 3) Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding subparts (1) or (2) of this subsection E, the installation shall be subject to special land use and site plan approvals in a zoning district where Wireless Communications Support Structure is designated as a special land use.

4. Earth Removal:

A. Location:

- 1) All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or, on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to approval of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- 2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. All excavation operations shall be at least 150 feet from interior boundary lines of the property, and the Planning Commission may increase such setback if required to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support is at all times maintained. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- 3) All excavation operations shall be at least 50 feet from adjoining public rights-of-way except for lowering of land

adjoining the rights-of-way to the grade level of the rights-of-way. Excavation operations shall not be allowed where adequate lateral support for the maintenance of adjoining lands is not maintained.

- 4) A processing plant and its accessory structures shall be located at least 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- 5) All excavation operations, processing plants, and accessory structures shall be at least 250 feet from the banks of any lake, stream, or other watercourse unless a lesser setback is approved, in writing, by the Michigan Water Resources Commission or such other State agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Where it appears that substantial sediment may be carried into any nearby watercourse, the Planning Commission may require, as a condition of approval, that the applicant construct an adequate sediment basin.
- 6) All private drives and private access routes serving excavation or processing operations shall be located at least 250 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

B. Sight Barriers:

- 1) Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
  - a) Earth berms constructed to a height of 6 feet above the mean elevation of the center line of the adjacent public highway or 6 feet above the

general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.

- b) Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 6 feet in height.
- c) Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

C. Nuisance Abatement:

- 1) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- 2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution potentially injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- 3) The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. and no operations shall be allowed on Sundays or legal holidays.
- 4) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

D. Environmental Protection.

- 1) Earth removal operations shall not create erosion problems, or alter the groundwater table of the area.
- 2) Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.
- 3) Earth removal operations shall not cause a permanent adverse effect to the environment, the natural topography, or any natural resource, other than the earth materials involved.

E. Reclamation of Mined Areas:

- 1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year of termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- 2) The following standards shall control reclamation and rehabilitation:
  - a) All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
    - i. that the excavated area shall not collect stagnant water and not permit the same to remain therein;
    - ii. that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which

shall not be steeper than 1 foot vertical to 3 feet horizontal.

- c) Top soil of a quality at least equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of 4 inches and sufficient to support vegetation.
- d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.
- e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- f) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to three foot horizontal, for the purpose of this financial guarantee. The Zoning Administrator and/or



Planning Commission may review such financial guarantee annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$5,000 in amount.

F. Submission of Operational and Reclamation Plans:

- 1) No earth removal, quarrying, gravel processing, mining, and related mineral extraction shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall comply with the final site plan content requirements in Section 24.4 of this Ordinance, and shall also include the following:
  - a) A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
  - b) The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
  - c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  - d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  - e) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact

that the land will not be devastated and rendered unusable by the proposed mining activities.

G. Review and Approval Criteria:

- 1) Planning Commission review and approval of a special land use request and site plan review for an earth removal operation shall be in accordance with all applicable provisions of this Ordinance; and, recognizing the unique land use aspects of earth removal operations, shall also be based on a consideration of the following factors:
  - a) The most advantageous use of the land, resources and property.
  - b) The character of the area in question and its peculiar suitability, if any, for particular uses.
  - c) Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
  - d) The protection and preservation of the general health, safety and welfare of the Township.
  - e) The scarcity or value of the minerals sought to be mined as compared with the effect of the proposed operations upon the adjacent community.
  - f) Whether or not the operations were previously in existence prior to the adoption of the text provisions of this Ordinance concerning the same and the extent and character of such previous operations.
  - g) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary and within the scope of its authority under Section 23.4 of this ordinance. It may also limit the length of time the special land use approval is to be effective and may provide for a periodic review of the operations to ascertain compliance with the conditions and limitations imposed upon the same. The Planning Commission shall renew or extend a special land use approval where all standards and conditions are complied with, and may revoke or refuse to renew the same

where non-compliance exists, in accordance with this Ordinance. No revocation or failure to renew or extend a prior approval shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

H. Liability Insurance:

All owners/operators of property involved in such earth removal operations shall be required to carry personal injury and property damage insurance while any unreclaimed or un-rehabilitated area exists, in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions, or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

