

ARTICLE XIV SPECIAL LAND USES

SECTION 14.01 SCOPE

This section 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 health, safety, convenience, and general welfare of Fruitland Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Article. In addition, the following uses shall conform to the specific standards cited herein, as applicable.

SECTION 14.02 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted through the Township Clerk, accompanied by:
 - 1. the payment of a fee established by the Township Board;
 - 2. a completed application form, as provided by the Township; and
 - 3. a complete site plan as specified in this ordinance.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, engineer, or other party. The Planning Commission shall recommend to the Township Board, approval with conditions, or denial and incorporate the basis for the decision and any conditions imposed.
- E. No application for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon re-submittal.
- F. Special Land Use approvals shall be defined in a document and made a matter of record and shall be recorded at the County Register of Deeds.

- G. A Special Land Use approved pursuant to this Article shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below:
1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 3. If neither of the above provisions is fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- H. The Township Board shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval and shall make a recommendation to the Township Board.

SECTION 14.03 GENERAL STANDARDS

In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans, and conditions, as authorized in the Site Plan Review requirements of this ordinance may be placed upon a Special Land Use.

- A. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use meets the following standards and, in addition, that each use of the proposed site 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. be served adequately by essential public facilities and services such as highway, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
 3. not create excessive additional requirements at public cost for public facilities and services; and
 4. 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, noise, smoke, glare, or odors.
 5. have adequate parking spaces meeting at least the minimum parking requirements elsewhere in this Ordinance.

- B. The Special Land Use approval 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 the requirements of this ordinance. 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,
 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 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of this ordinance are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements, which must be met by those uses in addition to the foregoing general standards, and requirements.

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 operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental 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. These 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 shall comply with the following requirements:
 - a. The use shall not be located within a 250-foot radius of any Residential District.
 - b. All massage clinics are subject to inspection from time to time by the Township and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massage under the authority or supervision of the massage establishment.
 - c. 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, as provided herein.

B. Banks, dry cleaners, pharmacies and similar personal services with drive-through service.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each outdoor drive-up service location, whether personal or automatic, shall be provided.

C. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and waste treatment services.
2. The establishment shall be located on property with direct access to a paved public road.
3. Such uses shall only be established in a single-family dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties and not in required front yard.
5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed five (5).
7. Exterior refuse storage facilities beyond what might normally be expected for a single-family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence to wall.
8. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half (1/2) of the front yard setback area of zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
11. Breakfast may be served only to the operator's family, employees, and overnight guests.
12. A guest of such an establishment shall be a person who rents a room therein for fewer than thirty (30) consecutive days.

D. Blueberry farming.

The site plan shall show the following on an appropriately sized scaled drawing:

1. North arrow.
2. Location sketch.
3. Legal description with the liber and page of the deed.
4. Boundary lines of the parcel with bearings and distances.
5. Area of the parcel (acres or square footage).
6. General topographical features (area of woodlands, fields, existing crops, wetlands, roadways or trails, easements).
7. Location of all buildings and improvements on the site.

8. Location of all buildings and driveways, roadways and public easements within 200' of the parcel boundary.
9. 5' contours if the site has more than 10' of elevation in 600'.
10. Proposed locations of all crops, lanes, buildings and any other proposed improvements.
11. Location of ground water and drainage patterns.
12. Screening buffers and accessory building setbacks shall be required at appropriate locations as determined by the Planning Commission.
13. Accessory buildings must comply with the sizes and heights of the Accessory Buildings and Uses ordinance.

E. Cemeteries.

1. Minimum lot area of 10 acres and so designed to provide ingress/egress directly onto or from a public paved street.
2. Location of proposed service roads, entrances, driveways shall be so designed in relationship to the public street that pedestrian and vehicular traffic safety is encouraged.
3. No building shall be closer than fifty (50) feet from any property line.
4. The provisions of PA 368 of 1978 that require local health department review are to be followed.
5. Perimeter fencing of at least four (4) feet shall be required.

F. Cervidae Facilities

1. Cervidae facilities must have a minimum parcel size of 10 acres.
2. The minimum fenced area must be no less than 2 acres.
3. There must be a 10-foot setback from all property lines for all structures including fences.

G. Churches, schools, auditoriums, gymnasiums, community centers and other areas of assembly.

1. Minimum lot area shall be twenty (20) acres.
2. Lot area shall be sufficient to accommodate current size and probable growth.
3. All buildings and structures shall be at least one hundred (100) feet setback from any Residential property line.
4. The site shall front upon a public paved street. All ingress/egress shall be from said thoroughfare.
5. Parking areas shall have a side and rear setback of fifteen (15) feet. Parking area in the required front yard shall be limited to required minimum handicap parking spaces, not to exceed one row.

