

**CHAPTER 5 - SPECIAL USE PERMIT REQUIREMENTS****SECTION 501. INTENT, PURPOSE, AND PROCESS.**

1. INTENT. The formulation and enactment of this Ordinance is based upon the division of the Township into districts. Each district allows for uses that have been deemed compatible, and those uses are permitted by right. Other use, however, may also be compatible in these districts based on their particular location and anticipated impact. These uses have been deemed special uses and should be permitted only after it has been found that they are in conformance with the standards and requirements of this Chapter.
2. PURPOSE. (*Amended by Ordinance #67*) This Chapter provides procedures and standards for regulating activities identified as uses permitted by Special Use Permit in Chapter 3 of this Ordinance or developments undertaken pursuant to the Open Space Preservation Options of Section 421. The purpose of designating a special use is to allow practical latitude for a property owner or developer to use a parcel of land while also maintaining protection of the health, safety, comfort, convenience and general welfare of the community at large.
3. PROCESS. The regulation of Special Uses includes two separate steps. The first step is the review of the Site Plan for the proposed use. The second step is the decision of whether a Special Land Use Permit will be granted.
  - a) STANDARDS. During the Special Use Permit process, various considerations must be explored before the Site Plan or the Special Use Permit may be approved. Some of these considerations are defined in this Chapter as additional review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. These are minimum requirements which must always be met.
  - b) CONDITIONS. The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  - c) PRECAUTION. No person should think that any provision of this Ordinance automatically grants them the right to establish a Special Use in any given Zoning District. Instead, the privilege of establishing a Special Use is granted or denied by the Planning Commission in accordance

with the procedures and standards identified in this Chapter.

- d) PERMANENCE. Once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when a parcel is rented or sold. Therefore, This Ordinance does not provide for the placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as specified in Section 502.

#### **SECTION 502. PERMIT PROCEDURES.**

1. SUBMISSION OF APPLICATION. The application package is to be submitted to the Haring Township Zoning Administrator.

- a) CONTENTS. The Application package consists of a Special Use Permit application form completed in full by the applicant, accompanied by a fee as established by the Township Board and site plan meeting the requirements of Section 206.

In addition to the above, a completed application package for a Special Use Permit must contain individual statements addressing each of the Special Use Permit standards and any additional standards listed in that table of Special Use Permit standards from Section 505. Licenses, permits, and other documents or items which evidence compliance with said standards and additional requirements shall be attached.

- b) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which the application will be considered.

2. SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.

In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements:

- a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
- b) PROCEDURES. The ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of proposed rezoning by the Township Board.
- c) STANDARDS. All standards required by this Ordinance shall be observed for each action.
- d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and the Special Use decisions. Therefore, two (2) separate public hearings shall be held at the same meeting.

3. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission, if the applicant wishes to have the Site Plan Review and the Special Use Permit considered at a single Planning Commission meeting. In the case of an application for a Special Use Permit for a sexually oriented business, the Site Plan Review and the issuance of a Special Use Permit shall be initially considered at a single Planning Commission meeting.

- a) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedures and standards presented in Section 206 and other specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date. In the case of a Site Plan Review for a sexually oriented business, if the Planning Commission has not made and adopted findings of fact and either approved, approved with conditions or denied the proposed site plan within sixty (60) days of its initial review of the site plan, then the site plan shall be deemed to have been approved.
  - 1) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of

granting the Special Use Permit. There are no provisions for holding a public hearing concerning a site plan. However, the Planning Commission may, at its discretion, choose to accept public comments or questions relating only to design considerations of a site plan.

- 2) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- b) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting at which the Special Use Permit is considered.
- 1) NOTICE. Notices of the public hearing, in accordance with the requirements of Section 166(2) of the Township Rural Zoning Act (Act 184 of 1943) shall be made.
  - 2) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that consideration of the Special Use Permit, including the public hearing, be postponed. However, postponement of the public hearing requires additional notification of neighboring property owners and newspaper publication of another notice. The applicant will be required to reimburse the Township for any additional costs incurred.
- c) CONSIDERATION OF SPECIAL USE PERMIT. Following the public hearing, the Planning Commission shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. The Planning Commission members shall then discuss the motion and vote upon it.
- 1) OPEN MEETING. Note that the Open Meeting Act requires this vote to take place in an open public meeting.
  - 2) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting at which the public hearing is held, unless further

information must be obtained before a decision can be made. In such cases, action on the Special Use Permit may be tabled to a public hearing of the Planning Commission to be held on a specific date which is identified in the motion to table.

