

## **ARTICLE 16 SITE PLAN REVIEW**

### **16.01 DESCRIPTION AND PURPOSE**

This article establishes standards and requirements for the review and approval, by the Planning Commission, of Site Plans. It is the purpose of this article to require Site Plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this article to achieve, through Site Plan Review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this article to delegate certain aspects of Site Plan Review authority to the Planning Commission, within the standards and requirements set forth in this article.

### **16.02 SITE PLAN AUTHORITY**

As used in this article, “Site Plan” includes the documents and drawings, as specified by this article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable Local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this article shall be in addition to those required elsewhere in this Ordinance that are applicable to the use or activity under consideration. The intent of this article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

### **16.03 SITE PLAN APPROVAL**

A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and the conditions imposed pursuant to the ordinance, other township planning documents, other applicable ordinances, and state and federal statutes. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the individual or body, which initially approved the site plan.

#### **16.04 USES REQUIRING SITE PLAN APPROVAL**

The following buildings, structures, and uses require Site Plan approval by the Planning Commission:

1. All uses allowed in the B-1 Business or M-1 Manufacturing zoning districts.
2. All Special Land Uses.
3. Earthmoving.
4. Parking facilities containing 10 or more parking spaces.
5. Churches.
6. Public parks and recreational facilities such as golf courses and parks.
7. Essential public utility services, excluding buildings and substations and regulator stations.
8. Cemeteries.

#### **16.05 SKETCH PLAN**

Sketch Plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to formal Site Plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs that might be necessary for formal Site Plan approval. Sketch Plans shall include the following:

1. Legal description of the property.
2. Small-scale sketch of properties, streets, and use of land within one-half mile of the area.
3. A generalized map showing any existing or proposed arrangement of:
  - a. Streets.
  - b. Lots.
  - c. Access points.

- d. Other transportation arrangement.
  - e. Buffer strips screening.
  - f. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets.
  - g. Signs, location and lighting.
  - h. Buildings.
4. A narrative describing:
- a. The overall objectives of the proposed development.
  - b. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
  - c. Dwelling densities by type.
  - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
  - e. Proposed method of providing storm drainage.
  - f. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
5. In addition to the above said applicant shall submit the Sketch Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

## **16.06 REVIEW OF SKETCH PLAN**

If the applicant chooses to submit a Sketch Plan, the Township Site Plan Review Committee will review it. The Site Plan Review Committee will consist of the chairperson of the Planning Commission, one Township Board representative, and the Zoning administrator/Planning Consultant. Upon review of the Sketch Plan, the Committee will submit their recommendations to the Planning Commission. The Site Plan Review Committee may request comments from other Township officials such as the fire chief, attorney, and assessor, and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance, and specifically, the following considerations when applicable:

1. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
2. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
4. Screening and buffering with reference to type, dimensions, and character.
5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
6. Required setbacks.
7. General compatibility with adjacent properties.
8. The general purposes and spirit of this Ordinance and the general guidelines of the Township's Master Plan.

#### **16.07 FORMAL SITE PLAN REVIEW**

Formal Site Plan Review is mandatory. An application for Formal Site Plan Review along with the Formal Site Plan shall be submitted 21 days prior to the next scheduled Planning Commission meeting. The Township Clerk or zoning administrator will review the application and plans for completeness, and then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration. Formal Site Plans shall contain the following information:

1. The Date, North Arrow, and Scale: The scale shall be sized to appropriately fit on a 24- by 36-inch-sized sheet. The dates of all revisions shall be noted on the plan.
2. The name and firm address of the individual responsible for the preparation of the Site Plan.
3. The name and address of the property owner or applicant.
4. A location sketch drawn to scale showing the relationship of the proposed use to the area within 2,000 feet.

5. All lot and/or property lines and respective zoning districts abutting the subject property, including required setbacks are to be shown and dimensioned.
6. The location and height of all existing structures, drives, sidewalks, curb openings, signs, exterior Lighting, curbing, parking facilities, unloading areas, recreation areas, and other uses, on and within 100 feet of the subject property's boundary.
7. The location and dimensions of all proposed structures, drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose on and within 100 feet of the subject property's boundary.
8. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
9. The location of all landscaping and the location, height, and types of fences and walls.
10. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
11. The location and size of all existing and proposed surface water drainage facilities.
12. Adequate information concerning soils, groundwater, water table, and the impact of the proposed activities on each.
13. Contour intervals shall be shown (2-foot intervals for average slopes of 10% and under, 5-foot intervals for slopes over 10%). Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
  - a. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.
  - b. The number and location (by code if necessary) of 1-bedroom units, 2-bedroom units, etc.
  - c. The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub areas or staging areas (excluding all existing rights-of-way), and also indicates total square footage of rights- of-way for each sub area or staging area.
  - d. Typical elevation views of the front and side of each type of building

14. A narrative describing the overall objectives of the proposed development, including the following:
  - a. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
  - b. Dwelling densities by type.
  - c. Proposed method of providing sewer and water service, as well as other public and private utilities.
  - d. Proposed method of providing storm drainage.
  - e. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
15. Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare, such as reviews of other local, county, state, and federal agencies.
16. The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary and associated regulations are satisfactorily met, complied with, and completed.

The planning commission may approve a site plan lacking one or more of the site plan informational requirements set forth herein if the planning commission determines, in its sole discretion, that the nature of the proposed use or development, the subject property and/or the neighboring properties makes the provision of such information unnecessary to determine whether the site plan satisfies the standards set forth above.