H. Commercial recreation, including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors or similar uses.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one -hundred (100) feet from any Residential District or use.

3. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.
- I. Commercial storage warehouses.
1. Minimum lot area shall be two (2) acres.
 2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the LDR District.
 3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirements may be met with the parking lanes required for the storage area.
 4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 6. Parking lanes and access aisles adjacent to the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
 7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
- J. Funeral homes and mortuary establishments.
1. Minimum lot area shall be two (2) acres with a minimum width of one hundred and fifty (150) feet.
 2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
 3. A caretaker's residence may be provided within the principal building.
 4. The proposed site shall front upon a paved state trunk line, County primary, or County local street. All ingress and egress shall be from said thoroughfare.
- K. Golf courses.
1. Minimum lot size of forty (40) acres for each nine (9) hole regulation golf course, or twenty (20) acres for each nine (9) hole Par 3 style golf course.
 2. All public access shall be directly to and from a paved public road.
 3. All buildings, structures, tees, greens, fairways and other operations shall be located at least one hundred (100) feet from any property line abutting property located in a Residential District, except that pedestrian and cart paths shall be located at least fifty (50) feet from such property lines. Such items shall also be arranged in such a way as to minimize or avoid significant impact on surrounding property and development, including, but not limited to noise, lighting, golf balls and other golfing related activities. Berms, landscaping or other buffers may be required for this purpose.

4. All off street parking areas shall be located at least fifty (50) feet from any property line abutting property located in a Residential District and shall be arranged so as to provide for the safety of pedestrians and ease of maneuverability of all vehicles.
 5. A driving range may be included as an accessory use subject to the following requirements:
 - a. The range must include at least eight hundred (800) feet of depth and sufficient width to provide a clear landing area for golf balls for the driving range tee area. Sufficient width shall mean not less than two hundred (200) feet on either side of the tee area. The use of fencing or netting may also be required but shall not be a substitute for the required minimum area.
 - b. Lighting shall not result in off site glare or unnecessary spillage or intrusion to adjoining property. The applicant shall provide a comprehensive lighting plan for the golf course and driving range with the site plan, including specific details of the off-site impact of the proposed lighting.
 - c. The hours of operation shall start no earlier than thirty (30) minutes after sunrise and no later than 10:00 p.m.
 - d. The driving range shall not include separate public facilities for vehicle access, circulation or parking. Such amenities shall be combined with the primary vehicle access, circulation and parking facilities for the golf course.
 6. A pro shop and restaurant may be included as an accessory use but neither shall have separate public facilities for vehicle access, circulation and parking. Such amenities shall be combined with the primary vehicle access, circulation and parking facilities for the golf course.
- L. Greenhouses and nurseries.
1. A residence may also be located on the same property as the greenhouses and nurseries.
 2. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than 150 feet to any property line.
 3. Minimum lot area shall be 15 acres.
 4. Structures and impervious surfaces shall not exceed 5 percent of lot area.
 5. There shall be no more than two signs having a total size of not more than 32 square feet.
 6. Minimum street frontage shall be 800 feet.
 7. Hours of operation shall be between 7:00 a.m. and 8:00 p.m.
Parking in accordance with Open Air Businesses must be provided having a surface of 6" of crushed concrete or other comparable material required for gravel streets. In all other ways, parking areas shall meet the township requirements as provided in the parking and loading section of this ordinance.

M. Group and commercial child care homes and facilities.

1. A group child care home shall not be located within fifteen hundred (1500) feet to any of the following:
 - a. Another licensed group child care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48") inches high.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 pm and 6 am.
5. One (1) identification sign shall be permitted, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.
6. One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement

Institutional	
Group and commercial day care homes and group care facilities	One (1) space for each four (4) clients

7. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
8. For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.
9. A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with the requirements of this section.
10. The requirements of this section shall not prevent a local unit of government from inspecting and enforcing a family or group child care home for the home's compliance with the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than as provided under 1973 PA 116, MCL 722.111 to 722.128.
11. The subsequent establishment of any of the facilities listed under subsection (4)(a) will not affect any subsequent special use permit renewal, conditional use permit renewal, or other similar permit renewal pertaining to the group child care home.
12. The requirements of this section shall not prevent a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group child care home that does not meet the standards listed under M. of this section.