PROMPT DECISION REGARDING SEXUALLY ORIENTED BUSINESSES. In addition to the requirements of this subsection (2) above, if the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved, approved with conditions, or denied the issuance of a Special Use Permit for that business within sixty (60) days of its public hearing on same, then a Special Use Permit shall be deemed to have been approved.

- 3) ISSUANCE OF ZONING PERMIT. Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
4. TERMS OF PERMIT. A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of this permit, are described by Section 702. If a use established under a Special Use Permit is discontinued for a period of one year, the Special Use Permit shall expire. To re-establish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
5. REVOCATION. The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process previously described. Except as noted in item (5), the permit remains valid as long as all of the conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit. Revocation of the Special Use Permit shall also void the Zoning Permit.
  - a) FIRST NOTICE. The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within 30 days or the Planning Commission will revoke the Special Use Permit and order the use to cease.

- b) CONSIDERED NON-CONFORMING. From the time the Zoning Administrator's notice of violation is issued and until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as a non-conforming use. Actions specified in Section 201 pertaining to the regulation of non-conformities shall be taken whenever they apply.
- c) PLANNING COMMISSION ACTION. The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission's meeting will usually occur before the 30 day period for the first notice of violation as expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. The resolution shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violation(s) are not corrected by the end of the first notice period.
- d) SECOND NOTICE AND ORDER. After expiration of the 30 day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within 60 days from the date of the second notice.
- e) ENFORCEMENT OF ORDER. Failure to comply with the order to cease any activity for which a Special Use Permit has been revoked is a violation of this Ordinance and is subject to all penalties thereof.

**SECTION 503. PERMIT STANDARDS AND BASIS FOR DETERMINATIONS**

Prior to the approval of a required site plan and Special Use Permit, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied.

1. GENERAL STANDARDS. The Planning Commission shall review the particular circumstances of the special use request in terms of the following standards, and shall approve a Special Use Permit only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Ordinance:
  - a) The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - b) The special use shall not inappropriately change the essential character of the surrounding area.
  - c) The special use shall not interfere with the general enjoyment of surrounding property.
  - d) The special use shall represent an improvement to the use or character of property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
  - e) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.
  - f) The special use shall be adequately served by essential public services and facilities, or it shall be demonstrated that the person responsible for the proposed special use shall be able to provide for the services and facilities deemed essential to the special use under consideration. Such public services and facilities include, but are not limited to, highways, streets, fire and police protection, drainage structures, water and sewage disposal facilities, and schools. All structures which are required by applicable building codes to contain plumbing fixtures shall be connected to public water or public sewer, or both, when required by the Haring Township Water and Sewer Ordinances. In the event the

provision of public water and public sewer, or both, is necessary such that the other standards set forth for approval in this Ordinance can be met, the approving body may impose, as a reasonable condition, as necessary to meet the goals or specific standards for special land use approval, a requirement of connection to public water and sewer when such connection would not otherwise generally be required by the Township Water or Sewer Ordinance.

- g) The special use shall not place demands on public services and facilities in excess of current capacity.
- h) The special use shall be consistent with the intent and purpose of this Ordinance, and with the objectives of the Township Comprehensive Master Plan.

2. STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit application, the Planning Commission reviews the site plan for the proposed use to establish that all applicable standards are satisfied. The Site Plan Review shall determine compliance with the applicable Zoning District regulations from Chapter 3, the Site Plan Review Standards from Chapter 2, Section 206, and any applicable standards from this Chapter.
3. ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit itself. These conditions and the reasoning behind them, must be documented in the Planning Commission's minutes and communicated to the applicant in writing.
4. ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 502 (6).

#### **SECTION 504. PERFORMANCE GUARANTEE**

In authorizing a Special Use Permit, the Planning Commission may require a sum of money to be deposited with the Township Treasurer in cash as a guarantee of performance for any conditions attached to approval of Special Use Permits. The procedures for performance guarantees are specified in Chapter 7, **Administration and enforcement, Section 702 (4)**. Non-refundable for non-performance.



**SECTION 505. APPEALS.**

1. APPEAL TO ZONING BOARD OF APPEALS. Within 15 days following the date of a decision on any Special Use Permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Township Planning Commission to the Zoning Board of Appeals. Upon the filing of an appeal, the application and all relevant documents and testimony, and the findings and decision of the Township Planning Commission, shall be transmitted to the Zoning Board of Appeals.
  