#### **16.08 REVIEW PROCEDURE**

The Site Plan shall be submitted in 10 copies. Upon approval of a Site Plan, at least two copies of the Site Plan as finally approved shall be signed and dated by the chairperson of the Planning Commission. One copy of the signed Site Plan shall be filed in the Townships records and the other returned to the applicant. If available, the applicant should include a single diskette copy of the Site Plan in generic digital format.

#### **16.09 STANDARDS FOR FORMAL SITE PLAN REVIEW**

1. The Planning Commission shall review the Site Plan based on the purposes, objectives, and requirements of this Ordinance and on the standards provided by

this article. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.

2. In reviewing a Site Plan, the Planning Commission shall determine whether the applicant has established that the Site Plan is consistent with this Ordinance and in accord with the adopted plan of the Township and more specifically, in reviewing the Site Plan, the Planning Commission shall specifically consider the following standards, as applicable:
  - a. Vehicular access and parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
  - b. External effects (general): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not materially adversely affect adjacent and neighboring properties or uses. The Site Plan is harmonious with existing and future uses in the immediate area. The Site Plan shall be adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.
  - c. Public services and utilities: The location, availability, and compatibility of necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
  - d. Dimensional requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Ordinance, or appropriate variances obtained.
  - e. Building arrangement: The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other

uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.

- f. Drainage of surface water: Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- g. Exterior lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- h. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to minimize distraction or clutter.
- i. Special features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.
- j. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking facilities.

## **16.10 REGULATIONS**

The following regulations shall apply to all land uses requiring Site Plan approval:

1. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires a Site Plan approval until an approved Site Plan has been signed by the chairman of the Planning Commission.
3. A zoning permit for any use requiring Site Plan approval will not be issued until the chairman of the Planning Commission has signed an approved Site Plan.
4. The building inspector shall not issue a building permit for any use requiring Site Plan approval until the zoning administrator has issued a zoning permit.
5. An occupancy permit for any use requiring a Site Plan approval will not be issued unless the use as constructed conforms to the approved Site Plan.

### **16.11 CONDITIONS OF APPROVAL**

Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this ordinance, other township planning documents, other applicable ordinances, and state and federal statutes.

The Planning Commission may impose reasonable conditions upon the approval of a Site Plan. The conditions may include, but are not limited to, conditions necessary to ensure 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 ensure 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:

1. Be designed to protect natural resources; the health, safety, welfare, and 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; or the community as a whole.
2. Be related to the valid exercise of the police power.
3. Be necessary to meet the intent and purpose of the zoning Ordinance, related to the standards established in the Ordinance for the Land use or activity under consideration, and be necessary to ensure compliance with those standards.
4. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 300 feet of the proposed use or structure.

## 16.12 SURETY

1. The Planning Commission may require, as a condition of final approval for a Site Plan, a financial guarantee (surety) acceptable to guarantee the construction of required improvements. "Required improvements" means those features and actions associated with a project which are considered necessary by the planning commission, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval. The nature and duration of the guarantees are structured to achieve this goal without adding unnecessary costs to the applicant.
2. Construction or installation of improvements may not begin until the final Site Plan is approved. However, no further action may be taken by the property owner until all improvements are completed, inspected, and approved to ensure that streets are properly constructed, drainage facilities properly provided, and all other utilities and improvements properly installed. Only when all improvements are completed, inspected, and approved will occupancy permits or buildings permits be issued or property sold.

However, where the applicant has satisfied the surety requirements herein, to ensure that the required improvements will be completed, the above restrictions may be modified.

3. In large projects the surety may be released in stages. The applicant may be allowed to assign a portion of the total to each development stage as part of a complete phasing plan of the overall improvement. Surety for each subsequent phase depends on completion of the required improvements for the preceding phase. Where partial approval is granted, the surety may be released except that portion of improvements not yet approved, but continued adequate financial surety is required before approval of the final phase.
4. Similarly, the surety may be refunded based on completion of improvements. The planning commission may reduce the amount of the performance guarantee when portions of the required improvements have been installed. When the Township has received the required surety, it may be released upon request by the property owner. The Zoning administrator will inspect the project to determine the percent completion of improvements. The Township will release up to 80% of a pro rata portion of the surety based on the percent complete as verified by the Zoning administrator.
5. To insure compliance with the conditions imposed herein, a township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements

associated with a project for which site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.

### **16.13 PROCEDURES FOR INSPECTING, APPROVING, AND ACCEPTING IMPROVEMENTS**

1. Upon completion or substantial completion of all required improvements, the applicant must notify the Township in writing by certified mail, and shall send a copy to the zoning administrator. The zoning administrator will inspect all improvements of which such notice has been given and will file a detailed written report concerning such improvements with a statement of reasons for any rejection. Inspection fees will be charged for each site visit to prevent the engineer's time from being wasted. The cost of any rejected improvements will be set forth.
2. The zoning administrator's report should be the basis for whether the improvement is approved, partially approved, or rejected. The Township will notify the applicant in writing, by certified mail, of the contents of the report and the Township's action, within 120 days after receipt of the applicant's notice that improvements are complete.

### **16.14 RELEASE OR EXERCISE OF SURETY**

1. In case of default of performance, the Township, upon 10-days notice, may undertake the completion of the required improvements, assigning the cost against the amount of the guarantee to be paid by the surety. Notice to the property owner shall be directed to the address given by the owner upon the initial application of the subdivision.
2. Whatever the type of surety used, the guarantee will not be released until the Zoning administrator has certified that the required improvements have been completed according to specifications. A default will be declared upon expiration of the time allowed for completion of all improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township beyond the completion deadline for good cause and upon extension of the financial surety. In case of exercise of the surety, the proceeds from the guarantee will reflect:
  - a. The cost of inflation of the labor and materials needed to complete the improvements.
  - b. The special administrative costs associated with declaring a default, bidding or programming the project, and completing the project.