5. Golf Course:

- A. All tees, fairways and greens shall be located so as to be at least 50 feet from any adjacent residentially zoned property under separate ownership.
- B. All tees, fairways and greens shall be located so as to be at least 50 feet from any public street right-of-way.
- C. All tees, fairways and greens which are located within 150 feet from any property used for residential purposes under separate ownership, regardless of the zoning classification of such property, shall be adequately fenced to prevent trespassing upon said residential property.
- D. Clubhouses and other buildings shall be set back at least 500 feet from any adjacent residentially zoned land under different ownership, and shall be set back at least 80 feet from every street. Overnight accommodations shall not be provided for or permitted, except for a dwelling unit for the owner or manager of the facility complying with applicable provisions of this Ordinance and the Township construction codes.
- E. Adequate public rest rooms and other facilities shall be constructed and properly maintained upon the premises.

- F. Rubbish receptacles and disposal service shall be provided in such a manner as to adequately handle rubbish generated on the premises and avoid any nuisance or annoyance to adjoining property owners or the general public.
- G. Off-street parking and loading areas shall be provided as set forth in Article 26 of this Ordinance.
- H. Any sale of foodstuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the golf course facilities while on the property.
- I. All night lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or streets.
- J. No more than one advertising sign shall be allowed on the premises, as set forth in Article 25 of this Ordinance.
- K. No golf course shall be designed or arranged so as to require patrons, whether in a golf cart or on foot, to cross a street, except by use of a bridge or viaduct.

6. Institutional or Public Use:

- A. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
- B. The off-street parking area required by Article 26 of this Ordinance shall not be located within the required front yard setback area.
- C. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side and rear yard setback shall be provided beyond the minimum setback requirements.

7. Kennel:

- A. All kennel facilities, including animal run areas, shall be located at least 200 feet from all property lines. Each kennel facility shall provide sufficient square footage for each animal kept, boarded, bred or trained on the property, in accordance with applicable state laws, and the recommendations of the American Kennel Association. All kennel facilities shall have waste disposal systems adequate to handle all animal waste generated from the kennel facilities.
- B. Noise, odor, or other objectionable characteristics incident to the facility shall not be discernible beyond the boundaries of the premises upon

which the facility is conducted.

- C. All kennel facilities shall be designed, constructed, operated and maintained in such a manner as to provide humane and sanitary conditions for each animal kept, boarded, bred or trained upon the premises.

8. Mini-Storage Facility:

- A. The mini-storage facility shall not be open between 9:00 p.m. and 7:00 a.m.
- B. The premises shall be completely fenced and screened, with the design, height and type of such fencing and screening to be approved by the Planning Commission.
- C. The storage building(s) and its location on the premises shall be approved by the Planning Commission.
- D. A dwelling unit for an on-site manager and family is permissible, provided the dwelling unit contains at least six hundred square feet of floor area, and complies with all applicable provisions of this ordinance and the Township construction codes.

9. On-Farm Biofuel Production Facility (Type II or Type III):

- A. The facility has all of the characteristics for the term “On-Farm Biofuel Production Facility (Type II or Type III)” as defined in Section 2.2 of this Ordinance.
- B. The application for special land use approval included, in addition to the content required by any other provision of this Ordinance, all of the following:
  - 1) A description of the process to be used to produce biofuel.
  - 2) The number of gallons of biofuel anticipated to be produced annually, and the designed annual biofuel production capacity (in gallons) of the facility.
  - 3) An emergency access and fire protection plan that has been reviewed and approved by the Kalamazoo County Sheriff’s Department and the South Kalamazoo County Fire Authority.
  - 4) For an ethanol production facility that will produce more than 10,000 proof gallons (as defined in 27 Code of Federal Regulations 19.907) annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau Forms 5000.29 (Environmental Information)

and 5000.30 (Supplemental Information on Water Quality Considerations Under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.

- 5) Information that demonstrates the biofuel production facility will comply with all of the special land use approval standards specified herein.
  - 6) Any additional information requested by the Planning Commission relevant to compliance with any provision of this ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.
- C. (required condition on approval) Before the facility begins operation, all buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable local, state and federal laws.
- D. (required condition on approval) Before the facility begins operation, the owner or operator of the biofuel production facility has provided the Township with proof that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (or a successor agency) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
- 1) Air pollution emissions.
  - 2) Transportation of biofuel or additional products resulting from biofuel production.
  - 3) Use or reuse of additional products resulting from biofuel production.
  - 4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- E. (required condition on approval) Before the facility begins operation, the biofuel production facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Note: the Planning Commission is required to hold a hearing on an application for special land use approval of an On-Farm Biofuel Production Facility (Type II or Type III) not more than 60 days after a (complete) application is filed. MCL 125.3513(4).