2. APPEAL TO ZONING BOARD OF APPEALS - SEXUALLY ORIENTED BUSINESS. If the Planning Commission denies a site plan, application for a Special Use Permit, or both, for a sexually oriented business, the applicant shall be entitled to prompt review by the township Zoning Board of Appeals upon written request to the Zoning Administrator. The Zoning Board of Appeals shall convene a meeting within (7) business days of the Zoning Administrator's receipt of the applicants request for review of the Planning Commission decision. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether: 1) the Planning Commission's decision was based upon competent, material and substantial evidence, and 2) the Planning Commission's decision complies with the procedural requirements of the Zoning Ordinance and with Michigan and federal law. The Zoning Board of Appeals shall have all powers of the Planning Commission in reviewing the decision.

Within thirty (30) days of the initial hearing on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing, or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed. If the Zoning Board of Appeals affirms the Planning Commission's denial of a special use permit application to operate a sexually oriented business, then, upon written request from the applicant to the Zoning Administrator, the Township shall within three (3) business days of its receipt of such written notice do the following:

- a) File a petition in the Circuit Court for the County of Wexford seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually

oriented business in violation of the Township Zoning Ordinance;

- b) Request that the motion for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall join in such request.

In the event that applicant does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Zoning Board of Appeal's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application or site plan automatically approved if within five (5) business days of the filing of Township's petition, a show-cause hearing has not been scheduled.

**The Zoning Board of Appeals shall determine whether the party filing the appeal is aggrieved by judging the merits of the application.**

**HARING CHARTER TOWNSHIP ZONING ORDINANCE  
TABLE OF SPECIAL USE PERMIT STANDARDS**

IMPORTANT NOTES;

- \* Granting of a Special Use Permit requires Site Plan Review and a public hearing.
- \* A Special Use Permit is a privilege granted by the Township, not a right.
- \* THE TOWNSHIP WILL REVOKE A SPECIAL USE PERMIT FOR FAILURE TO MAINTAIN COMPLIANCE.
- \* Each Special Use must meet the minimum requirements for the Zoning District in which it is located, EXCEPT AS SPECIFICALLY NOTED IN THIS SECTION.
- \* This section lists the standards and additional requirements for uses which may be permitted by Special Use Permit. These standards supersede the District Regulations.

SPECIAL USE: Bed and Breakfast Establishments

STANDARD AND ADDITIONAL REQUIREMENTS:

- \* Not more than 25% of the total floor area may be used for sleeping room for guests.
- \* No separate cooking facilities may be provided for guest.
- \* One non-illuminated wall sign of not more than 4 square feet shall be permitted

SPECIAL USE(S): Group Child Day Care Homes and Child Care Centers.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Shall provide on-site parking for all employees in addition to the parking required for the residence itself.
- \* Must be licensed or certified by Michigan Dept. of Social Services.

SPECIAL USE: Clinics.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Minimum lot area of 25,000 S.A. required.
- \* Minimum building setbacks of 50' on all sides.
- \* Must provide an obscuring fence or Berm 6' high on all sides adjacent to parcels zoned R, FR, or RL.

SPECIAL USE: Health Care Institutions

- Churches
- Public and Private Schools
- Clubs, lodges, and community centers.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Minimum lot area shall be 4 acres unless the building is less than 20,000 s.f., site shall be a minimum of 2 acres.
- \* No building shall be closer than 50' to an adjacent property line or street R.O.W. line.
- \* Structures over 30' high shall be set back one additional foot for each additional foot in height.

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SPECIAL USE: Campgrounds.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* The site shall be a minimum of 20 acres in area.
- \* The site shall be no closer than 200' to a R zone.
- \* There shall be at least 750 S.A. of area provided within each campsite.
- \* Must maintain compliance with all regulations of the County Health Department and all other state and local regulation which apply to such facilities.

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SPECIAL USE: Multiple-family dwellings.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Shall be located on an improved County road.
- \* Site shall be at least one acre in size.
- \* No structure shall be closer than 50' to any adjacent property line or street R.O.W. line.
- \* Must be served by public water and sewer, or must provide suitable project-wide water and sewer service.
- \* Shall not exceed a density of 10 dwelling units per acre.

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SPECIAL USE: Public and private parks and outdoor recreation facilities.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* These uses require only Site Plan Review and compliance with the appropriate Zoning District Regulation.