- c. The unforeseen costs of remedying the damage, deterioration, or faulty workmanship associated with the work already undertaken.

### **16.15 EXCEPTIONS**

When other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, will be required by the Township for such utilities or improvements.

### **16.16 CHANGES TO SITE PLAN**

Changes to a Site Plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

### **16.17 ENFORCEMENT**

A Site Plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the Site Plan as approved. Any violation of an approved Site Plan shall be grounds for the Township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Township. In addition, a violation of any approved Site Plan or failure to comply with any requirements of this article, including conditions of approval, shall be considered a violation of this Ordinance.

**ARTICLE 17  
SPECIAL LAND USES**

**17.01 DESCRIPTION AND PURPOSE**

Special Land Uses are those uses of land that are not essentially incompatible with the uses allowed in a zoning district, but possess characteristics or location qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria that shall be met for all Special Land Uses.

**17.02 SPECIAL LAND USE STANDARDS**

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the township, the Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Land Use within the various zoning classifications set forth in the ordinance.

Special Land Uses have been selected because of their unique characteristics which, in the particular zoning district involved, under certain physical circumstances and without proper controls and limitations, might be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, the Township Planning Commission should not permit Special Land Uses within the particular zone in which they are listed unless and until approved by them, under the conditions, controls, limitations, circumstances, and safeguards proposed herein, and/or imposed by the Commission. The Planning Commission must ensure that the proposed Special Land Uses would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use, and would not, in any manner, be detrimental or injurious to the use, development, or enjoyment of adjacent properties, to the occupants therefore, or to the general neighborhood. The Planning Commission should review Special Land Uses in consideration of the public health, safety, morals, and general welfare of the community; the use of lands in accordance with their character and adaptability; and that the standards required for the allowance of such Special Land Uses will, in its judgment, be met by the applicant at all times.

The burden of proof of facts that might establish a right to a Special Land Use Permit under the foregoing standards shall be upon the applicant.

**17.03 APPLICATION PROCEDURES**

An application for a Special Land Use shall be submitted and acted upon in accordance with the following procedures:

1. All applications for Special Land Use Permits shall be submitted through the Township Clerk and shall include all pertinent information, plans, specifications, as required. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
2. The Planning Commission shall, upon receipt of the application for a Special Land Use shall:
  - a. Advertise for a public hearing
  - b. Hold a public hearing.
  - c. Following such hearing, either grant or deny a permit for such Special Land Use.
3. An application for a Special Land Use shall be accompanied by the following documents and information:
  - a. A Special Land Use application form submitted to the Township that has been completed in full by the applicant.
  - b. A Site Plan as required in this Ordinance.
4. The decision of the Planning Commission on a Special Land Use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the Special Land Use under consideration. Said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

#### **17.04 BASIS FOR DETERMINATION**

Prior to the approval of a Special Land Use application, 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 by the completion and operation of the Special Land Use under consideration.

1. The Planning Commission shall review the particular circumstances of the Special Land Use request under consideration in terms of the following general standards, and shall approve a Special Land Use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

- a. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of the surrounding area.
  - b. The Special Land Use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
  - c. The Special Land Use shall not place demands on public services and facilities in excess of current capacities.
  - d. The Special Land Use is in general agreement with the Township's Land Use Plan.
2. The Planning Commission may impose conditions, with the approval of a Special Land Use, which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special Land Use and shall be enforced by the Zoning Administrator.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the planning commission and the landowner. The planning commission shall maintain a record of conditions that are changed.

#### **17.05 SPECIAL LAND USES**

The following uses shall only be allowed if the zoning district in which they are located specifically lists such use as a Special Land Use.

1. Adult Foster Care Facilities for seven persons or more
2. Airports and Landing Strips
3. Camps and Campgrounds, and Recreational Vehicle Parks
4. Child Care Centers
5. Compost Facilities
6. Confined Animal Feeding Operations
7. Essential Services

8. Family Businesses
9. Farm Animals
10. Golf Courses and Country Clubs
11. Group Day Care Homes
12. Health Services Facilities
13. Institutional Care Facilities
14. Kennels and Veterinary Clinics
15. Migrant Housing
16. Multiple Family Dwellings
17. Natural Resource Removal Operations
18. Public and Institutional Uses
19. Sawmills
20. Single-Family Dwellings (not on lots of record)
21. Telecommunication Towers

#### **17.06 DESIGN STANDARDS**

All Special Land Uses shall meet the requirements of the zoning district in which they are located. The following design standards shall be required in addition to the requirements of the zoning district in which they are located:

1. **Adult Foster Care Facilities for Seven Persons or More:** Adult foster care facilities having more than six residents shall have 150 square feet of lawn area and one parking space for each resident.
2. **Airports and Landing Strips:** Airports and landing strips shall be permitted subject to the following procedures and conditions:
  - a. Airports and landing strips must be a minimum total area of at least 10 acres.

- b. No structures may be located closer than 100 feet to any property line. No structure shall be located in the setback area.
  - c. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines.
  - d. No structure shall exceed 15 feet in height.
  - e. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of Local engineering standards.
  - f. The landing strip shall be arranged to satisfactorily and safely accommodate planes, or other similar aircraft.
  - g. There shall be a maximum of one sign which shall bear only the name of the landing strip, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the green belt.
  - h. There shall be permitted a facility for the repair of planes, and other similar facilities provided they are centrally located.
  - i. There shall be no sales or display of aircraft.
  - j. There shall be located, within the landing strip, approved sanitary facilities.
3. **Camps and Campgrounds:** Camps, campgrounds, and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:
- a. Camps and campgrounds must be a minimum total area of at least 10 acres.
  - b. No structures may be located closer than 100 feet to any property line. No campsite or any structure shall be located in the setback area.
  - c. There shall be a green belt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such green belt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of 12 feet.
  - d. There shall be recreational areas at a ratio of at least 20% of the gross area of the campground. These recreational areas may be located within the 50-foot required yard, but not within the 20-foot green belt.