13. The distances required under M. 1. of this section shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

N. Hotels and motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

O. Intensive Livestock Operations.

1. Minimum lot area shall be forty (40) acres.
2. The operation shall be set back a minimum of five hundred (500) feet from property lines, one thousand (1,000) feet from an adjacent Residential District or use, and five hundred (500) feet from a standing body of water or flowing stream.
3. No harm to adjacent property owners shall result from direct runoff from the site upon which the proposed operation is located.

P. Junk Yards/ Salvage Yards.

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a County Primary or State Trunk line to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner, so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.

7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from vehicle and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method. Maximum storage of tires in any one location shall be limited to one hundred (100) tires, with separation of a minimum of one hundred (100) feet from any other combustible material location.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for such facilities shall be six (6) acres.
14. All fences shall be set back of minimum of fifty (50) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Q. Kennels.

1. The minimum lot size shall be twenty (20) acres in the Rural Residential district.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than two hundred fifty (250) feet from lot line in the Rural Residential district.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.
4. Outdoor activities shall be conducted between 7 AM – 11 PM.

R. Marinas and public or private launches.

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
2. No building, structure, dock, or parking area which is part of a marina shall be located closer than thirty-five (35) feet to any residential lot line.
3. Adequate parking facilities shall be provided for the overnight storage of boats, trailers, or other vehicles.

S. Multiple-family dwellings.

1. All dwelling units shall have a minimum of eight hundred (800) square feet per unit, or as otherwise may be required by this ordinance.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
4. Buildings shall not be constructed closer to any other building than a distance of twenty-five (25) feet.
5. The maximum building length shall be not more than one hundred twenty (120) feet.
6. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

T. Open Space Preservation Option

1. The purpose of this section is to provide owners of property zoned in certain residential zones to construct dwellings on smaller sized parcels in exchange for the creation of areas that will remain undeveloped in perpetuity state, all in accordance with the Zoning Act.
2. Certain land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws and rules, on not more than 50 percent of the land, if all of the following apply:
 - a. The land is zoned at a density equivalent to two or fewer dwelling units per acre (currently RR, LDR, MDR, MHDR, or if the land is served by a public sewer system, three or fewer dwelling units per acre).
 - b. Not less than 50 percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.
 - c. The development does not depend upon the extension of a public sewer or public water supply system unless development of the land without the exercise of this development option would also depend upon such an extension.
 - d. This development option has not previously been exercised with respect to the subject property.
3. This development option is subject to all other applicable ordinances, laws and rules, including, but not limited to:
 - a. The provisions of the zoning ordinance that are not in conflict with and preempted by the Zoning Act.
 - b. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq).
 - c. Any ordinance regulating the division of land, the platting of land into subdivisions or the creation of a site condominium.

- d. Rules relating to the suitability of groundwater for on-site water supply for land not served by public water.
- e. Rules relating to the suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term “undeveloped state” means a natural state preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, green way or linear park.

- 4. The following regulations shall apply to any property owner who elects to use this development option:
 - a. In no event shall required lot width, road frontage or minimum lot area be reduced to less than 50% of the requirements of the zoning district in which the property is located.
 - b. Property that may not otherwise be built upon, such as wetlands, flood plains or water, shall not count towards meeting the requirement of having 50% of land in an undeveloped state.
 - c. The only permitted uses shall be those that are permitted in the district in which the subject property is located.
 - d. The density (dwelling units per acre) shall not exceed the density of the zoning district in which the subject property is located. When more than one district is involved, the density of the project shall be the average of the districts, weighted in direct proportion to the size of the subject property within the project in each district.
 - e. Land in an undeveloped state shall not contain any accessory structures.
 - f. The documents that commit land to be in a perpetually undeveloped state shall be reviewed and approved by the township and must be recorded before final approval or the issuance of any permits. The property owner must also provide adequate proof to the township that permanent provisions for the maintenance of the undeveloped property are in place.
 - g. The township shall have the right to require the property owner to make modifications to the proposed plans for streets and street access, structure location, parking, utilities, pedestrian routes, recreational facilities and the preservation and enhancement of natural features.
- 5. The property owner shall follow the procedural requirements applicable to PUD’s set forth in Section 14.04 (R)(3). In addition to plans for the proposed development, the property owner shall also submit a parallel plan for the proposed development showing how the property would be developed if this development option was not available. The purpose of the parallel plan shall be to give the township a reference to assist them in reviewing the proposed development. The township board shall not be required to hold a public hearing before approving the project.

