

# ARTICLE 5

## DEVELOPMENT STANDARDS

### *DIVISION 1: GENERAL*

#### **SECTION 500 PURPOSE**

The purpose of the regulations contained in this Article is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development.

#### **SECTION 501 APPLICABILITY**

This article applies to any application for development approval, except as otherwise provided.

#### **SECTION 502 DEVELOPMENT PLAN / DATA REQUIREMENTS**

A complete application consists of the appropriate application form, application fee as required by the adopted by the Charter Township of Garfield Fee Schedule, required escrow, and all additional information necessary to verify compliance with this Article.

### *DIVISION 2: DESIGN STANDARDS*

#### **SECTION 505 PURPOSE**

This section establishes regulatory requirements for land development, infrastructure, and site design. The purpose of these provisions is to minimize nuisances associated with development practices which are not consistent with the orderly development of Garfield Township.

#### **SECTION 510 LOTS**

##### **A. Buildings**

Every building shall be located on a lot. In a residential zoning district, no more than one (1) principal building is permitted on a lot unless otherwise provided in the applicable zoning district regulations.

##### **B. Compliance with Zoning District Regulations**

The size, width, depth, shape, and orientation of lots shall comply with the applicable zoning district regulations.

##### **C. Frontage / Width**

All lots shall front on a public or private street and shall have a minimum frontage width as indicated in the zoning district regulations.

##### **D. Flag Lots**

No flag lot shall be permitted unless the entirety of the "pole" section meets minimum requirements for road frontage and the lot as a whole meets the minimum depth-to-width ratio.

##### **E. Reserved.**

##### **F. Corner Lots**

Corner lots shall have two (2) front setbacks along the roadways and two (2) side yard setbacks.

**G. Dwelling on Undersized Legal Lot of Record**

A legal lot of record within a residential district which measures less than the minimum area for the district may be used for a single-family dwelling, provided that all required setbacks of the zoning district in which the lot is located are complied with.

**H. Reduction of Lot Size or Setback by Governmental Action**

Where an existing lot conforming to all requirements of this ordinance is reduced in size as a result of governmental action, and the owner of such lot then does not own sufficient land to enable the lot to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence or other nonresidential use permitted in the district in which the lot is located, provided that:

- (1) All required setbacks of the zoning district in which the lot is located are complied with; or
- (2) The Zoning Administrator has approved, as a building site, a dimension that conforms as closely as possible to the required dimensions of this ordinance..

**SECTION 511 DRIVEWAYS FOR SINGLE FAMILY AND TWO-FAMILY PROPERTIES**

- A. All residential driveways for single family and two-family properties not built within an access easement shall be placed a minimum of 10 feet from the property line.
- B. Driveways shall be a minimum of 12 feet in width without obstruction to a height of 12 feet.
- C. Driveways may be used for the parking of vehicles, recreation vehicles, boats, campers or trailers provided they are licensed to be used on the roadway and/ or water and in working condition.

**SECTION 512 ACCESS MANAGEMENT and RESTRICTIONS**

The intent of this Section is to provide safe and efficient travel along public roadways within Garfield Township. Due to the rapid and continuous growth of our community, the implementation of access management standards is necessary for undeveloped lands and the redevelopment of lands. These roadways tend to serve higher volumes of regional traffic and require increased access control measures to preserve their traffic functionality and safety. There is no inherent right to receiving access or additional access to a parcel or parcels.

1. Reviewing Authority

- a. The Planning Commission shall be the reviewing authority regarding access for the development of property and shall have the authority to require a reduction in current or proposed road access locations and/or require shared access to one (1) or more parcels.
- b. The Zoning Administrator shall review driveways to newly created single-family lots with frontage on a County Road.

2. Access Control Measures

All land located within a single property tax code and fronting on a state highway or county road shall be entitled to one (1) driveway or road access per existing parcel. Parcels when subsequently subdivided for the purpose of development, either as metes and bounds described parcels, platted subdivision, condominium developments, and/or projects subject to Sections 422-429 of this Ordinance shall be accessed by public or private roads, service drives, or other approved means of shared access that limits access to public roadways.