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SPECIAL USE: Riding stables, including boarding of horses.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Minimum parcel size of 10 acres.
- \* Buildings and enclosures housing horses shall be at least 100' from adjacent property lines. This shall be increased to 200' if any part of the site is adjacent to an R district.
- \* Shall provide proper control of animal wastes, odor, and noise.

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SPECIAL USE: Veterinary Clinics and Kennels.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Site shall be at least one acre if animals are kept entirely within enclosed building; 5 acres required if outdoor exercise areas are included.
- \* No building, fence, or wall shall be closer than 50' to any adjacent property line or street R.O.W. line.
- \* Outdoor exercise area shall be enclosed by a solid wall or by a chain link fence at least 4" high.
- \* Shall provide proper control of animal wastes, odor, and noise.

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SPECIAL USE: Mobile home park.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Site shall be a minimum of 10 acres in a area.

- \* Site shall have its principal access from a county primary road or state highway.
- \* No building or mobile home within the park shall be closer than 50' to any adjacent property line or street R.O.W. line.
- \* All development shall conform to the Michigan Mobile Home Commission Act.

SPECIAL USE: Arenas and stadiums.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Minimum area shall be 10 acres.
- \* Building setbacks shall be 100' from all adjacent property lines and street R.O.W. lines; setbacks shall be increased to 200' on any side adjacent to an R,FR, or RL District.
- \* All traffic ingress and egress shall be from a county primary road or state highway.
- \* All points of entrance and exit for motor vehicles shall be no closer than 200' from the intersection of any two streets or highways.
- \* All vehicles shall have a clear vertical and horizontal sight distance approaching a public street within 100' of the street for a sight distance of 500' in either direction along the street.
- \* Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.

SPECIAL USE: Industrial parks and research facilities.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* These uses require only general Site Plan Review and compliance with the applicable District Regulations.

SPECIAL USE: Salvage operations

Transfer stations and solid waste processing facilities

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Site shall be a minimum of 10 acres in area.
- \* Active area shall be at least 250' from all street or property lines.
- \* Site shall be completely surrounded by a solid fence or wall at least 8' high. Shall be approved by Township Planning Commission.
- \* All activities shall be confined within the fenced area.
- \* Solid waste facilities must be licensed by the State of Michigan in accordance with Act 641.
- \* Must have obtained all required state licenses

SPECIAL USE: Bulk fuel dealer

STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Site shall be a minimum of 10 acres in size.
- \* All buildings and storage areas shall be set back at least 100' from all adjacent property lines or street R.O.W. lines; these setbacks shall be increased to 200' on any side adjacent to an R, FR, or RL zone.
- \* Applicant shall consult with State Fire Marshall, MDNR, and the local fire department when preparing site plan.
- \* Must maintain compliance with all applicable state and local regulations.

SPECIAL USE: Single family residence

## STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Purpose is to allow repair, replacement, reconstruction, to allow expansion and additions of existing dwelling which would otherwise be non-conforming under this Ordinance.
- \* Dwelling must have existed prior to effective date of Ordinance.
- \* Must meet all dimensional requirements for the R District, unless variances are obtained through the ZBA.
- \* Site Plan Review required.
- \* Residential accessory buildings are also permitted, as specified in Section 202.

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**SPECIAL USE: Sexually Oriented Business**

## STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred feet (1,500) of any principal or accessory structure of another sexually oriented business.
- \* No adult-only businesses shall be established on a parcel which is within one thousand feet (1,000') of any parcel zoned A, R, FR, or RL.
- \* No sexually oriented business shall be established on a parcel within one thousand feet (1,000') of any public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to nearest property line of the public park, school, child care facility, church or place of worship.
- \* The proposed use shall conform to all standards of the zoning district in which it is located.
- \* The proposed use must meet all applicable written and duly promulgated standards of Haring Charter Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- \* The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- \* Any sign or signs proposed for the sexually oriented business must comply with the provisions of Chapter 6 of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified sexual activities or specified anatomical areas, or include animated or flashing illumination.
- \* Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than (2) inches in height: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

- \* No product or service for sale or gift, or any picture or other representation of any product or services for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- \* Hours of operation shall be limited to 8:00 AM to 12:00 AM.
- \* All off-street parking areas shall comply with Section 219 of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- \* Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  1. Is handicap accessible to the extent required by the Americans With Disabilities Act;
  2. Is unobstructed by any door, lock or other entrance and exit control devices;
  3. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  4. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance can clearly determine the number of people within;
  5. Has no holes or openings in any side or rear walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

#### SPECIAL USE: Motor Freight (Truck) Terminals

##### STANDARDS AND ADDITIONAL REQUIREMENTS:

- \* Site Plan Review required.
- \* Planning Commission may determine truck routes.
- \* Planning Commission shall consult with the Wexford County Road Commission and determine any necessary road upgrading which will be required.
- \* All buildings shall be set back at least 50' from road right-of-way; 100' from any property that is not zoned Commercial or Industrial.