- e. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at Least 33 feet wide and shall have unrestricted access to or from a public street.
  - f. No structure shall exceed 15 feet in height.
  - g. The grounds shall be sloped to drain property and to satisfactorily meet the approval of local engineering standards.
  - h. Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.
  - i. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard, but not within the green belt.
  - j. There shall be permitted a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and has hours of operation coincidental with hours of operation of the campground.
  - k. There shall be no sales or display of camping vehicles.
  - l. There shall be located, within the campground, approved sanitary dumping facilities.
  - m. All requirements, as regulated by Act 368 of 1978, as amended, shall be complied with.
4. **Child Care Centers:** Special Land Uses will be issued to properly licensed childcare centers if the proposed facility meets the following specific guidelines:
- a. Is located not closer than 1,500 feet to any of the following:
    - 1) Another childcare center.
    - 2) An adult foster care small-group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
    - 3) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the

Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

- 4) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
  - b. Has appropriate fencing for the safety of children (see walls and fencing).
  - c. Maintains the property consistent with the visible characteristics of the neighborhood.
  - d. Does not exceed 16 hours of operation during a 24-hour period. The operation of a facility between the hours of 10 p.m. and 6 a.m. must be limited to 2 individuals receiving care and be registered with the Township for that purpose.
  - e. Meets regulations, if any, governing signs used by the facility to identify themselves.
  - f. Meets regulations, if any, requiring off-street parking accommodations for employees.
  - g. The childcare center shall be registered and licensed as required for childcare facility under the Child Care Organizations Act, Act 116 of 1973, as amended.
  - h. All structures, facilities, design elements, and operational requirements of the facility shall be provided or complied with, as determined necessary by the Planning Commission.
  - I. Based on the established capacity of the facility, a minimum of 100 square feet of outdoor open space per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained on the Lot. For purposes of this section, "open space area" means the area located within the side or rear yard of the facility, exclusive of any area occupied by other structures, swimming pool, or required parking facilities. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be completely enclosed by a chain-link or solid fence of at least 4 feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least 5 feet.

5. **Compost Facilities:** Compost facilities may be permitted, provided the Planning Commission finds that the following conditions are met:
- a. The site must be a minimum of 40 acres in size.
  - b. All active resource recovery-processing operations shall be visually screened from all adjacent parcels. The screen shall consist of berming and/or vegetation buffer located within a 500-foot setback.
  - c. Has appropriate fencing to prevent compost material from leaving the site (see wails and fencing).
  - d. Structures shall be permanent and for the storage of equipment only. Furthermore, all equipment associated with this use shall be stored within these structures when not in use.
  - e. Access roads to the site shall be sufficiently engineered to accommodate heavy truck loading and unloading during peak operation periods. This shall include the grading application of base material and graveling or blacktopping of the road. The access road shall be of sufficient length and width to prevent any trucks from backing up or turning around within the public road right-of-way.
  - f. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
  - g. In addition to the requirement set forth herein, applications for such Special Land Use authorization shall include a Site Plan showing the following:
    - 1) The area to be actively used for the preprocessing, mixing, shredding, grinding, watering, and dewatering of the compost material; and, if the same shall be in phases, a design for such phases shall be shown.
    - 2) The area for any loading and unloading, mechanical processing facilities, and settling ponds.
    - 3) An area for treatment facilities and resource storage and stockpiles.
    - 4) An area for overburdened storage.
    - 5) An area for production facilities for resource recovery related activities.

- 6) Areas for and the types of permanent buildings and/or other improvements.
- h. An opinion based on a qualified engineering report as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted.
- i. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
  - 1) The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
  - 2) The amount and source of water to be utilized in processing and the means, location, treatment, and disposal of such water.
  - 3) Hazardous substances as defined by the U.S. Environmental Protection Agency are prohibited. A detailed description of all materials to be processed must be submitted.
  - 4) A detailed description showing the volumes, timing, and methods of processing the material.
- j. All structures, materials, and equipment shall be removed within 6 months after the termination of the use.
- k. The facilities comply with Public Act 141 of 1978, as amended, the St. Joseph County Solid Waste Management Plan, and with all other applicable federal and state laws, rules, and regulations.

**6. Confined Animal Feeding Operation (CAFO):**

- a. The parcel must be a minimum of 40 acres in size.
- b. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
- c. The Site Plan shall include the following:
  - 1) The area to be actively used for the feeding operation.
  - 2) The area for any loading and unloading, processing facilities, and settling ponds.

- 3) All areas for storage and stockpiles.
  - 4) Areas for waste storage.
  - 5) Permanent buildings and/or other improvements.
- d. An opinion as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted.
- e. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
- 1) The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
  - 2) The amount and source of water to be utilized and the means, location, treatment, and disposal of such water.
  - 3) A detailed description showing the volumes, timing, and methods of processing.
- f. The facilities comply with all other applicable federal and state laws, rules, and regulations.

7. **Essential Services**

- a. Essential services located above ground and outside of public rights-of-way will be subject to Site Plan review and the following terms and conditions:
- 1) All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed Location to the utility is not outweighed by the detriment to the locality, and a different suitable Location is not readily available.
  - 2) The facility must be screened from view from adjacent residential properties as much as possible using natural materials. Landscaping is preferred to walls and fences.

