

**ARTICLE 50.0
SPECIAL USES****SECTION 50.01-PURPOSE**

The formulation and enactment of this Zoning Ordinance is based upon the division of the unincorporated portions of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need, or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 50.02-AUTHORITY TO GRANT PERMITS

The Lodi Township Board shall have the authority to grant special use permits subject to such conditions of design and operation, safeguards, and time limitations as it may determine for all special uses specified in the various provisions of this Ordinance.

SECTION 50.03-APPLICATION AND FEE

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Lodi Township Board by letter of application submitting required data, exhibits and information and depositing the required fee. Such application shall be accompanied by a fee established by the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant after depositing the required fee with the Township Clerk.

SECTION 50.04-DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION

An application for a special use permit shall contain the applicant's name and address in full; a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses; and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance. Section 54.03 B.

SECTION 50.05-PUBLIC HEARING

Upon receipt of a complete and accurate application for a special land use from the Clerk, the Planning Commission shall undertake a study of same. A public hearing date shall be established for the petition and notice shall be given in accordance with Section 57.10 (Public Hearing Procedures).

SECTION 50.06-PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall review the application for a special use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The Planning Commission shall recommend approval or denial of the application for a special use permit and shall transmit its recommendations, together with a report thereon, to the Township Board. The report shall contain the Planning Commission's analysis of application in relation to the required standards and findings, and shall include a summary of the findings of fact and conclusions made as a result of the public hearings.

Article: 50.0 SPECIAL USES**SECTION 50.07-REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- A.** Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance;
- B.** Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- C.** Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- D.** Will not be hazardous or disturbing to existing or future neighborhood uses.
- E.** Will not create excessive additional requirements at public cost for public facilities and services.

SECTION 50.08-TOWNSHIP BOARD ACTION

A special use permit shall not be issued for the occupancy of a structure or parcel of land, or for the erection, reconstruction, or alteration of a structure, except in compliance with the following:

- 1.** The Township Board shall review the application for a special use permit, reports of the Planning Commission, the public hearing record, and any other reports thereon, and shall approve, approve with conditions, deny or table for future consideration the application.
 - a.** The Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
 - b.** If the Township Board shall deem advisable any changes, additions, or departures as to the proposed petition, the Board shall refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.
- 2.** Reasonable conditions may be required with the approval of a special use permit. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - a.** Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b.** Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
 - c.** Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- 3.** A violation of a requirement, condition or safeguard shall be considered a violation of this Ordinance.

Article: 50.0 SPECIAL USES

4. If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Township Board shall not grant a special use permit. A request for approval of a land use or activity shall be approved if the request is in compliance with the standards of this Ordinance, other applicable ordinances, and state and federal statutes.
5. No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.
6. Approved plans and any conditions imposed with respect to the approval of a special use permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township and the landowner. Changes to an approved special use permit shall be subject to the same review and approval procedures as for a new application.

SECTION 50.09-JUNK YARDS AND INOPERATIVE VEHICLES

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- B. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values conserved. A solid, unpierced fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

SECTION 50.10-DRIVE-IN THEATERS AND TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES

In addition to and as an integral part of development, the following provisions shall apply:

- A. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
- B. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
- C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

SECTION 50.11-GASOLINE SERVICE STATIONS

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

Article: 50.0 SPECIAL USES

- A. FRONTAGE AND AREA**-Every gasoline service station shall have a minimum frontage of one hundred fifty (150) feet and a minimum area of one (1) acre.
- B. SETBACKS**-Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of fifty (50) feet and a minimum setback from all property lines of twenty-five (25) feet.
- C. CONSTRUCTION STANDARDS**-All vehicle service areas shall be constructed to conform to the following standards:
1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
 2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, washing and repair equipment shall be entirely enclosed within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, may be carried out within the premises.
 4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
 5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.
 6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
 7. The minimum distance between curb cuts shall be no less than forty (40) feet.

SECTION 50.12-KENNEL

Kennels licensed by the County shall be subject to the following conditions:

- A. MINIMUM LOT SIZE**-will be operated on a parcel of land not less than ten (10) acres in area and six hundred sixty (660) feet in width;
- B. NOISE CONTROL**-on a lot on which a dog kennel shall be kept, no kennel structure or pens shall be located closer than three hundred (300) feet to the nearest edge of a public right-of-way nor within two hundred (200) feet of any neighboring site or rear lot line;
- C. PUBLIC PROTECTION**-dog kennel shall be established and maintained in accordance with all applicable county and township sanitation regulations.

SECTION 50.13-TEMPORARY OCCUPANCY OF MOBILE HOMES

The Township Board shall have authority to grant a permit for the temporary occupancy of mobile homes subject to the following conditions and fees set by the Township Board.

- A.** During the period of construction of a new dwelling, but not to exceed a period of twelve (12) months, the owner of such dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one trailer coach situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
- B.** Such mobile home shall not be located between the established setback line and the public roadway or curb line of such premises.

Article: 50.0 SPECIAL USES

- C.** The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.50-4
- D.** The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewerage system available at such premises, and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Washtenaw County Health Department for the dwelling to be constructed thereat.
- E.** No occupant of the trailer coach shall cause or permit waste to be discharged upon the ground surface of the premises, nor cause or permit refuse to accumulate or remain thereat.
- F.** The water facilities of the mobile home shall be properly connected to the public water system available at such premises, and in case such system is not available then properly connected to the existing well system which is approved by the Washtenaw County Health Department for the dwelling to be constructed thereat.
- G.** A performance bond in the amount of one thousand dollars (\$1,000), shall be provided to insure the removal of the mobile home at the termination of the permit.

SECTION 50.14-GROUP DAY CARE HOME STANDARDS

A special use permit for a group day care home shall be approved if the proposed use meets all of the following standards:

- A. LICENSING** – In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.
- B. USE STANDARDS**
 - 1. SEPARATION DISTANCE** – The use shall be located a minimum of 1,500 feet from any of the following, as measured along public or private road rights-of-way:
 - a.** Another licensed group day care home.
 - b.** An adult foster care small group home or large group home.
 - c.** A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, as licensed by the State of Michigan under the public health code.
 - d.** A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved special use permit for a group day care home.
 - 2. FENCING** – All outdoor recreation areas shall be completely enclosed and secured by a minimum four (4) foot high fence for the safety of children in the group day care home.
 - 3. APPEARANCE AND SIGNAGE** – The property shall be maintained consistent with the visible characteristics of a single-family dwelling. No signs shall be permitted for the group day care home, other than that permitted for a single-family dwelling in the zoning district.
 - 4. HOURS OF OPERATION** – The use shall not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
 - 5. EMPLOYEE PARKING** – One (1) off-street parking space shall be provided per non-resident employee of

Article: 50.0 SPECIAL USES

the group day care home, in addition to required parking for the dwelling per Article 51.0 (Off-Street Parking and Loading-Unloading Requirements).

- C. **EXCEPTIONS** - A licensed or registered family or group day care home that operated before March 30, 1989 is not required to comply with the requirements of this Section.