

ARTICLE 5
DIVISION 4: CONDITIONAL LAND USES

Sec. 86-290 Purpose

The intent of this Article is to provide standards for conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

Sec. 86-291 Standards for Approval

- a. Prior to approving a conditional land use, the Zoning Administrator shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted.
- b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of *ARTICLE 5, DIVISION 1 SITE PLAN REVIEW*. Failure to obtain site plan approval will constitute denial of the approved conditional land use.

Sec. 86-292 Requirements and Standards of Approval

- a. The requirements to permit the conditional use shall remain unchanged.
- b. The Zoning Official shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Zoning Administrator to terminate the approval.

Sec. 86-293 Validity of Conditional Land Use Approval

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- b. Upon written application filed prior to the termination of the eighteen (18) month period, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the eighteen (18) month extension.
- c. The granting of a conditional land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.

CITY OF VASSAR ORDINANCE

Sec.86-294 Conditional Land Use Specific Requirements

Conditional land uses, because of their unique character and potential impacts on adjacent properties and the City, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

The following are conditional land uses with specific site and/or use standards which are described on the following pages:

Land Uses with Conditional Requirements	
Automobile washes, automatic or self-service (<i>Section 86-294.a.</i>)	
Automobile or vehicle dealerships (<i>Section 86-294.b.</i>)	
Bars, taverns, lounges, microbreweries (accessory), and brewpubs (<i>Section 86-294.c.</i>)	
Funeral homes and mortuary establishments (<i>Section 86-294.d.</i>)	
Kennels (<i>Section 86-294.e.</i>)	
Marihuana (<i>Section 86-294.f.</i>)	Medical Marihuana Grower
	Medical Marihuana Processor
	Medical Marihuana Provisioning Center
	Medical Marihuana Secure Transporter
	Medical Marihuana Safety Compliance Facility
	Adult-Use Marihuana Grower
	Adult-Use Marihuana Processor
	Adult-Use Marihuana Microbusiness
	Adult-Use Marihuana Secure Transporter
	Adult-Use Marihuana Safety Compliance Facility
Mini- or self-storage warehouses (<i>Section 86-294.g.</i>)	
Outdoor retail display and sales, (<i>Section 86-294.h.</i>)	
Pet boarding facilities (<i>Section 86-294.i.</i>)	
Restaurants with an open front window (<i>Section 86-294.j.</i>)	
Small Manufacturing Establishment (<i>Section 86-294k.</i>)	
Veterinary Hospitals (<i>Section 86-294.l.</i>)	

a. **Automobile Washes, Automatic or Self-service**

1. Only one (1) ingress/egress driveway shall be permitted on any single street.
2. Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The Zoning Official or Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.
3. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Zoning Official or Planning Commission.
5. Adequate stacking space shall be provided in accordance with the requirements of *ARTICLE 4, DIVISION 1: OFF-STREET PARKING AND LOADING STANDARDS*. Stacking spaces shall not be permitted in the public right-of-way.

b. **Automobile or Vehicle Dealerships**

1. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.
2. All parking, display and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
3. Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
4. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site for or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
5. Flags, banners, streamers, and inflatables, shall not be permitted unless approved by the Zoning Official or Planning Commission.

c. **Bars, Taverns, Lounges, Microbreweries (Accessory), and Brewpubs**

1. The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the B-1, Central Business District).
2. Noise shall not be a nuisance outside of the building, in accordance with *ARTICLE 3, DIVISION 1, SECTION 86-150: PERFORMANCE STANDARDS*, and other City ordinances.

d. **Funeral Homes and Mortuary Establishments**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

e. **Kennels**

1. For kennels housing dogs, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
2. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located closer than one hundred fifty (150) feet to any lot line and two hundred (200) feet from any

- road right-of-way.
- 3. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
- 4. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains.
- 5. A kennel may be permitted as an accessory use to a veterinary office, clinic, or hospital. Such accessory use shall be subject only to the special land use standards of the veterinary use.