#### SPECIAL USE: Recycling Drop-off Center

##### STANDARDS AND ADDITIONAL REQUIREMENTS:

- Facility must be consistent with the County Act 641 Solid Waste Management Plan, as documented by the designated County Solid Waste Management Agency.
- Planning Commission shall request review by the Michigan Department of Natural Resources and the District Health Department.
- Facility may accept only clean, source-separated recyclable materials.
- Must provide means of controlling access to site to prevent entry and/or drop off of materials when facility is unattended.

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**SPECIAL USE: SITE CONDOMINIUM SUBDIVISIONS** (*Ordinance #67, 7/05/2003*)**STANDARDS AND ADDITIONAL REQUIREMENTS:**

Pursuant to authority conferred by Section 141 of the Condominium Act (MCL 559.241), Public Act 59 of 1978, as amended, all site condominium subdivisions must be approved by the Haring Township Planning Commission pursuant to the requirements applicable to uses allowable by Special Use Permit. Except as provided herein, all of the procedures for reviewing and approving or denying a site condominium project shall be the same as for a special use permit.

In determining whether to approve a site condominium subdivision, the Planning Commission shall consult with the Township Attorney, Township Engineer and Fire Department regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

- A. Zoning Compliance Required.** All site condominium subdivisions and structures therein shall comply with all of the use, size, sign, height, frontage, and area (setback) regulations of the underlying zoning district in which the subdivision is located.
- B. Site Condominium Subdivision Review Procedures.**
1. At least thirty (30) days before the first meeting of the Planning Commission at which the proposal is to be considered, the developer shall submit to the Township Zoning Administrator all the materials required herein (hereafter referred to as "site condominium plans") together with a fee in accordance with the schedule adopted by the Township Board.
  2. Simultaneously with the submission of the site condominium plans, the applicant shall also submit to the Zoning Administrator an application for a special use permit. Consideration of the proposal shall then proceed in accordance with Chapter 5 (Special Use Permit Requirements) and the requirements of the Township Rural Zoning Act (1943 PA 184), as amended.
- C. Site Condominium Plans - Required Content.** In addition to the materials required by Sections 206 and 502, all site condominium plans shall require the following;
1. A project description, describing the nature and intent of the proposed development.
  2. A survey of the site condominium subdivision.
  3. A floodplain plan, if the site lies within or abuts a floodplain area.
  4. A site plan showing the location, size, area, and dimensions of all condominium units.



5. A utility plan as required.
6. A street construction, paving and maintenance plan for all private streets within the proposed site condominium subdivision.
7. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
8. A soil erosion and sedimentation control plan.
9. A description of the common elements of the project as will be established in the condominium Master Deed.
10. The use and occupancy restrictions as will be specified in the Master Deed.
11. A "Consent to Submission of Real Property to Condominium Project," stating all parties having ownership interest in the proposed site condominium subdivision, or evidence of the developers legal authority, right or option to purchase the subject property from the owner(s) of record.

**D. Utilities.**

**1. Easements.**

- a) The site condominium plan shall include all necessary easements (e.g., sewer, water, sidewalks, bike paths, etc.) granted to the Township, Wexford County, and any public utility companies, as appropriate, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, wires, roads and other installations of a similar character for the purpose of providing any and all public utilities to the property. In addition, any such easements as necessary to provide public utility service to adjacent or other properties which may in the future be developed shall be granted at that time, or an irrevocable option given to acquire such easements. "Reserve strips" at the property line or similar means by which a property owner can block extension of utilities are prohibited.
- b) Site plans in areas currently served or to be served by public water, public sewer, or both, shall be referred, if appropriate, by the Zoning Administrator for review and comment to the Township engineer, utility staff, or committee or body formed by the Township to review public water and sewer utilities for recommendation, to be received by the Planning Commission at or before the meeting at which the site plan is considered, regarding extension of public sewer and water, construction, oversizing, location and terms of easements, and similar matters. The reviewing official or group may recommend

a variation or waiver of certain requirements for easements if it is determined such easements are not needed, or if different arrangements will be made for water or sewer extension.