### 3. Qualifying Standards for Additional Access

- a. Access to land fronting a County Road may be permitted to exceed one (1) driveway or road access per existing parcel provided that each of the following standards can be met:
  - i. The request is not a result of a self-created issue by current or previous ownership.
  - ii. The request is not contrary to a previously approved plan or project that limited access to the parcel.
  - iii. Cross-access easements are provided to adjacent properties and all parcels are interconnected to achieve the intent of this Section.
  - iv. Each additional access is located in such a manner that there is a minimum of 300 feet of separation measured from centerline to centerline of current and proposed road access.
- b. Access to land located along Hartman and Hammond Roads may be permitted to exceed one (1) driveway or road access per existing parcel provided that there is a minimum of 400 feet of separation measured from centerline to centerline of current and proposed road access, and provided further that the standards in Section 3a i, ii, and iii above can be met.
- c. All lands fronting on US-31 may be permitted to exceed one (1) driveway or road access per existing parcel provided that there is a minimum of 600 feet of separation between each road access measured from centerline to centerline of current and proposed road access, and provided further that the standards in Section 3a i, ii, and iii above can be met.

### 4. Relief and Flexibility

- a. The Planning Commission may allow relief from the separation standard stated in Section 3 above provided that the applicant can meet the Qualifying Standards of Section 3, and further provided that the each of the following standards can be met:
  - i. The applicant has demonstrated that the access separation required under this Section is not feasible due to a public safety concern OR additional access in strict compliance with the access separation required under this Section will be detrimental to natural features such as streams, wetlands, steep slopes, or other natural features.
  - ii. The separation distance is the minimum possible to satisfy the separation intent of this Section.
  - iii. The additional access is located the minimum distance from proposed and existing road access.
  - iv. The request is not a means of circumventing the intent of this Section or the Ordinance.
- b. The Zoning Administrator may allow relief from the separation standard stated in Section 3 above in the case of single-family residences provided that each of the following standards can be met:
  - i. The creation of the lot is for the purpose of one (1) single-family residence.
  - ii. The access to the parcel is permitted by the Grand Traverse County Road Commission (GTCRC) and meets all required County standards.
  - iii. The request is not a means of circumventing the intent of this Section or the Ordinance.
- c. The Zoning Administrator may allow relief from the separation standard stated in

Section 3 above in the case of agricultural driveways provided that each of the following standards can be met and continue to be met:

- i. The proposed driveway remains permitted as an Agricultural Entrance by the GTCRC in the case of a county road or is permitted as a Residential Driveway or Farm Field Driveway by the Michigan Department of Transportation (MDOT) in the case of a state highway.
- ii. The proposed driveway serves an Agricultural Operation as defined in this Ordinance in the determination of the Zoning Administrator.
- iii. The request is not a means of circumventing the intent of this Section or the Ordinance.

#### 5. Service Drive Design Standards

When applicable, the applicant shall submit an engineered plan for the review of a service drive by the Township Engineer for compliance with engineering, construction, stormwater, and/or traffic standards, if necessary.

- a. At the minimum, service drives shall be constructed at a width of twenty (20) feet and shall be constructed in accordance with the Design Guidelines – AASHTO Interim Structural Pavement Design Procedure Adopted for All Season County Roads, as amended.
- b. At the minimum, a 15-foot snow storage and landscaping area on either side of the service drive or the equivalent shall be provided.
- c. The access drive shall be constructed of a hard surface such as asphalt, concrete, permeable pavement or pavers, or similar materials approved by the Township, but not including gravel.
- d. Adequate stacking and maneuvering shall be provided to avoid unnecessary vehicular stacking hazards.
- e. The approval document and engineered plan shall be recorded in accordance with Section 425.H of the Ordinance.
- f. Construction of the service drive shall be required prior to the issuance of a Certificate of Occupancy for a permitted use.

#### 6. Maintenance

- a. A joint maintenance agreement addressing the standards of Section 521.F(3) - Private Street Maintenance Agreement shall be entered into and recorded with any Service Drive at the Grand Traverse County Register of Deeds.
- b. Joint maintenance agreements shall be recorded as a general deed restriction and shall bind the owners, including their successors and assigns, of all lots, parcels, or condominium units with access to the service drive.