f. Marihuana

- 1. The following uses must meet all state requirements and licensing. A valid license from the Licensing and Regulatory Affairs (LARA) must be provided to the City:
 - a. Medical Marihuana Grower
 - b. Medical Marihuana Processor
 - c. Medical Marihuana Provisioning Center
 - d. Medical Marihuana Secure Transporter
 - e. Medical Marihuana Safety Compliance Facility
 - f. Adult-Use Marijuana Grower
 - g. Adult-Use Marihuana Processor
 - h. Adult-Use Marihuana Retailer
 - i. Adult-Use Marihuana Microbusiness
 - j. Adult-Use Marijuana Transporter
 - k. Adult-Use Marihuana Safety Compliance Facility

g. Mini- or Self Storage Warehouses

- 1. Minimum lot size shall be three (3) acres.
- 2. Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
- 3. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by Zoning Official or Planning Commission.
- 4. The storage units shall be screened from all abutting properties through the use of landscaping and/or walls.
- 5. Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Zoning Official or Planning Commission. All roofs must be pitched.
- 6. No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the Zoning Official or Planning Commission may be utilized to obscure views of doors from the public right-of-way.
- 7. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with *ARTICLE 5, DIVISION 4, SECTION. 86-294(G), OUTDOOR RETAIL DISPLAY AND SALES.*
- 8. Buildings shall be limited to storage only.

h. Outdoor Retail Display and Sales

- 1. Unless accessory to an approved retail business, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.

2. Displays shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
3. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
4. Displays shall not interfere with fire lanes.
5. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
6. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
7. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the City prior to any outdoor display. Any outdoor display shall at all times comply with the sketch plan or site plan approved by the City.

i. **Pet Boarding Facilities**

1. Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.
2. The lot shall be at least two (2) acres in size.
3. Up to 5% of the floor area may be used for accessory retail sales.
4. Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
5. An outdoor play area is allowed with the following restrictions:
 - (a) Any outdoor play area shall not be any closer than one-hundred fifty (150) feet from a residential zoning district.
 - (b) Any outdoor play area shall be located in the interior side yard or rear yard.
 - (c) A maximum eight (8) foot high fence enclosure is required around the play area and surface must be easy to maintain.
 - (d) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
 - (e) Pets shall not be permitted to remain outdoors overnight.

j. **Restaurants with an Open Front Window**

1. All containers shall be made of recyclable materials; styrofoam and similar petroleum based material containers shall be prohibited.
2. Trash receptacles shall be provided and maintained on the property.
3. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area. Temporary signs indicating the whether the establishment is "opened" or "closed for the season" shall be permitted in accordance with *ARTICLE 4, DIVISION 5: SIGNS*.
4. Outdoor seating may be provided.
5. Months and hours of operation shall be provided as part of the conditional land use application.

k. **Small Manufacturing Establishment**

1. In the Central Business District Permitted by right, subject to the following:
 - (a) Establishment occupies less than 1,500 square feet and has not more than 10 employees.
 - (b) May not include bulk storage of flammable materials.
 - (c) Storage of materials/production must be completely within a closed building.
 - (d) The emission of odor or noise must be mitigated.
 - (e) Must have an accessory retail use or another component that provides direct interaction with the public.
 - (f) Must have windows along street frontage that allow pedestrians to view manufacturing process.

- (g) Must have a public entrance directly from the street.
- 2. In the General Business District Permitted by right, subject to the following:
 - (a) Establishment occupies less than 3,000 square feet and has not more than 20 employees.
 - (b) May not include bulk storage of flammable materials.
 - (c) Storage of materials/production must be completely within a closed building.
 - (d) The emission of odor or noise must be mitigated.
 - (e) Must have an accessory retail use or another component that provides direct interaction with the public

I. Veterinary Hospitals

- 1. Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
- 2. The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
- 3. The Zoning Official or Planning Commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.
- 4. Parking lots shall be set back at least fifty (50) feet from a Residential District or use, and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Zoning Administrator or Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
- 5. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel under *ARTICLE 5, DIVISION 4, SECTION 86-294(E), KENNELS*, or *PET BOARDING FACILITY* under *SECTION 86-294(H)*.
- 6. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
- 7. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
- 8. All waste disposal shall meet the requirements of the Health Department of the State of Michigan.