

## **CHAPTER 15 APPROVAL STANDARDS FOR SPECIAL LAND USES**

### **SECTION 15.01 INTENT AND PURPOSE**

This Chapter provides a set of standards for special uses of land or structures that, 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 investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community. These standards are in addition to the standard regulations of the zone districts within which the use is proposed.

### **SECTION 15.02 SPECIAL LAND USE GENERAL APPROVAL STANDARDS**

The procedure for the review and approval of a special land use is outlined in Chapter 13 Application and Review Procedures. Prior to approving a special land use application, the following standards shall be satisfied for the use at the proposed location, in addition to specific standards for individual special land uses listed in Section 15.03 below. The proposed special land use and its location shall:

- A. 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 a use will not change the essential character of the area in which it is proposed.
- B. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities or schools.
- C. Not create excessive additional requirements at public cost for public facilities and services.
- D. 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, fumes, glare, electrical or electromagnetic interference or odors.
- E. Be compatible and in accordance with the goals, objectives and policies of the Master Plan and promote the Intent and Purpose of the zoning district in which it is proposed to locate.
- F. Be subject to stipulations by the Planning Commission of additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the Special Land Use.
- G. Comply with all applicable licensing ordinances.

**SECTION 15.03 SPECIAL LAND USE SPECIFIC APPROVAL STANDARDS**

The special land use general standards of Section 15.02 are basic to all uses authorized by special land use approval. The following sections identify specific requirements that shall be complied with by individual special land uses, in addition to the general standards of Section 15.02. The special land uses with specific site and/or use standards described on the following page are as follows:

- A. Adult Care: Adult foster care small group home.
- B. Adult Care: Adult day care.
- C. Animal Hospitals.
- D. Auto Related: Vehicle Fuel Stations.
- E. Auto Related: Vehicle Repair Establishments.
- F. Auto Related: Vehicle Wash Establishments.
- G. Auto Related: Vehicle Rental Establishments
- H. Auto Related: Fuel Depot.
- I. Billboards
- J. Child Care: Foster family group home
- K. Deleted per City Ordinance No. 7-03
- L. Child Care: Child care center
- M. Child Care: Child caring institution
- N. Places of Religious Worship
- O. Hotels and Motels.
- P. Hospitals, Convalescent Homes, Nursing Homes, and Assisted Living Group Facilities
- Q. Housing for the Elderly, Independent Living Facilities
- R. Kennels
- S. Funeral Homes and Crematoria
- T. Open Air Businesses.
- U. Wireless Communication Towers.
- V. Recreation: Amusement Parks.
- W. Recreation: Golf Courses, Country Clubs.
- X. Recreation: Golf Driving Ranges, Miniature Golf Courses.
- Y. Recreation: Recreation Facility, Indoor.
- Z. Recreation: Recreation Facility, Outdoor.
- AA. Recycling Stations.
- BB. Restaurants or other establishments with drive-in or drive-through facilities.
- CC. Industrial Selling Retail.
- DD. Horse Riding Stables.
- EE. Zero Lot Line, Single Family Detached Dwellings.
- FF. Commercial Enterprise producing Merchandise on Premises
- GG. Office in Industrial

**SECTION 15.04 SITE DESIGN STANDARDS**

The Special Land Use general standards of Section 15.03 are basic to all uses authorized by special land use approval. The following subparagraphs identify specific requirements that shall be complied with by individual special land uses in addition to the general standards of Section 15.02.

**A. Adult Care: Adult foster care small group home**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the District and neighborhood in which it is located.

**B. Adult Care: Adult day care.**

1. The use shall be registered with the City.
2. Non-residential parking setback and screening provisions shall apply.
3. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District and neighborhood in which it is located, as determined by the Planning Commission.
4. An on-site drive shall be provided for drop offs/loading. This drive shall be located to allow maneuvers without creating a hazard to traffic flow on the public street.
5. The lot shall be located so that at least one (1) side abuts an arterial or collector street and all access shall be from an arterial or collector street.
6. The facility may operate a maximum of sixteen (16) hours per day.