10. Private Airstrip:

- A. All private airstrips shall be located so that the centerline of such airstrip is at least:
  - 1) 200 feet from the property line of the premises upon which the airstrip is located.
  - 2) 200 feet from all public roadways, railroad tracks or dwellings.
  - 3) 250 feet from any building or structure intended for the congregation of people.
- B. The ends of all private airstrips shall be located so that each end is at least:
  - 1) 250 feet from the property lines of the premises upon which the airstrip is located.
  - 2) 340 feet from any interstate highway, and 300 feet from any other public roadway.
  - 3) 500 feet from any railroad track.
  - 4) 500 feet from any structure intended for the congregation of people.
  - 5) 500 feet from any dwelling.

11. Public Utility Service Facilities:

- A. Public utility buildings shall, whenever practicable, have an exterior appearance similar to or aesthetically compatible with buildings in the immediate area.
- B. All substations, regulator stations and similar facilities shall be enclosed by fencing, or other suitable means of enclosure, not less than six feet in height as determined by the Planning Commission, so as to restrict access to authorized personnel only.
- C. All substations, regulator stations or similar facilities shall be designed, constructed and operated in accordance with all applicable federal, state and local laws, regulations and ordinances, including such laws and regulations of the Michigan Public Service Commission as may apply.
- D. All substations, regulator stations and similar facilities shall be inspected and approved by state-authorized inspectors prior to any operation of the facility.

12. Recreational Vehicle Campground:

All recreational vehicle campground facilities shall comply with the requirements imposed by Part 125 of the Michigan Public Health Code (MCL 333.12501 et seq), as may be amended, and with all administrative rules promulgated by the State of Michigan pertaining to the construction and/or operation of campground facilities. In addition, the following additional requirements shall apply to all recreational vehicle campground facilities, except to whatever extent such requirements may be in conflict with state law or administrative rules:

- A. An environmental assessment shall be submitted with the special land use application, assessing the impact of the proposed facility on wetlands, fish, wildlife, soil erosion, stormwater run-off, and existing trees and vegetation.
- B. All areas designated for camping shall be located at least 500 feet from the boundary line of all Residentially zoned or used land not owned by the applicant, and at least 250 feet from the high water line of all lakes, including connecting channels, and other navigable bodies of water.
- C. The application shall include the name/address/telephone number of a representative of the owner to be in charge of the campground facility. The owner's representative or a designee of same shall be present in the campground facility at all times the campground is occupied.
- D. Campsites shall not include decks, screened porches, or any other permanent or temporary structures for which a construction permit is required pursuant to the Schoolcraft Township State Construction Code Ordinance.
- E. The campground facility shall incorporate appropriate buffering devices, such as distance, topography, beaming, fencing and/or vegetative screening, sufficient to protect all adjoining residentially zoned or used property not owned by the applicant from unreasonable visual impacts, noise, and other detrimental impacts. The specific types and location of such devices shall be subject to review and approval by the Planning Commission.
- F. Fires shall not be allowed in any campground facility, except in picnic stoves and in such other equipment or spaces as may be designated by the campground management and approved by the Planning Commission for such purposes.
- G. Each user of the campground facility shall be limited to a maximum stay of 14 consecutive days/nights. After each stay, of not exceeding 14 consecutive days/nights, each overnight camper and the camper's recreational vehicle or tent shall vacate the campground facility premises for a minimum of 7 days/nights before being eligible for another overnight camping stay.



- H. Campground facilities that include frontage on lakes or other waterways shall reserve such frontage for availability and use by all users and visitors of the campground facility.
- I. The campground facility shall make electrical service with a 50 amp minimum available to all campsites, except rustic campsites.
- J. All sales of foodstuffs, beverages, or merchandise within the campground facility shall be clearly incidental to the needs of the users of the facility while on the premises.

13. Seasonal Mobile Home Park:

- A. All seasonal mobile home parks shall comply with the requirements applicable thereto imposed by Michigan Public Act 96 of 1987, (MCL 125.2301 et seq) and any and all amendments thereto, and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health.