#### 7. Limited Use

- a. In order to avoid undue interference with the shared use of any Service Drive, uses such as storage, display, loading or unloading, or similar actions that interfere with the use of a Service Drive are prohibited.
- b. Any access, including construction access, shall be in accordance with the approved plan.

## 8. Existing Projects

Projects previously approved either as platted subdivision, condominium development, and/or projects subject to Sections 422-429 of this Ordinance shall follow the Major Amendment procedure to request additional access to applicable roadways. No inherent right exists to receive additional access to a parcel regardless of meeting the separation distance.

### **SECTION 513 COMMERCIAL AND INDUSTRIAL JOINT DRIVEWAYS**

Commercial and industrial joint driveways shall be permitted subject to the following standards:

- A. Not more than three (3) parcels shall be served by a joint driveway.
- B. The minimum easement width shall be twenty-four (24) feet.
- C. The minimum pavement width shall be twenty (20) feet.
- D. A joint driveway maintenance agreement addressing the standards of Section 521.F.(3) Private Street Maintenance Agreement shall be entered into. Such agreement shall further address arrangements for standing, loading and unloading in order to avoid undue interference with the shared use of any joint driveway.
- E. A joint driveway easement agreement legally describing the driveway and providing for shared use of the driveway shall be entered into.
- F. The joint agreements entered into pursuant to subsections (D) and (E) above shall be recorded as a general deed restriction and shall bind the owners, including their successors and assigns, of all lots, parcels and condominiums units with access to the joint driveway. A copy of the recorded easement agreement and maintenance agreement shall be submitted to the Township prior to the issuance of a land use permit.
- G. Setback standards shall apply from the shared property line and not from the limits of the joint driveway easement.
- H. In the event that a joint driveway or parking area is constructed over a shared property line, the approval authority may permit the relocation of the required property line landscaping per § 531 or § 532 to an alternate location which will screen the shared drive and parking area.

### **SECTION 514 COMMERCIAL AND INDUSTRIAL JOINT ALLEYS**

Commercial and industrial alleys shall be permitted subject to the following standards:

- A. The alley will be private, and the Road Commission or Department of Transportation will have no obligation to maintain the alley in any manner.
- B. The minimum easement width shall be thirty (30) feet.
- C. The minimum pavement width shall be twenty-two (22) feet.
- D. The private alley shall conform to the minimum pavement structure standards adopted by the Grand Traverse County Road Commission except as otherwise provided for in this Section. Certification that the private alley meets the County Road Commission minimum pavement structure standards shall be provided by a licensed engineer.
- E. A private alley maintenance agreement addressing the standards of Section 521.F.(3) Private Street Maintenance Agreement shall be entered into. Such agreement shall further address arrangements for standing, loading and unloading in order to avoid undue interference with the shared use of any alley.
- F. A private alley easement agreement legally describing the alley and providing for shared use of the alley shall be entered into.
- G. The joint agreements entered into pursuant to subsections (E) and (F) above shall be recorded as a general deed restriction and shall bind the owners, including their successors and assigns, of all lots,

parcels and condominiums units with access to the alley. A copy of the recorded easement agreement and maintenance agreement shall be submitted to the Township prior to the issuance of a land use permit.

H. Setback standards shall not apply from the limits of the alley easement.

## SECTION 515 FENCES AND WALLS

The intent of this section is to regulate the location, placement, materials, type, and height of fences to ensure safe sight lines at intersections and to minimize any potential negative visual impacts of unsightly fences and storage areas. For screening of outdoor storage areas, also see § 613, Outdoor Storage.

### A. Design

#### (1) Articulation

No fence or wall facing and visible from a public street shall exceed fifty (50) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:

- (a) A column or pillar; or
- (b) Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least six (6) inches and extending a horizontal distance of at least three (3) feet and less than twenty (20) feet.
- (c) Landscaping may be substituted for (a) or (b) above.

Landscaping such as climbing vines, shrubs, or trees planted along the base of that portion of the wall or fence that fronts a public street may be substituted for (a) or (b) above. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be irrigated and maintained consistent with the provisions of this article. Only living vegetation may be used to meet these landscaping requirements.