**C. Animal Hospitals.**

1. Minimum main and accessory building setback shall be seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
2. All principal use activities shall be conducted within a totally enclosed main building.

**D.. Auto Related: Vehicle Fuel stations**

1. A vehicle fuel station building and its accessory uses and buildings shall be located not less than fifty (50) feet from any right-of-way line or from any side or rear lot line abutting a Residential District. This setback requirement shall not apply to accessory parking.
2. Where adjoining a residential use or Residential District, Buffer Zone "B" is required (see Chapter 19, Landscaping). In addition, the Planning Commission may require a solid wall or solid fence along the lot line having a maximum height of six (6) feet.
3. The minimum frontage shall be one hundred fifty (150) feet and the minimum lot area one (1) acre.
4. Accessory auto related facilities located on the premises such as wash facilities, vehicle rental and vehicle repair are allowed however must obtain separate special land use permits as provided for in this Chapter.

5. The lot shall be located so that at least one (1) side abuts an arterial street.
6. The site shall be limited to no more than one (1) driveway for each street on which it has frontage.
7. All storage of material, merchandise and equipment shall be within the building.
8. Gasoline or other flammable mixtures shall not be used to wash down the premises.
9. In the event that a Vehicle Fuel station has been abandoned or not used as a Vehicle Fuel station for a period of more than one (1) year, any application to operate the premises as a Vehicle Fuel station shall be considered as an application for a new Vehicle fuel station.
10. The applicant shall comply with Michigan Department of Environmental Quality (MDEQ) requirements.

**E. Auto Related: Vehicle Repair Establishments.**

1. A vehicle repair establishment building and its accessory uses and buildings shall be located not less than fifty (50) feet from any right-of-way line or from any side or rear lot line abutting a Residential District. This setback requirement shall not apply to accessory parking.
2. Where adjoining a residential use or Residential District, Buffer Zone "B" (see Chapter 19, Landscaping) is required. In addition the Planning Commission may require a solid wall or solid fence along the lot line having a maximum height of six (6) feet.
3. The minimum frontage shall be one-hundred (100) feet and the minimum lot area one - half (1/2) acre.
4. The lot shall be located so that at least one (1) side abuts an arterial street.
5. The site shall be limited to no more than one (1) driveway for each street on which it has frontage.
6. Overhead doors shall not face any roadway, except as approved by the Planning Commission for any of the following circumstances:
  - a. For through garages where doors are provided on the front and rear of the building;  
or
  - b. Garages located on corner or through lots; or,
  - c. Where it is determined that a rear garage door would have a negative impact on an abutting Residential District.
7. Accessory buildings shall not be permitted.
8. All repair work shall be done within the building.
9. All outdoor storage of vehicles, material, merchandise, equipment and other material incidental to the operation shall be enclosed by a six (6) foot high solid wall or solid fence meeting the minimum design requirements of Chapter 19.
10. Outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be properly graded and drained to dispose of stormwater.
11. Outdoor storage areas are not permitted in the front yard of the site and shall meet the side and rear yard setback requirements.
12. No operator shall permit outdoor storage of automobiles, trucks or trailers within the parking lot. It is presumed that vehicles on the site for a period in excess of seventy-two (72) hours would represent a violation of this section.

13. Gasoline or other flammable mixtures shall not be used to wash down the premises.
14. The applicant shall comply with Michigan Department of Environmental Quality (MDEQ) requirements.