- b. Public Utility structures must comply with the setback provisions of the zoning district in which they are located plus 50%. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment.
8. Family Business: A family business is incidental to the principal residential or agricultural use of the property and may take place in accessory buildings in addition to the principal residence. A family business is allowed in agricultural and R-1 zoned districts by Special Land Use subject to the following conditions and limitations:
- a. The business (retail or cottage industry) permitted shall be judged to be consistent with the character of the immediate area.
  - b. No outdoor storage shall be allowed.
  - c. The business shall not operate between the hours of 11 p.m. and 6a.m.
  - d. One sign relating to the business may be permitted on the premises. The sign shall not exceed 24 square feet in area and shall not be lighted.
  - e. There shall be no physical expansion of the business without the approval of the Planning Commission.
  - f. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries from which the business is conducted.
  - g. The business shall be located on the same parcel with the family residence.
  - h. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
  - i. The Planning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specified period of months or years unless an additional permit is granted. The Planning Commission may impose additional conditions and regulations as it deems necessary to adequately

protect adjoining residents and property owners and the values of adjoining properties.

Family Businesses may use accessory buildings provided the following conditions are met:

- a. Accessory buildings containing family businesses must be set back 100 feet from all property lines and may not occur within 300 feet of another dwelling.
- b. The gross floor area (GFA) of family businesses in accessory buildings may not exceed two and a half (2.5) times the GFA of the principal dwelling.
- c. Vehicles, machinery, and equipment used in conjunction with the family business may not be stored or parked outdoors.

9. **Farm Animals:** Farm animals may be kept on parcels of less than 20 acres in AG and R-1 residential zoning districts by Special Land Use subject to the following conditions and limitations:

- a. Buildings used to house farm animals must be set back 50 feet from all property lines.
- b. There may be one animal for every 1 full acre of parcel size over the first 3 acres. The homeowner must provide a protected enclosure. The property must be properly fenced in accordance with this Ordinance.
- c. Farm animals shall not include exotic animals as regulated by St. Joseph County Animal Control.
- d. Temporary permits must be renewed annually.

10. **Golf Courses and Country Clubs:** Golf courses must be a minimum of 40 acres. No structures may be located closer than 100 feet to any property line. Buildings are limited to 10,000 square feet.

11. **Group Day Care Home**

- a. A group day-care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a Special Land Use permit, if the group day-care home meets the following standards:
  - 1) Is located not closer than 1,500 feet to any of the following:

- (i) Another licensed group day-care home.
  - (ii) Another adult foster care small group home or Large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
  - (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - (iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
- 2) Has appropriate fencing for the safety of the children in the group day-care home as determined by the planning commission.
  - 3) Maintains the property consistent with the visible characteristics of the neighborhood.
  - 4) Does 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) Meets the applicable sign regulations in this ordinance.
  - 6) If the group day-care home has employees, there must be provision for off-street parking accommodations.

**12. Health Services Facilities**

- a. No structures may be located closer than 25 feet to any property line. No structure shall be located in the setback area.
- b. Where a facility is adjacent to a residentially developed property or R-1 or R-2 zoning district, there shall be a greenbelt-planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of 12 feet.

- c. Vehicular circulation system shall consist of improved drives with a right-of-way of at Least 33 feet wide and shall have unrestricted access to or from a public street

13. **Institutional Care Facilities:** Institutional care facilities shall be permitted subject to the following procedures and conditions:

- a. An off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- b. Based on the established capacity of the institutional care facility, a minimum of 150 square feet of open space area per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained. For purposes of this section, open space area' means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be designed in a park-like setting completely screened from any abutting use by vegetation.
- c. All structures must be set back 75 feet from all property lines.
- d. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended).

14. **Kennels and Veterinary Clinics:** Structures must be set back 150 feet from all property lines and 600 feet from the nearest dwelling or R-1, R-2 or MHP zoning district. All activities shall be conducted within enclosed structures,

15. **Migrant Housing**

- a. The Planning Commission may permit housing of migrant farm workers and migrant employees in AG Districts as a Special Land Use. No structure may be used for such purposes in the Township, unless the Planning Commission finds all of the following conditions and requirements are met:
  - 1) Migrant housing shall be located on the same parcel of land as the principal structure or use to which they are accessory, and said parcel shall be at least 10 acres in size.

- 2) Migrant housing may be occupied only between the period of May 15 through November 15.
  - 3) Migrant housing may be used only by migrant farm workers and migrant employees.
  - 4) The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers.
  - 5) Migrant housing shall be located at least 200 feet from any public street, at Least 200 feet from any other property line, and 400 feet from any dwelling of an adjacent property owner.
  - 6) No migrant housing shall have more than one story nor accommodate more than one family. No migrant housing shall be closer than 30 feet to another structure.
  - 7) No migrant housing shall be located between the front entry wall of any other migrant housing and a driveway or private roadway serving said other dwelling, and no migrant housing shall be closer than 30 feet to any such drive or roadway.
  - 8) Any other special conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers, to protect the values and desirability of adjacent properties, and to ensure proper supervision of such workers.
- b. The applicant shall submit a Site Plan pursuant to this Ordinance and approved by the Planning Commission that shall signify the applicants agreement to comply with said plans and all the above conditions and requirements at all times and shall further agree to the following:
- 1) The premises and all migrant housing shall be available for the inspection of the Zoning Administrator.
  - 2) All premises and structures shall be regularly maintained.
  - 3) Any migrant housing that is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within 6 months.