#### (2) Exception For Articulation

- (a) Articulation of this article does not apply to a fence or wall constructed of brick, masonry, or decorative iron fencing.
- (b) Individual single family and two family lots are exempt from meeting the articulation requirement except where such lot is located along the perimeter of a tract, parcel, plat, site condominium, or planned unit development approved for residential purposes and abutting a collector or arterial street.

#### (3) Integration

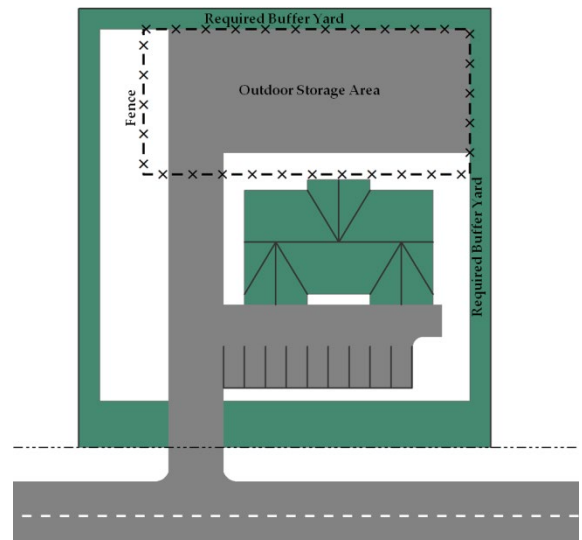
All fencing (in any district) shall be constructed so as to conceal or integrate into the architecture of the fence structural members. In stockade type fencing construction the finished side shall face outward.

#### (4) Placement

Where fencing is used to screen and/or secure approved outdoor storage areas, the fencing shall be placed interior to any required landscaping buffer (i.e. between the required buffer and the outdoor storage area). See illustration at right.

### B. Material

- (1) Residential single family and two family lots may use the following material for fencing:



- (a) Chain link, wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials similar in durability.
- (2) Uses other than residential single family and two family lots are limited to the following types fencing material:
  - (a) Wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials that are similar in durability.
  - (b) Chain link may be acceptable when not in prominent view from a public street and provided a vegetative screen of living plant material is incorporated to provide screening and vegetative enhancement. Chain link fencing shall not incorporate "slats" for screening purposes.
  - (c) Where fencing is to be used for screening purposes, the Zoning Administrator upon review of a site plan or the Planning Commission upon review of a special use may require additional landscaping or allow an alternative fencing material or combination of plantings and materials to adequately screen a use. Also see § 613, Outdoor Storage.
- (3) The following materials shall not be used for fencing or screening in any district:
  - (a) Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;
  - (b) Plywood, particle board, paper, and visqueen plastic, plastic tarp, or similar material; and
  - (c) Razor wire and other similar fencing materials capable of inflicting significant physical injury.
- (4) The following materials shall not be used for fencing or screening except for the use or within the district specified unless otherwise approved by the Planning Director:
  - (a) Barbed wire may be used only for livestock enclosures in the A District, for public service installations, or for security purposes in the I-L or I-G Districts.
  - (b) Permanent electrified fencing may be used only for livestock enclosures in the A District and shall be appropriately signed to indicate that the fence is electrified.

### **C. Height**

- (1) Front Yard  
No fence, vegetative screening or wall shall exceed a height of four (4) feet in the front yard. No fence, vegetative screening or wall shall obscure vision or interfere with safe site lines at street and/or alley intersections.
- (2) Side or Rear Yard  
Unless specifically permitted in this Ordinance for screening or security purposes, no fence or wall, shall be erected or altered in any side or rear yard to exceed a height of seven (7) feet.
- (3) Industrial Districts  
Fence height restrictions do not apply in the I-G or I-L district unless:
  - (a) The lot abuts a residential or commercial district; or
  - (b) The fence height and location adversely affect safe site lines at street and/or alley intersections.

### **D. Maintenance**

All fences and walls shall be maintained in good condition so as not to create a hazard, public nuisance, or blight in the surrounding neighborhood. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or wall, or other forms of deterioration shall be immediately repaired or replaced.