14. Bar, Nightclub:

- A. The property upon which the use is conducted shall have the applicable required minimum street frontage on Highway US 131 or on a county primary paved road pursuant to the official highway map of the Kalamazoo County Road Commission.
- B. The use shall have off-street parking facilities to satisfy peak parking needs on-site.
- C. The subject property shall be situated at least 500 feet from any Residential zoning district and the boundary line of any residentially used properties.
- D. The subject property shall be located at least 500 feet from the boundary line of any property used for church purposes, whether as a conforming use or a lawful nonconforming use.
- E. The subject property shall be located at least 500 feet from the boundary line of any property used for school purposes, whether as a conforming use or a lawful nonconforming use.
- F. The facility shall not include any activity or function that is not itself within the scope of a permitted use or approved special land use in the particular zoning district.

15. Child Day Care Center or Child Care Center:

- A. The premises shall be accessed by an all-weather primary road, as defined by the Kalamazoo County Road Commission for ingress or egress thereto.

- B. [The specific standards in Section 53.7 of this Ordinance for a Child (Group) Day Care Home are all hereby incorporated by reference; with the proviso that for purposes of this provision sub-part A.(1) therein shall read "Another state licensed day care facility of any type"].

16. New Single-Family Dwelling on Non-Productive Land (In AG-1 and AG-2 Districts):

- A. The lot on which the dwelling is proposed to be located is a legal nonconforming lot of less than 5 acres in area created before May 12, 1992; or, in the alternative, is a permissible new building lot complying with the following lot requirements, instead of the requirements for the District specified in Article 20:
  - 1) The lot shall have a lot area of at least 1 acre.
  - 2) The lot shall have a lot frontage of at least 200 feet on a public street or on a private easement with a width of at least 33 feet on a public street (which may be shared).
  - 3) The lot shall have a lot width of at least 200 feet.
  - 4) The lot can be created as a new building lot without exceeding the density limitation in the following table, based on the area of the existing parent parcel/tract\*:

<u>Sliding Scale Density Table</u>	
<u>Area of Existing Lot as of [date to be added]</u>	<u>Additional Building Lots</u>
40 acres or less	1
At least 40 acres but less than 80 acres	2
At least 80 acres but less than 160 acres	4
At least 160 acres but less than 320 acres	5
320 acres or more	6

\*As used above the area of the existing "parent parcel/tract" is intended to mean the area of a parcel or two or more contiguous parcels owned by the same person or entity, or by two or more different entities where the same person or entity holds a majority or otherwise controlling interest in the property.

- B. The lot on which the dwelling is proposed to be located is capable of being created as a separate lot of record pursuant to the Schoolcraft Township Land Division Ordinance and all other applicable laws and ordinances (and as an automatic condition on special land use approval shall be actually created as a separate lot of record prior to issuance of any construction permit for the dwelling).
- C. The lot on which the dwelling is proposed to be located shall be non-productive for agricultural production purposes due to one or more of the following conditions:
  - 1) At least 75% of the building lot (95% where building lot area is more than 10 acres) has one or more of the following naturally occurring characteristics:
    - a) Soils that are not considered "prime" for agricultural production, as determined by a registered engineer or other qualified professional pursuant to criteria for such a determination established by the Natural Resources Conservation Service of the United States Department of Agriculture.
    - b) Sloping exceeding a grade of 12%.
    - c) A ground water table that is consistently so high as to impede agricultural production.
    - d) Surface waters causing at least seasonal saturated

soils, annually.

- e) Mature wooded area or other thick natural vegetation.
- f) Dominant rocky soils or other specific identified soil conditions unsuitable for agricultural production, as determined by a registered engineer or other qualified professional pursuant to criteria for such a determination established by the Natural Resources Conservation Service of the United States Department of Agriculture.

2) The orientation of existing natural physical features.

- D. A single-family dwelling on the land proposed as a separate building lot will not likely create any condition detrimental to existing agricultural production uses on any adjoining property, including the larger parent parcel/tract from which the building lot is proposed to be created, regardless of ownership.
- E. The proposed single-family dwelling, if constructed and occupied, will not adversely affect the land use policies of the Township relating to agricultural preservation.