## 16. Multiple Family Dwellings

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

- a. Every principal entry shall be visible from a public street No entrance shall be located further than 150 feet from off-street parking facilities.
- b. Where more than one building is located on a lot, the following requirements apply:
  - 1) No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
  - 2) A front yard of 35 feet shall be required.
  - 3) No building shall be located in back of another unless separated by common yard of at least 100 feet.
  - 4) Each building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
  - 5) No building shall be located closer than a distance equal to its total height to any other building.
- c. Each building shall contain complete and separate septic system facilities as required by the county health department.

**17. Natural Resource Removal Operations**

- a. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to strip any topsoil, sand, clay, gravel or similar material, or use lands for filling within the Township without first procuring a Special Land Use permit in accordance with this ordinance.
- b. Application: The Planning Commission shall conduct a public hearing before approving a permit concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Planning Commission and shall contain the following information in 6 copies as a condition precedent to the obligation to consider such request:
  - 1) Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
  - 2) Full legal description of the premises wherein operations are proposed.

- 3) Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
  - 4) Detailed statement as to exactly what type of deposit is proposed to be removed or deposited.
  - 5) Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
  - 6) Such other information as may be reasonably required by the Planning Commission to determine whether a permit should be issued or not.
- c. Permit Fees: A fee shall be paid according to a fee schedule adopted by the Township Board.
- d. Permit: After reviewing all of the information submitted by the applicant and such other information as required by the Planning Commission, the Commission shall review, approve, or disapprove said application. The permit shall be issued provided the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of Flowerfield Township.
- 1) It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for natural resource removal operations.
  - 2) No residential structures of a permanent or temporary nature shall be allowed.
  - 3) Part or all of the operation must be screened with a fence or other appropriate screening as determined by the Planning Commission.
  - 4) All truck operations shall be directed away from residential streets, whenever practical.
- e. All parcels proposed for natural resource removal shall have access to a major county thoroughfare as designated by being improved to the standards of the County Road Commission. Such access shall not create unreasonable interference with future or existing adjacent land uses.
- f. The Planning Commission shall find, in its discretion that the proposed operation shall not result in serious consequences in relation to interests the Township is authorized to protect.

- 1) The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
  - 2) The Planning Commission may approve or disapprove of the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.
- g. The Planning Commission shall consider the following in making its determination, and shall determine the proper disposition of the application following the public hearing.
- 1) The proposed use will be reclaimed for an alternate use within a reasonable period of time.
  - 2) The proposed use will not adversely affect existing or future adjacent land uses substantially.
  - 3) The effect of the proposed use on drainage, surface water, water table, groundwater, etc.
  - 4) The proposed use shall not adversely affect the public health, safety, and general welfare.
- h. The Planning Commission may impose such special conditions, as it deems necessary to carry out the intent of this section prior to granting approval of any application. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.
- i. Exceptions. A permit to fill or remove soil from an area not to exceed 20,000 square feet may be issued by the zoning administrator, provided information is formally submitted including the following:
- 1) Names and addresses of owners of property, and person or contractor responsible for filling or removing activities.
  - 2) Legal description and plot plan of property showing dimensions of area to be filled or removed from and to what finish elevation proposed.
  - 3) Type of Material to be Deposited: Approved material to include sand, soil, clay, dirt, stone, brick, and concrete provided all such materials to be in a level condition with a minimum of 6-inch, debris-free top cover suitable for the growing of turf within 6 months of date of issuance of permit. The maximum period of time such permit may be valid for is 6 months.

- 4) No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State of Michigan Residential Building Code or other building regulations as adopted by the Township.

18. **Public and Institutional Uses:** Public and institutional uses may be permitted in any zoning district if the Planning Commission finds that the following conditions are met:

- a. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
- b. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- c. That the proposed use is in accordance with the development policies of Flowerfield Township.
- d. All front, side, and rear yard space shall be a minimum of 50 feet each from adjoining lot lines.

19. **Sawmills**

- a. The minimum area of the site shall be 10,000 square feet.
- b. The minimum street frontage shall be 100 feet.
- c. Where the site abuts property in any R-1, R-2, or MHP zoning district, a buffer of 300 feet shall be provided along the property line.
- d. Exterior lighting shall be hooded or shielded so as to be deflected away from adjacent property.

20. **Single-family Dwellings (not on lots of record)**

- a. The Planning Commission may allow single-family dwellings in the agricultural district if the parcel on which the dwelling is to be located is poorly suited for agricultural production and any two of the following conditions are met:
  - 1) Soil Conditions: No prime agricultural soils may be included in any part of the proposed parcel.
  - 2) Slope: Slopes greater than 12% may be suitable for residential dwellings.

- 3) **High Groundwater Table, Floodplain, or Wetlands:** While these may not be ideal building sites, some circumstances may make them suitable for residential use.
  - 4) **Natural Vegetation:** There exist mature stands of trees or thick brush.
  - 5) **Size, Shape, Orientation, or Physical Features:** It must be demonstrated that existing conditions make the parcel difficult or impractical to farm.
- b. The Planning Commission, in making its determination, may consider factors such as, but not limited to:
- 1) Past and present use of the parcel and adjoining parcels.
  - 2) Past productivity, vegetation, and the difficulty in making the parcel suitable for farming.
  - 3) The Likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
  - 4) The precedent set by allowing the residential use in the circumstances under consideration will not adversely affect the long- term plans and development policies of the Township.
- c. Parcel size may not exceed two (2) acres, unless that portion greater than two acres contains no prime agricultural soils.
- d. Must have proof that the water supply and Septic Systems are approved by the County Health Department.
21. **Telecommunication Towers:** Telecommunication towers for commercial radio and television, commercial telecommunications, and for microwave or television are permitted in the Agricultural District, according to the following standards:
- a. To minimize the proliferation of towers within the Township, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed transmitting antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or other structures. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed transmitting antenna might consist of the following:

- 1) No existing towers or structures are Located within the geographic area that meets the applicants engineering requirements.
  - 2) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - 3) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- b. Towers shall be designed and constructed to accommodate both the applicant's equipment and that of a minimum of two other users.
  - c. Available tower space on existing towers will be required to be leased or sold at fair market value.
  - d. Transmitting antennas to be placed on buildings, existing towers or other structures shall be subject to all the requirements of this Section, including the Special Land Use Permit requirements referenced herein.