**F. Auto Related: Vehicle Wash Establishments.**

1. Additional auto related facilities located on the premises such as vehicle fuel and fuel stations are allowed, however they must obtain separate special land use permits as provided for in this Chapter.
2. All washing activities must be within a building.
3. Vacuuming activities, if outdoors, shall be set back at least one hundred (100) feet from any lot line adjoining a residential use or district.
4. The vehicular exit from the building shall be at least seventy-five (75) feet distant from the driveway egress.
5. No vehicle wash establishment operator shall permit patrons to extend lines of vehicles off of the premises.
6. Wastewater shall be filtered or otherwise cleansed so as to minimize discharge of soap, wax and solid matter into the public sewer.
7. The site shall be limited to no more than one (1) driveway for each street on which it has frontage.
8. Each wash bay shall be provided ample space for required stacking spaces that is not located within the public or private right-of-way and that does not conflict with vehicle maneuvering areas and does not conflict with other activities on the site such as gasoline pumps or vacuums.
9. A by-pass lane around the building is required for automated drive-through wash facilities.
10. Overhead doors shall not face any roadway, except as approved by the Planning Commission for any of the following circumstances:
  - a. For through garages where doors are provided on the front and rear of the building;  
or
  - b. Garages located on corner or through lots; or,
  - c. Where it is determined that a rear garage door would have a negative impact on an abutting Residential District.
11. A vehicle wash establishment building and its accessory uses and buildings shall be located not less than one hundred (100) feet from any right-of-way line or from any side or rear lot line abutting a Residential District.
12. No permitted activity shall emit noise that is readily discernible to the average person in any adjacent residential zone district providing that air handling equipment in proper working condition deemed to comply with this provision is located on a roof with intervening noise reduction baffles. Nothing herein shall be interpreted to relieve the property owner or operator of the need to comply with all noise regulations of the City.

**G. Auto Related: Vehicle Rental Establishments.**

1. The lot area used for parking display or storage shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
2. The area dedicated for parking and storage of vehicles shall be limited to a maximum of fifty (50) vehicles at any given time.

3. Accessory buildings and uses will not be permitted, including car washes, repair and maintenance facilities or other servicing of vehicles or car sales.

#### H. Auto Related: Fuel Depot.

1. Automated Dispense System with quantity restrictions.
2. Limited to privately owned commercial/industrial fleet sales.
3. Product sales restricted to only petroleum fuels and motor oils.
4. No washing, maintenance or service facilities.
5. On-site containment system around the fueling area.
6. Overfill and wash down procedures approved by the State Fire Marshal.
7. The applicant shall comply with Michigan Department of Environmental Quality (MDEQ) requirements.

#### I. Billboards.

1. Billboards are only allowed as the principal use of a lot meeting the standards of the relevant zoning district.
2. Billboards must be located within one hundred (100) feet from the I-96 right-of-way in a C-4 zone district or at least one hundred (100) feet and no more than two hundred (200) feet from any other street right-of-way.
3. The maximum sign area for billboards in the C-4 zone district located along I-96 is six hundred seventy two (672) square feet. A maximum sign area of up to three hundred (300) square feet is permitted for other billboards located in other zone districts.
4. Billboards must be continuously and properly maintained at all times. A billboard which is not maintained or utilized for a period of six (6) months is deemed abandoned.
5. In the C-4 zone district along I-96, one (1) billboard per lot may be approved, except that no billboard shall be located within four thousand (4000) feet (measured radially) of any other billboard, regardless of jurisdiction. In the I-1 and I-2 zone districts, one (1) billboard per lot may be approved except that no billboard shall be located within six hundred (600) feet (measured radially) of any other billboard, regardless of jurisdiction.
6. The construction or maintenance of a billboard may not act as a detriment to adjoining property, act as an undue distraction to traffic on nearby streets, or detract from the aesthetics of the surrounding area.
7. Except for time and temperature signs or dynamic display signs as otherwise regulated herein, all signs must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of sign contain a message or display that appears to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements .
8. To facilitate the elimination of nonconforming signs, dynamic display billboards are permitted subject to special land use approval in the C-4 zone district adjacent to I-

96 if the applicant removes not less than four existing nonconforming billboards in the City under the control of the applicant or an affiliated entity.

9. Dynamic Display Billboards within the C-4 zone district are only allowed adjacent to I-96.
10. Dynamic Display Billboards in the C-4 zone district adjacent to I-96 shall not exceed forty (40) feet in height; billboards in the I-1 and I-2 zone districts are limited to twenty five (25) feet in height.
11. No billboard may be installed or utilized within five hundred (500) feet (measured radially) of a residential structure.
12. Dynamic display billboards may change displays or messages no more than once every five (5) minutes.

**J Child Care: Foster Family Group Home**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District and neighborhood in which it is located, as determined by the Planning Commission.