17. New Single-Family Dwelling (in AG-2 District):

- A. The new building lot shall have a lot area of at least 1 acre, but not more than 2 acres.
- B. The new building lot shall have a lot frontage of at least 200 feet on a public street or on a private easement with a width of at least 33 feet on a public street (which may be shared).
- C. The lot can be created as a new building lot without exceeding the density limitation in the following table, based on the area of the existing parent parcel/tract\*:

<u>Sliding Scale Density Table</u>	
<u>Area of Existing Lot as of [date to be added]</u>	<u>Additional Building Lots</u>
20 acres or less	1
At least 20 acres but less than 40 acres	2
At least 40 acres but less than 80 acres	4
At least 80 acres but less than 160 acres	5
At least 160 acres but less than 320 acres	6
320 acres or more	7

\*As used above the area of the existing "parent parcel/tract" is intended to mean the area of a parcel or two or more contiguous parcels owned by the same person or entity, or by two or more different entities where the same person or entities holds a majority or otherwise controlling interest in the property.

D. The new building lot shall be contiguous to one or more of the following:

- 1) an existing lot(s) within a subdivision or other multi-lot residential development.
- 2) the Village of Vicksburg, Village of Schoolcraft, or City of Portage.

18. Foster Care (Large Group) Home:

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
  - 1) Another state licensed group day care home;
  - 2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended -- MCL 400.701 et seq);
  - 3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
  - 4) A community correction center, resident home, halfway

house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It shall have appropriate fencing enclosing all outdoor play areas intended for children, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall meet all applicable sign regulations in this ordinance.
- E. It shall meet all applicable off-street parking requirements in this ordinance; and in addition shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility, and a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
- F. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
- G. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.

19. Solar Energy Generating Facility:

A. Permissible Type.

- 1) A ground-mounted type of facility is permissible, subject to the applicable height limitation determined pursuant to subsection B.1) herein.
- 2) A building-mounted type of facility is permissible, subject to the applicable height limitation determined pursuant to subsection B.2) herein.

B. Height.

- 1) The total height of a ground-mounted facility shall not exceed the maximum building or structure (roof) height requirement for, as applicable, a principal building/structure or an accessory building/structure in the US 131 District, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- 2) The total height of a building-mounted facility shall not exceed the maximum principal building or structure (roof)

height requirement in the US 131 District, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).

- C. Setback/Location. The facility shall comply with all minimum setbacks for principal buildings/structures in the US 131 District as specified in Article 20 of this Ordinance. Where the facility occupies land immediately adjacent to a Residential District, the facility shall also have a screening area separating the facility from the adjoining residential district, as required by Section 4.11 of this Ordinance or as otherwise determined by the Planning Commission to be appropriate pursuant to the standards for special land use approval specified in Section 23.3 of this Ordinance and/or the standards for site plan approval as specified in Section 24.6.2 of this Ordinance.
- D. Construction Codes. The facility and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.
- E. Off-Site Impacts. All facility installations (collector panels and other components) shall adhere to the following requirements to reduce the potential impact to the occupants of adjoining properties and the general public:
  - 1) collector panels and other components shall be designed and maintained with an anti-reflective coating.
  - 2) collector panels, whether stationary or in a tracking array, shall be oriented to not direct glare onto any adjoining property or any public roadway.
  - 3) the facility shall otherwise be designed and operated so as to not produce glare sufficient to create private or public nuisance conditions.
  - 4) the facility shall not be illuminated or have lighting of any kind, except as may be approved by the Planning Commission pursuant to the standards for special land use approval specified in Section 23.3 of this Ordinance and/or the standards for site plan approval as specified in Section 24.6.2 of this Ordinance.

- 5) the facility shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the generating structures; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
- F. Site Access/Security: The interconnection of the facility to the utility grid shall be secure from unauthorized access by security fencing or by locating it in a secure building. The applicant may propose and/or the Planning Commission may require fencing of the entire site, which shall be determined by the Planning Commission during the special land use or site plan review process on a site-specific basis; provided that any such fencing shall comply with applicable provisions of this Ordinance, including as specified in Section 22.1.5.C-E.
- G. Maintenance and Removal: The facility shall be properly maintained in accordance with the manufacturer's recommendations and so as to be operable as designed. The facility shall be dismantled and removed (including all foundation elements for a ground-mounted facility) within 180 days after either being nonoperational or otherwise out-of-service for generating electricity for a continuous period of at least 180 days, or upon not being properly maintained for at least 30 days. Upon removal of a building-mounted facility all structural support elements for the facility shall be removed from the building. Upon removal of a ground-mounted facility the site shall be appropriately reclaimed, stabilized, and revegetated.
- H. Pre-installation Administrative Review and Zoning Compliance: Before beginning any on-site work associated with the installation of a solar energy generating facility the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Ordinance, including the special land use and site plan approvals granted by the Planning Commission.