## SECTION 516 DUMPSTER ENCLOSURES

Dumpsters or other refuse or recycling containers which serve developments such as, multi-unit residential buildings, institutional, commercial, office, industrial or mixed use establishments shall be enclosed and such enclosures shall comply with the following requirements:

- A. Such enclosures shall be finished with the same materials and colors as the exterior finish of the principal structure or shall be concrete block or similar material.
- B. The enclosure shall be four-sided and constructed with an opaque gate constructed of wood or similar material. Chain link fencing shall not be used for any portion of the enclosure or gate.
- C. Walls of the enclosure shall be a minimum of 6 feet in height.
- D. Interiors and exteriors of enclosures shall be kept clean and free of debris and clutter.

## SECTION 517 LIGHTING

*Purpose:* These provisions are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky that have a detrimental effect on the rural atmosphere and astronomical observations and that create glare. It is the intention of this section to:

- Encourage good lighting practices such that lighting systems are designed to conserve energy and money;
- Minimize glare;
- Protect the use and enjoyment of surrounding property; and
- Increase nighttime safety, utility, security, and productivity.

### A. Applicability

#### (1) Generally

- (a) All outdoor, artificial illuminating devices shall be installed in conformance with the provisions of this section.
- (b) This section does not prevent the use of any material or method of installation not specifically addressed. In considering any deviation from the provisions of this section, the Zoning Administrator shall take into consideration any state-of-the-art technology that is consistent with the intent of this section as new lighting technology develops that is useful in reducing light above the horizontal plane.

#### (2) Exceptions

The following types of light fixtures shall be exempt from the provisions of this section:

- (a) Low-intensity residential decorative lighting: Residential decorative lighting including porch lights, low level lawn lights, seasonal light such as for Christmas decorating provided that if any such light is directed toward adjacent residential buildings or nearby land, or creates glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- (b) Public street luminaires: Luminaires used for public street illumination may be installed up to the edge of any bordering property.
- (c) Emergency lighting: All temporary emergency lighting needed by the police, the fire departments, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this section.
- (d) Nonconforming fixtures: All outdoor light fixtures legally installed prior to the adoption of this ordinance may remain unchanged, except that any replacement of the subject light fixtures shall be done in compliance with this article.
- (e) Neon lighting



- (f) Flag lighting: Luminaires used for the illumination of the flag of the United States of America shall be exempt from the requirements of this section.

**B. Shielding and Filtration**

- (1) All nonexempt outdoor lighting fixtures shall be hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way line. Direct or directly reflected light shall be confined to the lot from which it originates. Lighting plans shall be designed so as to avoid the reflection of artificial lighting from rooftops.
- (2) All lighting fixtures shall have one hundred percent (100%) full cut-off and shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire, as may be certified by a photometric test. The intensity of light at any angle above a cutoff of seventy five (75) degrees shall be less than ten percent (10%) of the peak candela for the luminaire.
- (3) Light source locations shall be chosen to minimize the hazards of glare.
- (4) All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

**C. Illumination**

**(1) Generally**

Illumination levels within a site shall ensure that a site is adequately, but not excessively, lit at night. Where feasible, average lighting values of illuminated areas ranging from 0.5 to 1.5 foot candle are recommended. In order to ensure visibility, safety, and security, without unnecessarily contributing to light pollution and limiting enjoyment of the night sky, the following illumination standards shall apply.

**(2) Illumination Levels**

- (a) Average Illumination Levels. Average illumination levels of the illuminated area shall not exceed the levels set forth in Table 5-7 for any use permitted by this section.

Table 5-7: Average Illumination Standards

Area/Activity	Foot Candles
Main Parking Area	3.0
Peripheral Parking Area	2.0
Main Drive Areas	5.0
Directly below lighting fixture	20.0

- (b) Illumination at Property Line. Illumination levels at the property line shall not exceed the levels set forth in Table 5-8 for any use permitted by this section. The maximum illumination shall be measured at grade at the property line of the site.