K. Deleted per City Ordinance No. 7-03.

**L. Child Care: Child Care Center**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District in which it is located, as determined by the Planning Commission.
5. Documentation of sufficient indoor classroom, crib, play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
6. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
7. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
8. The lot shall be located so that at least one (1) side abuts an arterial or collector street and all access shall be from an arterial or collector street.
9. As an accessory use, the child care center shall be located within the same building as the primary use.
10. Dormitory facilities are not permitted.
11. The perimeter building and/or play area setback may be adjusted to take into account the existing or planned use of adjacent properties.

**M. Child Care: Child Caring Institution**

1. The use shall be registered with the City of Kentwood and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. Documentation of sufficient indoor classroom, crib, play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
5. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
6. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
7. The lot shall be located so that at least one (1) side abuts an arterial or collector street and all access shall be from an arterial or collector street.

**N. Places of Religious Worship**

1. Minimum lot width shall be one hundred fifty (150) feet.
2. The lot location shall have at least one (1) property line that abuts a collector or arterial street.

**O. Hotels and Motels.**

1. Where the front yard is used to provide access, a twenty-five (25) foot wide greenbelt shall be provided along the front property line, except for drive openings.
2. Each guest unit shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
3. A minimum lot area of forty thousand (40,000) square feet is required together with a minimum lot width of one hundred and fifty (150) feet, plus there shall be an additional four hundred (400) square feet of lot area for each guest unit.
4. Where adjoining a residential use or Residential District, Buffer Zone "B" (see Chapter 19, Landscaping) is required. In addition the Planning Commission may require a solid wall or solid fence along the lot line having a maximum height of six (6) feet.

**P. Hospitals, Nursing Homes, Convalescent Homes and Assisted Living Group Facilities**

1. Minimum lot area shall be three (3) acres.
2. The lot location shall have at least one (1) property line abuts an arterial street as classified on the "Major Street Plan." The ingress and egress for off-street parking facilities shall be from the major thoroughfare.
3. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a six (6) foot high vertical screen. Access to and from the ambulance and delivery area shall be directly from an arterial street.
4. A minimum of 200 square feet of greenspace shall be provided per bed.
5. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.
6. No more than twenty-five per cent (25%) of the gross site area shall be occupied by

buildings.

7. The principal use building must maintain a minimum twenty (20) foot side yard, and a minimum thirty-five (35) foot front yard and a minimum fifty (50) foot rear yard.
8. The non-residential parking setback and screening requirements of each district shall apply.

#### **Q. Housing for the Elderly, Independent Living Facilities**

1. Minimum lot size shall be two (2) acres.
2. A retail food store (existing or under construction) with a minimum area of ten thousand (10,000) square feet shall be located within a one thousand five hundred (1,500) foot radius of the proposed site.
3. If no retail food stores are available within the required distance, provisions shall be made for regular shuttle access to a retail food store.
4. Maximum height of building shall not exceed seventy-two (72) feet.
5. The maximum allowable density shall be forty-five (45) units per acre.
6. One (1) parking space per dwelling unit shall be required, of which twenty-five (25) per cent shall be designated for non-resident (visitor) parking.
7. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
8. A minimum of two hundred (200) square feet of open space is required per bed.
9. A minimum of two hundred (200) square feet of indoor recreation space is required per bed.
10. Retail and service uses may be permitted on the site if accessory to the elderly housing use. All such uses shall be within the walls of the main structure. No freestanding signs for such uses shall be allowed.
11. Front and rear setbacks shall be equal to the height of the building. A side yard of at least twenty (20) feet is required on each side of any portion of the building.