U. Open air businesses.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Except in the Agricultural Overlay District, the Planning Commission may require a six (6) foot fence or wall to be constructed along the rear or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The applicant may be required to furnish a financial guarantee in accordance with this Ordinance to ensure strict compliance with any regulation contained herein and required as a condition of special land use approval.
6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. In the case of a plant materials nursery:
 - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building 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.
10. No display area shall be located within ten (10) feet of a road right-of-way line.

V. Public or private boat launches. (See Marinas and public or private launches)

W. Public and private campgrounds.

1. Minimum lot size shall be thirty (30) acres.
2. For campgrounds the lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
3. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
4. No commercial enterprise shall be permitted to operate within the grounds, except that a convenience shopping facility may be provided. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1000) feet.
5. Each lot shall provide hard surfaced, dust free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).

6. Each campground site shall contain a minimum of one thousand five hundred (1,500) square feet, be set back at least one hundred (100) feet from any public or private right-of-way or property line, and have direct access to a hard surfaced, dust free roadway.
7. All roadways serving the use shall be at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway.
8. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Muskegon County.
9. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
10. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
11. Side and rear setbacks for campsites, buildings, structures and facilities from property lines must be at least one hundred (100) feet.
12. Property must be screened by six (6) foot fencing or proper greenbelt when adjacent to a residential use.

X. Public and private parks.

1. Minimum lot size shall be three (3) acres.
2. Public stations housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

Y. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or hard mineral resources.

1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without Special Land Use approval, with the following exceptions:
 - a. When the earth removal is incidental to construction for which a building permit has been issued by the Township;
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
 - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
 - d. The earth removal involves less than five hundred (500) cubic yards;
 - e. The earth removal is for the purpose of construction of a swimming pool;
 - f. The soil removal will not be in violation of any other sections of this ordinance, other Township ordinances, Part 91 of Act 451 of 1994, or any other applicable state or federal law.

2. In addition to the materials required by this Article, the application for special land use approval shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and shall include:
 - (1) A north arrow, scale, and date;
 - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - (4) an engineering plan;
 - (5) the location and nature of all structures on the lands;
 - (6) the location and direction of all watercourse and flood control channels, which may be affected by mineral removal operations;
 - (7) existing elevations of the lands at intervals of not more than five (5) feet;
 - (8) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
 - (9) mineral processing and storage areas;
 - (10) proposed fencing, gates, parking areas, and signs;
 - (11) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities.
 - (12) a map showing access routes between the subject lands and the nearest County Primary Arterial Road; and
 - (13) areas to be used for ponding.
 - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated type and quantity of mineral to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
 - d. Applicant shall make evident undertakings to accomplish the rehabilitation plan and demonstrate financial ability to perform the fulfillment of rehabilitation plan. A site rehabilitation plan shall include the following:
 - (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
 - (2) a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and

- (3) a description of proposed methods of features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
 - e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural resources.
- 3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
 - a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - c. Plantings of grass, shrubs, trees and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- 4. A minimum lot size of twenty (20) acres and minimum lot width of three hundred and thirty (330) feet shall be required for any commercial removal operation for soil, sand, gravel, or other earth material established as a principal use on any lot or parcel.
 - a. Not less than six (6), nor more than fifteen (15) acres of land shall be authorized for operations or activities at any one time. Of this number or some lesser number of acres, not more than 1/3 thereof shall at any one time be used for site preparation, not more than 1/3 thereof shall at any one time be used for sand and gravel removal and not more than 1/3 thereof shall at any one time be used for site reclamation. Each such area not exceeding fifteen (15) acres shall be restored, reclaimed and improved in accordance with the site rehabilitation plan submitted to and approved by the Planning Commission, and in compliance with the terms and conditions or requirements of this Article.
- 4. No machinery shall be erected or maintained within one hundred (100) feet of any property or street line. No machinery shall emit noise measured at a distance of fifty feet when operating, and shall not be closer than ¼ mile to the nearest occupied dwelling, unless consented to in writing. No cut or excavation shall be

made closer than fifty (50) feet to any street right-a-way line or property line in order to ensure sub lateral support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment or limits of excavation where the site is located in or within two hundred (200) feet of any Residential or Commercial District.

6. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
7. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
8. Mineral removal, processing and transportation operations and activities shall commence not earlier than 7:00 a.m. and shall continue not after 6:00 p.m. on weekdays, nor shall they take place at any time during weekends, provided, however, that the Planning Commission may further limit the hours or days of operation if the Planning Commission determines in their recommendation to the Fruitland Township Board that such further limitation is required in order to avoid serious adverse effects upon adjoining or nearby lands.
9. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
10. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.

11. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Township of Fruitland as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amounts as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance bond shall not be refunded, reduced, or transferred until mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms and conditions, of the permit.
 - b. The timely and faithful compliance with all the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

Z. Restaurants, including those with drive-through service.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way such that sound transmission is inaudible to neighboring property and uses.

AA. Retail and wholesale materials and building supplies.

1. Minimum lot width shall be two hundred (200) feet, unless a greater width is required by the zoning district requirements of the lot in which the site is located.
2. The Planning Commission may require a six (6) 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. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
4. All lighting shall be shielded from adjacent Residential Districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the district.

BB. Riding stables.

1. Minimum lot area shall be forty (40) acres.
2. No parking shall be permitted in the required front yard.
3. No storage of manure or odor or dust producing material or use shall be permitted within seventy-five (75) feet of any property line and shall be stored in such a manner, not to become a nuisance or health hazard.

CC. Roadside stands.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
3. No lighting shall be provided for any such use.
4. Adequate parking spaces shall be provided, but not less than three (3).

DD. State licensed residential care facilities.

Small group facility:

1. A state licensed small group care facility shall not be located within fifteen hundred (1500) feet of another such similar state licensed facility.
2. One (1) on-site parking space shall be provided for each employee in addition to parking required for the dwelling unit. The driveway may be used for this purpose.
3. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
4. Notice to neighbors and/or neighborhood associations is highly recommended, though not required to promote the integration of adult foster care residents into the neighborhood.

Large group facility:

1. A state licensed large group care facility shall not be located within fifteen hundred (1500) feet of another such similar facility.
2. One on-site parking space shall be provided for each employee in addition to parking required for the dwelling unit or other accessory uses.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
5. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
6. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
7. Notice to neighbors and/or neighborhood associations is highly recommended, though not required to promote the integration of adult foster care residents into the neighborhood.

EE. Wireless Communications Equipment and Wireless Communications Support Structures in excess of fifty feet in height.

1. Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure which will exceed a height of fifty feet, or a proposed collocation subject to the provision of Section 3.36 B. 1. e., may be allowed in the RR and LDR zoning districts, only when a special land use permit is approved by the Planning Commission subject to the regulations and requirements of this Section, the General Standards for approval in Section 14.03, and all application and review procedures of Article XIV.
2. Antennas for Wireless Communications Equipment and Wireless Communications Support Structures shall be required to locate on an existing or approved tower within a one-mile radius of the proposed tower unless one or more of the following conditions exists:
 - i. The planned wireless communications equipment would exceed the structural capacity of the existing approved tower or building, as documented by a qualified and registered engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. The planned wireless communications 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;

- iii. Existing or approved towers and buildings within a one-mile radius cannot accommodate the planned wireless communications equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer; and
 - iv. Other unforeseen reasons that make it infeasible to locate the planned wireless communications equipment upon an existing tower or building.
3. Wireless Communications Equipment and Wireless Communications Support Structures shall be designed, (structurally, electrically, and in all other respects), to accommodate both the applicant's wireless communications equipment and comparable equipment for at least two additional users in anticipations of future improvements in technology and demand for such services. Towers must be designed to allow for future rearrangement of wireless communications equipment upon the tower to accept equipment mounted at varying heights;
4. Wireless Communications Equipment and Wireless Communications Support Structures 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.
5. Any part of the support structures or wireless communications equipment placed on the ground shall comply with the following setbacks:
- i. Residential Districts: The Planning Commission shall not approve any placement of any Wireless Communications Equipment and/or Wireless Communications Support Structures where any part of such is located within two-hundred feet of any Residential District lot line;
 - ii. Nonresidential Districts: Any part of a Wireless Communications Equipment and Wireless Communications Support Structure or associated equipment 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 support structures or wireless communications equipment be located less than twenty-five feet from any adjacent lot line or main building, nor less than two-hundred feet from any Residential District lot line; and
 - iii. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.