#### DESIGN STANDARDS:

All steel towers and antenna supporting structures shall be designed to meet the current structural, standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA - 222 or its successor.

#### MINIMUM SETBACK DISTANCES:

- 1) Towers shall be setback from the property lines and street rights of way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights of way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas. The Planning Commission shall have authority to approve a tower with a lesser setback if (1) the proposed tower is to be constructed in a manner that would cause the tower in the case of collapse to remain within the boundaries of the property on which it is located and (2) the Planning Commission determines that a reduced setback will not have a material adverse impact upon any neighboring properties.
- 2) Anchorages for guyed towers must be on the same parcel of land as the tower and set back from property lines a minimum of 20 feet.

- 3) Accessory buildings shall be set back in accordance with the requirements of the District in which the property is zoned.

**SECURITY FENCING:**

The tower base, anchorages for guyed towers and any accessory buildings shall be enclosed by a security fence consisting of a six (6) foot tall chain link fence topped with three strands of barbed wire or an eight (8) foot tall chain link fence.

**OBSCURING SCREEN:** A seven (7) foot tall obscuring screen of evergreens and shrubs shall be established and maintained to screen the tower base and associated accessory buildings from any neighboring properties.

**LIGHTING:** Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state agency having authority over a particular tower.

**SIGNS:** The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.

**REMOVAL OF UNUSED OR ABANDONED TOWERS:** Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of operations, unless the Zoning Board of Appeals has approved an extension of the 12-month period. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the time period stated above, (or as extended by the ZBA), the Township shall remove the tower and associated facilities and the costs of the removal assessed against the real property.

**ADDITIONAL REQUIREMENTS:** In addition to the information required for Special Land Use permits pursuant to this Ordinance, applicants for Special Land Use permits for a transmitting tower shall submit the following information.

- a. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, land uses and zoning within 500 feet of the parcel on which the tower is located (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from site boundary Lines and elevation drawings of the proposed tower. The Site Plan shall be prepared by or under the supervision of a professional engineer, architect, or architectural engineer licensed or registered by the State of Michigan. The Site Plan shall contain the name and firm address of the professional engineer, architect or architectural engineer responsible for the preparation of the Site Plan and the professional seal and signature of that person.

- b. The legal description and ownership of the parcel on which the tower is proposed to be Located. If the tower is proposed to be located upon just a leased portion of the parcel, the applicant shall also provide a legal description of such leased land.
- c. The setback distances between the proposed tower and the boundaries of the parcel on which the proposed tower is located.
- d. The method of fencing, finishing color of the tower and, if applicable, the method of screening and illumination.
- e. A description of compliance with federal, state and local laws.
- f. Each applicant shall submit a detailed site justification report, including a description of the process that eliminated other potential sites and a map showing the extent of planned coverage, approved locations of all other telecommunication sites, or adjoining municipalities that provide coverage including the applicants location and the location and service area of the proposed telecommunication site.
- g. Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority):
  - 1) Capacity and propagation analysis.
  - 2) Tower height visibility analysis.
  - 3) Antenna separation analysis based on wavelength.
  - 4) Analysis of signal strength and signal thresholds necessary for cell hand-off.
  - 5) Availability of suitable structures for antenna mounting.
  - 6) Topography as it relates to line of sight transmission for optimum service efficiency.
  - 7) Leaseable lands and willing landlords.
  - 8) Screening potential of existing vegetation, structures, and topographic features.
  - 9) Compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.

- 10) Least number of sites to cover desired area.
  - 11) Greatest coverage consistent with physical requirements.
  - 12) Opportunities to mitigate possible visual impact.
  - 13) Availability of sites not within an established single-family community.
  - 14) Preservation of view corridors, vistas.
  - 15) Potential for preservation of pre-existing character of site.
  - 16) Impact on surrounding residential areas.
  - 17) Availability of road access
  - 18) Availability of electric power.
  - 19) Availability of land based telephone lines or microwave link capability.
- h. The Planning Commission shall consider the following factors in determining whether to approve a telecommunication tower as a Special Land Use:
- 1) Height of the proposed tower.
  - 2) Proximity of the tower to residential structures and residential district boundaries.
  - 3) Nature of uses on adjacent and nearby properties.
  - 4) Surrounding topography.
  - 5) Surrounding tree coverage and foliage.
  - 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - 7) Proposed ingress and egress.
  - 8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
  - 9) Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.

**ARTICLE 18  
ADMINISTRATION AND ENFORCEMENT**

**18.01 ADMINISTRATION**

The Township Board shall designate a Zoning Administrator to act as its officer to effect proper administration of this Ordinance.

**18.02 ZONING PERMITS AND PLANS**

No building or part thereof shall hereafter be erected, moved, enlarged or altered until the Zoning Administrator has granted a Zoning Permit. The owner or his agent shall file an application and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans; a plot plan and such other information as may be necessary to provide for the enforcement of this Ordinance. Plans shall be drawn to scale and shall show dimensions in figures; and in the case of multi-family, business, or industrial buildings by complete specifications. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved. No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Permits shall expire 1 year from their date of issuance.