Table 5-8: Illumination Standards at Property Line

Area/Activity	Foot Candles
<b>Residential Zoning Districts</b>	
Adjoining residential zoning district	0.2
Adjoining nonresidential zoning district	1.0
<b>Nonresidential Zoning Districts</b>	
Adjoining another nonresidential zoning district along an arterial	2.0
Adjoining another nonresidential zoning district along collector street	1.2
Adjoining another nonresidential zoning district along local street	1.0
Adjoining another nonresidential zoning district along property line	1.0
Adjoining residential zoning district along arterial	1.0
Adjoining residential zoning district along collector street	0.6
Adjoining residential zoning district along local street	0.4
Adjoining residential zoning district along property line	0.2
<b>Outdoor Events</b>	
Adjoining or within 1,000 feet of residential zoning district	10

- (c) Exceptions to Average Illumination Levels. Automobile dealerships may be permitted a maximum average illumination level of ten (10) foot candles for paved display areas only. Gas stations may be permitted a maximum illumination level of ten (10) foot candles under a pump island canopy only, provided that all light fixtures under such canopy shall be fully recessed into the canopy structure or otherwise fully shielded.

**D. Color Temperature**

Color temperature is measured in Kelvin (K) temperature. In order to minimize negative impacts on circadian rhythms, melatonin production in humans and other animals, and astronomical observation, all proposed lamps shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale.

**E. Prohibitions**

**(1) Mercury-Vapor Fixtures and Lamps**

The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

**(2) Metal Halide Fixtures and Lamps**

The installation of any metal-halide fixture or lamp for use as outdoor lighting is prohibited except as follows:

- (a) For outdoor recreation area and amusement area lighting, provided such are mounted at a sufficient height and are properly equipped with baffling and glare guards to meet the requirements of this section; and
- (b) For automobile and similar outdoor sales areas where a high level of color rendition is essential to the activity being conducted.

**(3) Laser Source Light**

The use of laser source light or any similar high-intensity light is prohibited.

**(4) Searchlights**

The operation of searchlights is prohibited.

**(5) Certain Other Fixtures and Lamps**

The installation of any outdoor lighting fixture or lamp is prohibited unless it complies with the shielding and illumination standards (§ 517.B. Shielding and Filtration and § 517.C. Illumination) of this article.

**(6) Recreational Facilities**

No outdoor recreational facility, public or private, shall be illuminated after 11:00 PM, unless otherwise permitted pursuant to a special use permit, except to conclude specific recreational or sporting events or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 PM.

**(7) Outdoor Building or Landscaping Illumination**

The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited, except with incandescent fixtures of one hundred and fifty (150) watts or less, or low-pressure sodium fixtures.

**F. Pole Height**

Unless otherwise permitted by special use permit, the maximum height of any pole-mounted lighting fixture or lamp shall not exceed the maximum permitted height of the zoning district in which the fixture or lamp is located.

**SECTION 521 STREET DESIGN AND TRANSPORTATION**

*Purpose:* These regulations are designed to:

- Ensure that the design of streets conforms to the recommendations of the master plan;
- Provide for the safety of both vehicular and pedestrian traffic;
- Provide for livable residential and commercial environments;
- Provide economy of land use, construction, and maintenance;
- Provide safe and efficient access to property;
- Increase connectivity; and
- Reduce total impervious surface and associated stormwater runoff.

**A. Applicability**

This section applies to any application for development approval required by this ordinance or any request to construct, connect, expand or extend a private street.

**B. General Requirements**

All private, and to the extent possible, public roads or streets in the Township shall comply with the standards of this section. No parcels or lots shall be created by land divisions, subdivisions or condominium subdivisions unless street access is provided for in accordance with this ordinance.

**C. Location and Arrangement – Conformity to Master Plan**

The proposed street configuration shall conform to the various elements of the master plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such street configuration shall be placed in the location and with the width indicated on such plan.

**D. Street Names**

Road or street names shall not duplicate any existing road or street name in the county, except where a new road or street is a continuation of an existing street. Road or street names that may be spelled differently but sound the same shall also be avoided. Road or street names shall be approved by Grand Traverse County and the Garfield Township Board, when applicable..

**E. Private Streets**

Private streets are permitted in accordance with this Section and Table 5-10, below.