6. The Planning Commission may require such support structures or wireless communications equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements;
7. Wireless Communications Equipment and Wireless Communications Support Structures 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 wireless communications equipment or support structures.
8. Wireless Communications Equipment and Wireless Communications Support Structures which are abandoned or unused shall be removed, along with any associated support structures or wireless communications equipment, within twelve months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. A three-month extension shall be permitted one time only if the Zoning Administrator finds that the owner or former operator of the telecommunications facility is taking active steps to ensure its removal.
9. Procedures:
 - i. An application for a Special Land Use Permit for wireless communications equipment and wireless communication support structures shall be reviewed for completeness by the Zoning Administrator or his/her agent. An application shall be considered complete if it contains all of the information contained in Sections 3.36 B. 2. and 3. Within fourteen days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Land Use Permit application is considered complete (but not approved);
 - ii. Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of Article XXI of this Ordinance;
 - iii. The Planning Commission shall render a decision on a completed application within sixty days of its receipt. Failure to do so shall result in the approval of the application as submitted. In the case of special land use approval for wireless communications equipment that does not meet the requirements of Section 3.36 B. 1. a., the period for approval or denial is ninety days;
 - iv. Any conditions imposed upon the approval of the Special Use Permit shall relate directly to the requirements of this Zoning Ordinance and any applicable Township ordinances as well as applicable State of Michigan and federal laws;

- v. Application Requirements. In addition to application requirements as required by Article XIV, an application for wireless communications equipment and wireless communications support structures which require Special Land Use approval shall include all of the following information. The fee paid by the applicant shall not exceed the actual costs to process the application or one thousand dollars, whichever is less.
- a. Proposed Use – A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored;
 - b. Location Justification – Written materials which document the need for the proposed location;
 - c. Ownership Interest – The nature and extent of the applicant’s ownership or lease interest in the property, building or support structure upon which the telecommunications facility is proposed for placement;
 - d. Other Tower Locations – A map depicting other locations of wireless communications support structures within three miles of the proposed site;
 - e. Collocations – Documents that the applicant has investigated the potential of collocation with other wireless communication service providers or owners of wireless communications support structures located in Fruitland Township or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for collocation with the owners/operators of such other wireless communications support structures. All applications for construction of a wireless communications support structure will be required to provide plans for future collocation with other owners/operators at a fair and reasonable rental rate;

- f. Engineering Certification and Plans – A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer’s specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided;
 - g. A description of the tower maintenance program;
 - h. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower wireless communications equipment, materials and support structures and restoring the site so it can be used by a use permitted in that Zoning District; and
 - i. Security measures including emergency contact personnel.
- vi. Site Plan Requirements. Eight copies of a site plan accurately drawn at a scale of not more than one-inch equals one- hundred feet. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The site plan shall contain at a minimum the information required by Section 3.36 C. and any information required by Article XV Site Plan Review of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission;
 - vii. Performance Standards. Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
 - a. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer’s installation requirements provided, they do not conflict with the state and local requirements;
 - b. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;

- c. The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
 - d. The maximum height of a wireless communications support structure and any attached wireless communications equipment shall be two hundred feet. A structure greater than two hundred feet may be approved, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that the proposed support structure and attached wireless communications equipment in excess of two hundred feet will be safe and also reduce the total number of potential similar support structures within Fruitland Township and the surrounding areas;
 - e. The antenna or tower shall be permanently secured to a stable foundation;
 - f. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
 - g. All antennas and towers must be grounded to protect against damage from lightning;
 - h. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the wireless telecommunications company shall take all steps necessary to correct and eliminate such interference; and
 - i. The use of guy wires is prohibited. Only monopole towers are allowed.
- iii. Approval Standards. In order to approve the application, the Planning Commission shall find that:
- a. The proposed use and support structure meet the Special Land Use General Standards of Section 14.03;
 - b. The proposed use and support structure meet requirements of this Section 14.03 EE.;
 - c. Approval of the project will fill a significant gap in the service coverage of the applicant; and

- d. That alternate sites or telecommunications facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.
- iv. Conditions of Approval. Any conditions imposed on an approval must relate directly to this Ordinance, other applicable Township ordinances and codes and applicable State and federal laws; and
- v. Noncompliance with Section 14.03 EE. Requirements. If the Planning Commission determines to deny an application for Special Land Use Permit approval because the proposed project does not meet one or more of the requirements contained in Section 14.03 EE. or any of the special land use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative telecommunications facility sites or are available or feasible and at least one of the following applies:
 - a. A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless service to the area in question;
 - b. There is not substantial evidence on the record justifying a denial; or
 - c. A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

Pursuant to any such approval by the Planning Commission, the wireless communication support structure and wireless communications equipment shall still comply with all of the requirements of Section 14.03 EE. and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

- FF. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
 - 1. Any such buildings shall be generally compatible, with respect to material and color, with the surrounding neighborhood.
 - 2. Any such building shall comply with the yard setback requirements of the district in which it is located.