**18.03 FEES**

The Township Board is hereby given the authority to establish by resolution, at any regular public meeting, a schedule of fees, rates and charges for the administering of this Ordinance (including, but not limited to, the issuance of permits and the holding of hearings hereunder), provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

**18.04 DUTIES OF THE ZONING ADMINISTRATOR**

The office of Zoning Administrator is hereby established. This Ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any Zoning Permit where the proposed building, alteration or use would be in violation of any provision of this Ordinance.

1. Violations: The zoning administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall take appropriate action to enforce this ordinance,
2. Inspections: The Zoning Administrator shall inspect all new construction or alterations at the time footings are placed, and such additional inspections he

deems necessary to insure compliance with the provisions of this ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that the requirements of this Ordinance are being complied with.

3. Records: The Zoning Administrator shall keep records of all applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Governing Body and all other officials of the Township and County.

### **18.05 VIOLATION AND SANCTION**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which Flowerfield Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of neither less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each and every day that such violation continues shall be deemed a separate and distinct violation,

## **ARTICLE 19 ZONING BOARD OF APPEALS**

### **19.01 CREATION**

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by Act 184 of the Public Acts of 1943, as amended, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare are secured and substantial justice done.

### **19.02 MEMBERSHIP**

The Zoning Board of Appeals shall be composed of not less than 3 regular members. The first regular member of the Zoning Board of Appeals shall be a member of the township planning commission. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be selected from the electors of the township. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the township board may not serve as a member of the Zoning Board of Appeals.

### **19.03 REMOVAL**

A member of the Zoning Board of Appeals may be removed by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

### **19.04 TERM**

Terms shall be for 3 years, except for members serving because of their membership on the planning commission, or township board, whose terms shall be limited to the time they are members of the planning commission, or township board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

A Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the board is present.

### **19.05 ALTERNATE MEMBERS**

A township board may appoint not more than 2 alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

### **19.06 GENERAL GRANT OF POWER**

The Zoning Board of Appeals shall perform all the duties and have all the powers prescribed by Act 184, Public Acts of 1943, as amended. It shall adopt rules of procedure consistent with the provisions of said Act and other local ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which the board is required to pass under the ordinance, or to grant a variance in the ordinance. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the township, county, or state. In addition, a variance in the ordinance may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, M.C.L. 213.54, and 1943 PA 184, as amended. The Zoning Board of Appeals shall state the grounds of each determination.

### **19.07 EMPLOYEES**

The Board may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

### **19.08 MEETINGS**

Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. ALL meetings of the Zoning Board of Appeals shall be open to the public. The board shall maintain a record of its proceedings that shall be filed in the office of the township clerk and shall be a public record.

## **19.09 APPEALS**

Appeals to the Board may be taken by any party aggrieved by a decision or order of the Zoning Administrator or by an officer or agency of the Township affected by such decision or order. A notice of appeal, specifying the grounds thereof, shall be filed with the Clerk of the Board within 30 days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Board all records upon which the action appealed from was taken. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Board or by the Circuit Court.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the zoning ordinance, the Zoning Board of Appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals may impose conditions with an affirmative decision pursuant to section 16d(2) of 1943 PA 184, as amended.

## **19.10 VARIANCES**

Subject to the provisions of this Ordinance, and in addition to other duties and powers specified herein, the Board, after public hearing shall have the power to decide applications for dimension variances:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this ordinance.
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or

3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

### **19.11 PUBLIC HEARINGS**

Upon the filing of any appeal or other matter over which the Board has jurisdiction, the Board shall hold a public hearing on such matter not earlier than 5 days after the date of such filing, and shall cause notice of the time and place of the hearing to be given by first class mail or in person to the applicant, and to all owners of record of property within 300 feet of the property to be affected by said appeal or application at least 72 hours prior to said hearing.

### **19.12 FEES**

Upon filing of any appeal or application to the Board, the applicant shall pay a fee as set by the Township Board. Said fee shall be paid to the Township Clerk before any action is taken on said petition. Fees may be changed by the Township Board at any regular meeting.

### **19.13 VOTE NECESSARY FOR DECISION**

The final disposition of any matter of the Board shall require the concurring vote of a majority of its members.

### **19.14 TIME LIMIT**

Subject to the exception set forth below, no variance granted by the Zoning Board of Appeals shall be valid for a period longer than six months unless either, (1) the use or structure made possible by the variance is established within the six month period or (2) a building permit for the construction made possible by the variance is obtained within the six month period and the construction is started and proceeds to completion in accordance with the building permit.

EXCEPTION: Variances granted which render vacant lots that would otherwise be unbuildable under the terms of this ordinance buildable (e.g. variances from lot area, lot width, road frontage, or lot depth-to-width ratio requirements) shall not be subject to the above six month time limitation.

### **19.15 MINUTES AND RECORDS**

The Secretary shall keep minutes of the Board s proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Boards examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

**ARTICLE 20  
SEPARABILITY AND REPEALS**

**21.01 SEPARABILITY**

In case any article, section, or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other Article, section or provision of this Ordinance, except so far as the article, section or provision so declared invalid shall be inseparable from the remainder or any part thereof.

**21.02 REPEALING CONFLICTING ORDINANCES**

Any and all ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent; provided however, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

**21.03 EFFECTIVE DATE**

This Ordinance was adopted on 5/3/03

This Ordinance was published on \_\_\_\_\_

This Ordinance shall take effect on \_\_\_\_\_

Sally J. Hackenberg  
Flowerfield Township Clerk