**Table 5-10  
Design Standards for Private Easements and Pavement**

Property Development Type	Minimum Width of Right-of-Way or Easement	Minimum Street Surface Width	Surface Type (See § 521.F)
<b>RESIDENTIAL ROADS</b>			
Private Streets serving two or fewer parcels	30'	12'	Gravel / Paved
Private Streets serving three to five parcels	48'	20'	Gravel / Paved
Private Streets serving more than five parcels	66'	24'	Paved
<b>COMMERCIAL &amp; INDUSTRIAL DEVELOPMENTS</b>			
Private street serving one parcel	45'	20'	Paved
Privates Street serving more than one parcel	66'	24'	Paved

**F. Private Streets – Additional Requirements**

**(1) Construction and Design Standards**

All public and private streets (including gravel only) shall conform to the required construction and design standards for streets, roads and intersections identified by the Design Guidelines – AASHTO Interim Structural Pavement Design Procedure Adopted for All Season County Roads, adopted by the Grand Traverse County Road Commission except as otherwise provided in Table 5-10, Dimensional Standards for Easements and Pavement.

Minor changes to the construction and design standards may be permitted by the Planning Director or Planning Commission following Township engineer review and provided:

- (a) The changes do not compromise the safety of the road or its users.
- (b) The changes do not modify the minimum paved or gravel width.
- (c) The changes do not allow an increased intensity in use without improvements to the road.

**(2) Certification**

Upon completion of the construction of any street servicing three (3) or more parcels, and prior to the issuance of a land use permit for construction on any parcel accessed from the street, the Zoning Administrator shall be provided with a written certification, signed and sealed by a professional engineer, certifying that the private streets were designed, constructed and installed as required by this section and meet all the required standards. For the purpose of this Ordinance, pavement thickness and layering shall be installed to be considered complete.

**(3) Private Street Maintenance Agreement**

Continued maintenance of private streets shall be the responsibility of the property owner(s) served by the private street. Prior to the issuance of any land use permit for parcels or lots abutting a private street, said property owner(s) shall enter into a legally binding Private Street Maintenance Agreement. The Agreement shall include, but not be limited to the following:

- (a) Majority vote rules regarding street maintenance and improvement decisions.
- (b) The owner of each parcel will be responsible for payment of the share of costs apportioned and assessed to his or her parcel.
- (c) The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
- (d) The Agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
- (e) The owner or owners of the land served by the street shall provide for the requirement to grade, drain, and otherwise maintain the private street including the street name sign, and emergency service access, in accordance with public agency requirements.
- (f) A statement that the owners have not asked the Grand Traverse County Road Commission or Michigan Department of Transportation to accept the street as a public street. As such, the street will be private, and the Road Commission or Department of Transportation will have no obligation to maintain the street in any manner.
- (g) A statement that the Township may intervene to repair or maintain the street if the owners fail to do so, and then assess the owners for the cost of doing so. It should state further that if the Township exercises discretion to intervene, that there is, nevertheless, no further obligation to maintain or repair the street on the part of the Township.
- (h) A statement that the owners will hold the Township harmless from liability and indemnify the Township from liability associated with any repair or maintenance or approval of the private street by the Township.
- (i) The Easement and Street Maintenance Agreement may be reviewed and approved by the Township Attorney, at the Township's discretion, for compliance with the Township regulations. Following approval of the Township Attorney, when required, the Agreement shall be recorded with the Grand Traverse County Register of Deeds before issuance of a land use permit.
- (j) The Agreement shall be recorded as part of the Master Deed of a condominium project and as a general deed restriction to be recorded against subdivision parcels and metes and bounds parcels created by a land division.

**(4) Development on Existing Private Streets**

- (a) Existing parcels and lots serviced by a private street may be developed in compliance with the use and dimensional standards of this ordinance. The requirements of §521.G Connectivity shall apply to any extension of an existing private street.
- (b) No parcels or lots shall be created by land divisions, subdivisions or condominium subdivisions on an existing street unless that street meets all standards of this ordinance.

**G. Connectivity**

*Purpose:* The Township finds that discontinuous street systems are inefficient and that channeling traffic onto relatively few points of the transportation network causes undue congestion. A well-connected street network spreads traffic efficiently, provides greater opportunities for access by service and emergency vehicles, and furthers pedestrian mobility by increasing the number of destinations that can be reached by walking. Accordingly, this section provides for and promotes both external and internal connectivity.