2. **Special Assessments.** As a condition of granting a Special Use Permit for a Site Condominium Subdivision, the Planning Commission may require a developer to underwrite the costs of construction of sewer and water lines within all easements and/or rights of way within the site condominium subdivision. Under such circumstances, the Planning Commission may recommend to the Township Board the establishment of a special assessment district pursuant to 1954 PA 188, as amended.
- E. **Private Streets.** If a site condominium subdivision is proposed to have private streets, the Planning Commission shall require that such streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Haring Township Zoning Ordinance or as otherwise specified by the Wexford County Road Commission.
- F. **Subdivision of Condominium Units.** All subdivision of individual condominium units shall conform to the requirements of the Haring Township Zoning Ordinance and the particular underlying zoning district standards as previously approved, including but not limited to minimum lot dimensions, lot area and building setback requirements. Said requirements shall be made a part of the condominium by-laws and recorded as part of the Master Deed.
- G. **Mobile Home Condominium Projects.** Mobile home condominium projects shall conform to all requirements of the Haring Township Zoning Ordinance.
- H. **Master Deed - Contents.** The provisions of site condominium plans, as approved by the Planning Commission, shall be incorporated in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Planning Commission pursuant to the procedures set forth herein for approval of site condominium plans. A copy of the Master Deed as filed for recording with the Wexford County Register of Deeds shall be submitted to the Township Zoning Administrator within ten (10) days after such filing.
- I. **Installation of Required Improvements: Performance Bond.** The Planning Commission shall require that all roads, driveways, sewer and water mains and connections, and other required improvements be constructed and completed prior to issuing an occupancy permit. If those improvements are only partially completed, but occupancy would not impair the health, safety, and general welfare of the patron and the public, the building inspector may, upon the recommendation of the Planning

Commission, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one year of the date of the occupancy permit. This bond would be non-refundable for non-performance.

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SPECIAL USE: Transitional/Sheltered Housing (*Amendatory Ordinance #12-1008; adopted 10/8/2012*)

STANDARDS AND ADDITIONAL REQUIREMENTS:

- 1) To be approved, the applicant shall present a facility management plan which shall outline (i) the specific social services to be provided at the facility, (ii) the particular needs of anticipated clientele, (iii) the expected length of stay for the persons offered temporary housing, and (iv) other information required by the Planning Commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.
- 2) The applicant shall demonstrate that outdoor site amenities (benches, tables, gardens, fencing, other visual impediments, etc.) be provided to maintain privacy and prevent loitering on public and private property in the surrounding neighborhood.
- 3) The use shall be compatible with other allowed uses in the vicinity. The impact of the facility shall be no greater than that of other uses allowed in the District. The facility generally shall not be sited on lots designed or platted specifically for single-family housing (i.e.: subdivisions, site condominiums), unless the facility is found by the Planning Commission to be an appropriate use due to unique characteristics of the lot and/or the plat.
- 4) The applicant shall provide a description of the structured program that will be offered by the facility including the days and hours of program operation.
- 5) When occupied, the Transitional/Sheltered Housing facility shall have 24-hour supervision by a shift manager who is familiar with the facility's operational procedures, emergency management plan and have access to and knowledge of the persons staying at the shelter.
- 6) Residents may not be housed for more than 120 consecutive nights. Upon spending the 120<sup>th</sup> consecutive night, the resident is required to leave the shelter for a period of 30 days. Under no circumstances shall a resident spend more than a total of 240 nights in the center during a 365-day period.
- 7) The center must be a governmental agency or bona fide charitable association, such as a 501 (c) organization.
- 8) Site shall be at least one-half (1/2) acre in size.

- 9) Site shall not be exclusively served by a seasonal road.
- 10) The Planning Commission may require further conditions or safeguards, in accordance with Section 501(3), (b) and Section 503(3).
- 11) Must be located within the Urban Growth Area, as shown on the current Charter Township of Haring Future Land Use Map, found in the current Charter Township of Haring Comprehensive Master Plan.
- 12) The Planning Commission may require an exclusionary zone or isolation distance from schools or child care facilities in cases where the Commission finds that the type of facility may cause a land use conflict.