GG. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be one hundred and fifty (150) feet.
3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on corner lot, and one (1) for any other street.
5. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped area.
7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
9. When adjoining residentially zoned property, parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
12. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
15. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

HH. Vehicle wash establishments, either self-serve or automatic.

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in the front yard setback area.
3. Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

II. Veterinary hospitals and animal clinics.

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

JJ. Wind Energy System (WES)

1. All requirements for a site plan contained in Article 15.
2. Dimensions of the area purchased or leased which is to contain the WES.
3. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
4. Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
5. Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
6. Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.
7. Height elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
8. Land uses within 300 feet of the parcel.
9. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
10. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
11. Security measures proposed to prevent unauthorized trespass and access.
12. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer with the appropriate experience shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
13. The height of a WES for which a Special Land Use Permit is required shall be determined by compliance with the Federal Aviation Association requirements; however, lighting is prohibited according to township requirements.

14. A planning commission approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring the funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

KK. Ponds exceeding one (1) acre of surface area.

1. All requirements of Article III, General Provisions, Section 3.17 Excavations, holes or ponds must be met in addition to the requirements of this section.
2. A pond or ponds totaling more than one (1) acre must be located on a parcel of a minimum of ten (10) acres and the surface area of said pond must not exceed 20% of the parcel size.
3. State approval shall be required prior to the construction of any pond over five (5) acres in size.
4. The regulations herein also pertain to a retention/detention pond for a site.
5. An engineered assessment of the site indicating how the surface waters of the pond will be obtained, ex: ground water, precipitation water, well supplied water or a combination of these and estimation of evaporation rates from the pond.
6. A detailed topographical survey of the site with 1-foot contour intervals detailed enough to indicate both drainage and emergency drainage patterns.

LL. Historic Resorts

1. Purpose. The purpose of this section is to recognize existing resorts which have contributed to the historic character of Fruitland Township and to provide an opportunity for these resorts to remain viable by allowing such uses to upgrade and redevelop their facilities in order to provide contemporary resort amenities in accordance with current Township goals and requirements. Specifically, the objectives of this section are:
 - a. To allow existing resorts which are non-conforming to be able to redevelop and modernize their facilities by seeking a Special Use Permit without changing the historical aesthetic character of the resort.
 - b. To allow existing resorts to be re-developed with a mix of uses, structures, buildings and housing types typical of a resort community in a manner which preserves the residential character of existing and planned residences on nearby properties and consistent with the Township's zoning ordinances.
 - c. To preserve and protect the shoreline of resort property abutting White Lake.
 - d. To preserve the natural features of the site as much as is practicable while allowing for alterations and improvements to the resort without increasing the historical footprint of the resort.;

- e. To permit an appropriate number, type, design and location of lodging facilities which will avoid overcrowding of the land, achieve compatibility with nearby land uses and allow for continuation of the resort as a viable business
2. Applicability. The provisions of this Section 14.04LL shall only be applicable to Parcel Numbers 61-06-245-005-0001-00 which is the only historical resorts located within the Inland Lakes Zoning District in existence and operating as of the effective date of this Ordinance amendment July 5, 2016. Only historic resorts located in the Inland Lakes Zoning District that were in existence and operating as of the effective date of this Ordinance amendment may be issued a special land use permit in accordance with the procedures and requirements of this Section.
 3. Historical Resort Permitted uses Subject to Planning Commission Site Plan Review
 - a. Single family detached dwelling units including cabins, cottages, and ranch houses.
 - b. Two family attached dwelling units (duplexes).
 - c. Multi-family buildings with more than one dwelling unit per building.
 - d. A lodge building offering individual rooms for rent with a lobby, gathering room and a restaurant for use by resort guests and which may also be open to the general public.
 - e. Motel type building with individual housekeeping units.
 - f. Recreational facilities and activities typically provided by a resort including but not limited to: tennis courts, ball fields, bike and walking paths, playground, community buildings, swimming pool, campfire area, beach and water activities, shuffle board, mini-golf and similar recreational facilities but excluding camping and recreational vehicle use.
 - g. Outdoor dining areas.
 - h. Multi-purpose buildings which are designed for non-residential use such as conferences, assemblies, meeting rooms, and gatherings of a similar nature.
 - i. Gift shop.
 - j. Accessory uses structures and buildings which are customarily associated with allowed uses.
 4. Historical Resort Permitted uses Subject to Approval by the Township Board following recommendation by the Planning Commission. The following uses may be allowed but only when specifically authorized by the Township Board provided such uses are determined to be compatible with nearby residential land uses and as recommended by the Planning Commission. In allowing such uses the Board may attach conditions to ensure such activities do not have an adverse effect on nearby lands and residents and are consistent with the historical use.
 - a. Wedding receptions, graduation parties, family reunions, and other similar outdoor gatherings and uses not exceeding 150 persons which are typically associated with a resort.