#### **R. Kennels**

1. The minimum parcel size shall be three-quarters (3/4) of an acre
2. The maximum number of dogs or cats occupying the facility shall be one (1) dog or cat per sixty (60) square feet of building floor area.
3. Animals cared for on the premises shall be limited to dogs or cats.
4. Services provided on the premises shall be limited to grooming, training, exercising, socializing and overnight boarding of dogs or cats.
5. Accessory uses permitted on the premises may include the retail sale of products related to the operation, provided that the total floor area devoted to the display of retail merchandise shall be limited to ten percent (10%) of the total floor area occupied by the business, or five hundred (500) square feet, whichever is less.
6. All dogs in the care of the facility shall be kept within a completely enclosed building at all times, with the exception that dogs may be placed in an outdoor play area for limited periods of time, under personal supervision by staff of the facility

7. The location and size of an outdoor exercise area shall be at the full discretion of the planning commission. Outdoor exercise areas shall be located a minimum of two hundred (200) feet from the boundary of a residential zoning district, and shall be located on the site so as to minimize a direct line-of-site orientation to adjacent residential uses.
8. An outdoor exercise area shall be enclosed by a sight-obscuring fence designed and constructed to provide secure containment of dogs in care.
9. An outdoor exercise area shall be cleaned at least daily. Liquid animal waste shall be disposed of in accordance with best management practices.
10. The facility shall utilize impervious, washable materials for all wall finish materials a minimum of 48 inches from the floor (e.g., sealed masonry, ceramic tile, glassboard, or marlite).
11. Floor finish shall be sealed concrete or other approved impervious surface. Liquidtight curbing, at least six inches high, shall be installed along all walls for sanitary confinement and wash-down cleaning.
12. Floor drains shall be connected to the sanitary sewer system.
13. Refuse pick-up shall be a minimum of two (2) times a week, unless the zoning administrator determines additional disposal is required. Animal wastes shall be stored in enclosed containers of sufficient construction to eliminate odors.
14. Parking Operations Plan to account for all principle and accessory uses.
15. The applicant shall comply with applicable state and/or federal requirements associated with kennels and animal care.

#### **S. Funeral Homes and Crematoria.**

1. Minimum lot area shall be one (1) acre 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 be in addition to 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 an arterial or collector street. All ingress and egress shall be from this street.

#### **T. Open Air Business.**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. A six (6) foot high vertical screen may be required in addition to Buffer Zone "B" along the side and rear lot lines to enclose and screen the open air sales and/or storage area.

4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the applicant to furnish a performance guarantee satisfactory to and in an amount determined by the Planning Commission to be reasonably necessary to ensure compliance hereunder. In fixing the amount of the performance guarantee, the Planning Commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court decree, and other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
6. The lot areas used for parking, display, or storage shall be provided with a bituminous or portland cement binder so as to provide 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 fifty (150) feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. The height of all materials and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence.
10. The storage of materials display areas is not permitted in any front yard and shall meet all the yard setback requirements applicable to any building in the District.
11. All loading activities and parking areas shall be provided on the same premises (off-street).
12. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

#### **U. Wireless Communication Towers.**

1. Towers shall be installed on a legal conforming lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use.
2. For the purposes of this Section, the term fall zone shall mean the calculated manner and extent to which a tower structure is designed to fall. Towers, except existing structures, must be set back from all lot lines (and in the case of a park site from areas of unrestricted public use) at a distance equal to the fall zone for the tower proposed or fifty percent (50%) of the height of the tower (whichever is greater.) The fall zone shall be certified by a State of Michigan licensed and registered professional engineer.
3. The applicant shall demonstrate that the tower conforms to the city's wireless communication plan including the provision of all information that would normally be required by a qualified and licensed professional engineer to validate the need for the proposed facility at the specified height and location. The City shall have the right to retain independent technical consultants and experts that it deems reasonably necessary to properly evaluate applications for wireless communication towers and to charge the costs for services to the applicant.
4. A proposal for a new wireless communication support structure not specified in the city's wireless communication plan shall not be approved unless and until it is documented by a qualified and licensed professional engineer that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated on an existing structure or at a location designated in the Wireless Communications Plan due to at least one of the following reasons:

- (a) The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
  - (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure and the interference cannot be prevented by any other means.
  - (c) Existing or approved wireless communication support structures and buildings cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function.
  - (d) Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or at a location designated in the Wireless Communications Plan as documented by a qualified and licensed professional engineer.
  - (e) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the city taking into consideration the several standards contained within this subsection
5. The owner and operator of a tower shall agree to permit other communication service providers, including local governmental agencies, to use the tower, upon reasonable terms and conditions. As used herein, "reasonable terms and conditions" shall mean a rental rate consistent with the market for metropolitan Grand Rapids and without mandating the use of another entity's towers. This obligation shall not require the owner or operator to permit access where doing so will interfere with the owner or operator's ability to provide or receive signals.
6. The proposed tower will be structurally sound and constructed in accordance with all federal, state or local standards and otherwise capable of being used in accordance with the requirements of this section. The owner or operator shall inspect towers annually and the record of this annual inspection shall be submitted to the Zoning Administrator. In addition, an engineering inspection and certification will be required: when the tower is put into service; every five years thereafter; and whenever a structural change is made.
7. In Residential Districts, the antenna tower height shall not exceed that minimally required to function in accordance with federal, state and local requirements. Any tower and/or antenna placement in a Residential District shall not be erected at a height to require lighting.
8. Gerald R. Ford International Airport Zoning Administrator shall approve the tower site plan and proposed tower for compliance height and lighting requirements dictated by the Gerald R. Ford International Airport Zoning Ordinance and FAA standards.
9. The applicant shall include with the application for special land use an analysis of the visual impact of the tower on the surrounding area. The analysis shall include point of view renderings of the tower in its proposed setting, with special attention given to adjacent residential uses, including any proposed landscaping. The tower and any ancillary buildings housing equipment needed for the operation of the tower shall be of a size, color and material that are aesthetically and architecturally compatible with the surrounding area. Landscape screening may be required by the Planning Commission to help screen the ancillary buildings from the surrounding uses, with special

- consideration for residential uses.
10. A tower that remains unused for the original purpose and intent for a period of twelve (12) months (or longer if approved by the City Commission) shall be presumed to have been abandoned. Under such circumstances the tower must be removed within ninety (90) days of written notification by the Zoning Administrator.
  11. Only one (1) tower structure per OS District site is permitted.
  12. Towers erected in Nonresidential Districts shall be constructed to accommodate at least four (4) antennae platform levels. Co-location terms, including rates, for compatible providers shall be included in the application. Terms shall be consistent with the market for metropolitan Grand Rapids. In addition applicants shall submit a signed statement agreeing to permit co-location consistent with those rental rates.
  13. Towers shall not be erected on cemetery sites.
  14. Towers proposed on public park property are subject to the advisory review of the City's Parks and Recreation Commission. The Parks and Recreation Commission shall file a report and recommendation with the Planning Commission considering in part the evaluation of tower design relative to the maximization of open space preservation.
  15. A temporary antenna support facility may be used by a provider in any zoning district for the purpose of providing temporary wireless services for special short-term events such as a specific political event, sporting event, or entertainment event; to allow for modification, replacement, and/or repairs to a permanent facility; or as necessary to aid in post disaster relief efforts.
  16. One identification sign is required, measuring no more than thirty six (36) inches wide by twenty four (24) inches high, identifying the primary party responsible for the operation and maintenance of the facility, the address and telephone number of that party and, if appropriate, the FCC/FAA registration number of the structure shall be permanently attached to the fence, tower or wall of the ancillary building. The identity of the various carriers shall also be indicated on this sign. The only additional signs that may be permanently attached to the fence, tower or wall shall be security or safety signs. No advertising signs are allowed.
  17. Two equipment shelters will be allowed per site. Multiple shelters integrated into one shall be considered one (1) shelter. No one provider shall occupy more than two hundred fifty (250) square feet of interior floor space. Shelters may be required to be fenced. The shelter(s) shall be required to be of a design consistent with surrounding development. Landscaping shall be provided at the building, along the fencing and along the access road as approved by the Planning Commission.
  18. A wireless communications tower shall not exceed a height of one hundred ninety-five (195) feet. Any tower and/or antenna placement adjacent to a residential zone that requires lighting shall be a continuous red beacon at night.