- b. Boat docks and slips, either temporary or permanent.
 - c. Outdoor music.
 - d. Other uses which are determined by the Township Board to be similar to those listed above which are typical to a resort operation.
 - e. Any wedding reception, graduation party, family reunion, and other similar outdoor gatherings and uses that exceeds 150 persons which are typically associated with a resort must seek specific Township Board approval.
5. Procedures for Special Land Use permit for historic resorts.
- a. No resort will be deemed to be in compliance with this ordinance without have first sought an application for and obtained a special land use permit complying with the submittal requirements of Section 14.02 of this Ordinance which shall include a site plan illustrating all existing site conditions and proposed improvements and other requirements of Article XV Site Plan Review, Section 15.03 Site Plan Review Requirements. In addition, the applicant shall provide the following information:
 - i. Number and type of dwelling units existing and proposed;
 - ii. Outdoor recreation facilities currently offered and any proposed;
 - iii. Boat docks and slips existing and proposed;
 - iv. Number and location of existing and proposed parking spaces;
 - v. List of uses, services, events and activities currently offered and proposed other than those listed above.
 - b. In approving a special land use application, the Board may impose conditions in accordance with Section 14.03.B herein. Such conditions may include but are not limited to regulating the days and hours of outside events and activities, requiring additional landscaping and setbacks above what is required by this Ordinance and correcting existing situations on the property which are having an adverse impact on nearby properties such as drainage, noise from outside activities, exterior lighting and parking of vehicles. Further the Board may attach conditions to ensure such events and uses do not have an adverse effect on nearby lands and residents and are consistent with historical uses made by the resort.
 - c. Any changes proposed to a site plan approved as part of a special land use under this section shall comply with the provisions of Article XV, Site Plan Review, Section 15.06 Changes in the Approved Site Plan.

- d. In the event an Historical Resort has been issued a Special Land Use permit in accordance with this section and seeks to make its facilities available for wedding receptions, graduation parties, family reunions, outdoor music events and like outdoor gatherings and uses determined by the Board to be similar to those set forth above and typical of a resort of like size, the resort shall submit annually, or semiannually, its calendar of such events to the Board for consideration and approval on such forms as approved by the Board from time to time and shall pay such permit fees as may be established by the Board from time to time. In approving such events and uses the Board may attach conditions to ensure such events and uses do not have an adverse effect on nearby lands and residents and are consistent with historical uses made by the resort.
6. Procedures for Special Land Use permit for historic resorts.

Any person owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved Special Land Use or any conditions attached to the approval of the Special Land Use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

A major change is defined as a change in the conditions of approval or the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 14.03.A herein.

Examples of a major change may include but are not limited to a substantial increase in the hours of operation, an expansion of the land area devoted to outdoor activity, an increase in the intensity of the use which would increase traffic or a change in the conditions of approval which may result in an adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use and expanding the building containing the use if such expansion would increase the intensity of the use.

Any major change shall be considered in the same manner as set forth in Section 14.02 of this Ordinance which would require a public hearing. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.

If the requested changes apply only to a component of an approved site plan which is part of an approved Special Use the requirements of Article XV, Site Plan Review, Section 15.06 Changes in the Approved Site Plan shall apply.

7. Development Requirements

- a. General -Any new buildings, structures or expansions of existing buildings or structures shall comply with the requirements of the Inland Lakes Zoning District Chapter and other applicable requirements of this Zoning Ordinance except as noted herein.
- b. Parking – The number of off-street parking spaces proposed to serve the resort shall be as approved by the Township Board following a recommendation from the Planning Commission and shall comply with the ADA Standard for Accessible Design. The Planning Commission shall base its recommendation on the historical parking needs of the existing resort, the number of dwelling units and lodging rooms, the uses and services offered by the resort to the general public such as a restaurant, wedding receptions and conference space and the parking requirements of this Zoning Ordinance. The Commission and Board shall have the authority to approve temporary off-street parking on pervious surfaces for events provided it is designed for safe ingress and egress. All other parking requirements of Article XVI Parking and Loading shall be met.
- c. Utilities - The resort shall be served by either a private or community owned well and septic system approved by the Muskegon County Health Department or by a public water and sanitary sewer system.