#### **V. Recreation: Amusement Parks.**

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from the arterial street.
3. The main and accessory buildings shall not be located nearer than three hundred (300) feet to any adjacent dwelling.
4. Maximum building coverage shall be twenty-five percent (25%).
5. Any amusement enterprises located within five hundred (500) feet of any adjacent dwelling shall close not later than 10:00 p.m.
6. The entire premises shall be surrounded by a six (6) foot cyclone fence at or near the boundary property lines.

7. No entrances or exits shall be from a collector or residential street.

**W. Recreation: Golf Courses, Country Clubs.**

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property and street lines.
3. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

**X. Recreation: Golf Driving Ranges, Miniature Golf Courses.**

1. All traffic ingress and egress shall be from an arterial or collector street.
2. Whenever any use that may be permitted in this subsection abuts property within a Residential District, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures and the residential property. Grass, plant materials, and structural screens of a type approved by the Planning Commission shall be placed within the transition strip.
3. A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

**Y. Recreation: Recreation Facility, Indoor**

1. The principal and accessory uses and buildings shall be not be located within one-hundred (100) feet of any Residential District or use.
2. All uses shall be conducted completely within a fully enclosed building.

**Z. Recreation: Recreation Establishments, Outdoor**

1. Uses shall include, but need not be limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
2. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation the site size is adequate using national facility standards.
3. The site shall be located on a street that is classified as an arterial.
4. No building or spectator seating facility shall be located within one hundred (100) feet of a property line.

**AA. Recycling Stations**

1. Paved loading and stacking spaces shall be provided for at least three (3) automobiles.
2. All storage of recycled materials shall be within appropriate containers, with access

through doors on the sides of the container.

3. The Planning Commission may require a totally obscuring fence or wall around the perimeter of the recycling center.
4. The hours of operation and materials accepted shall be clearly posted.

**BB. Restaurants and Other Establishments with Drive-in or Drive-through Facilities (including retail and financial institutions)**

1. Principal and accessory buildings shall be setback fifty (50) feet from any adjacent public right-of-way line or property line.
2. Establishments constructed adjacent to other office and commercial developments shall have a direct vehicular access connection where possible.

**CC. Industrial Selling Retail**

1. Retail sales restricted to those goods manufactured, compounded, processed, packaged, treated or assembled on site from previously prepared materials.
2. Retail operation must be housed within the same building as the primary industrial use.
3. All retail activities must be entirely within the enclosed building. No outside storage or display.
4. Parking and circulation must not conflict with primary industrial use.
5. Freestanding and wall sign identification as set forth in Chapter 16 must be incorporated within primary industrial sign display.
6. The area devoted to retail sales shall not exceed the greater of five percent (5%) of the total floor area or 1,000 square feet.

**DD. Horse Riding Stables.**

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be ten (10) acres except that up to two (2) saddle horses or ponies may be housed and reared on lots of two (2) acres or more.
2. A building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling on adjacent property.
3. Animals shall be confined in a suitably fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
4. The facility shall be so constructed and maintained that odor, dust, noise and drainage shall not constitute a nuisance or hazard to adjoining premises.

**EE Zero Lot Line, Single Family Detached Dwellings.**

1. Dwellings must be generally compatible in size and design with neighboring properties if placed within plats existing at the time of the enactment of this provision.
2. A minimum side yard of twenty (20) feet shall be maintained between the main dwelling and side yard on the side not placed on the lot line (non-zero lot line side).
3. Zero lot line dwellings constructed on lots with adjoining side yards to non-zero lot line dwellings shall maintain at least a fifteen (15) foot distance between dwellings.
4. The side of the structure placed on, or near, the side lot line shall not have openings, doors or windows of any kind.

**FF. Commercial Enterprise Producing Merchandise on Premises**

1. No more than fifteen (15) persons are employed on the premises.
2. Production shall not be to the detriment to the adjacent occupied premises.
3. Entire product is sold at retail on the premises.

**GG. Office in Industrial**

1. Maximum building lot coverage of 35 percent.
2. Minimum landscaped lot coverage of 25 percent.
3. Finished facade on all sides.
4. Parking must be located in close proximity to building entrances.
5. Site layout must segregate truck traffic.
6. Minimum parking computations based on exclusive office use of entire building.