The Township acknowledges that there is a market for cul-de-sacs and streets with few connections. This section is intended to preserve the opportunity to provide cul-de-sacs while maintaining the integrity of the network as a whole.

**(1) Connectivity of Internal Streets**

The streets within any proposed subdivision shall provide for a continuous circuit of travel and connection to the surrounding street network. Cul-de-sacs may be permitted where they do not interfere with this objective, or where physical site conditions prevent through connections, but shall not be permitted where it is reasonable to provide interconnectivity to adjacent parcels and developments.

**(2) Projecting Streets**

Where abutting areas are not subdivided, the arrangement of streets in a development shall connect the streets to the unsubdivided areas. Parcels shall be arranged to allow the opening of future streets and logical further development patterns while providing a transition sufficient to ensure safe and efficient traffic flow. Physical construction of the projecting street to the property line shall be completed concurrent with construction of remaining streets within the development. This section is not intended to require local streets to project into floodplains, bluffs, or other natural features or existing development that has not made accommodations for connection.

**(3) Reserve Strips Prohibited**

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to street use.

**(4) Dead-end Streets**

Dead-end streets are generally discouraged. Only where a cul-de-sac cannot reasonably be constructed due to topography, spatial limitations or other physical characteristics may a dead end street be permitted. Stubs intended to permit future expansion of a street network shall not be considered dead end streets for the purposes of this ordinance.

**(5) Secondary Subdivision Access**

Where a single-family residential subdivision exceeds thirty (30) units, a secondary access may be required by the International Fire Code or Garfield Township reviewing authority.

**(6) Cross Access**

Where necessary to ensure desired vehicular or pedestrian access over private property, the approval authority may require the recording of a cross-access easement.

**SECTION 522 PEDESTRIAN CIRCULATION and NON-MOTORIZED TRANSPORTATION PLAN**

**A. Non-Motorized Pathways**

Public pathways shall be constructed for all new development, re-developments, and amendments to previously approved site development plans, including substantial additions or improvements to existing buildings with a construction cost of twenty thousand dollars (\$20,000.00) or more within a twelve month period.

- (1) Non-motorized pathways may be constructed within the public street right-of-way or upon private property subject to an appropriate public access easement being recorded. All reasonable effort shall be made to avoid cutting trees when placing the pathway.
- (2) The type of pathway required shall be determined through the adopted Garfield Township Non Motorized Plan. Construction of non-motorized pathways not noted within the Non Motorized Plan may be required when determined by the reviewing authority to be necessary to provide reasonable public access for pedestrian traffic.
- (3) All sidewalks shall be constructed of concrete, measuring six (6) feet wide on arterial roads and principal collector roads as identified in the Master Plan. All other sidewalks shall be constructed five (5) feet wide.
- (4) All bike paths shall be constructed of asphalt or other appropriate permanent surface and measure ten (10) feet wide.
- (5) The Township engineer shall review and approve proposed construction materials and design of all pathways.
- (6) Within Township Sections 4, 9, 13, 14, 15, 16, 21, 22, 23, and 24: The Township Engineer and Planning Director may modify a requirement for a non-motorized pathway, in whole or in part, if, in their mutual opinion, unfavorable physical conditions exist. However, the requirement of pathway construction may not be waived entirely. This decision shall be appealable to the Planning Commission. If the Township Engineer and Planning Director are not in agreement, the Planning Commission shall make the determination to modify a pathway requirement.
- (7) Within all other Township Sections not identified by § 522.A.6 immediately above, the Township Engineer and Planning Director may waive or modify a requirement for a non-motorized pathway, in whole or in part, if, in their mutual opinion, unfavorable physical conditions exist or when construction will serve not provide a broad public benefit. This decision shall be appealable to the Planning Commission. If the Township Engineer and Planning Director are not in agreement, the Planning Commission shall make the determination to waive or modify a pathway requirement.
- (8) Where non-motorized pathways exist, the Township Building Official shall make a determination on the condition of such path. Any unsafe, defective, or non-conforming path shall be required to be repaired and/or reconstructed to comply with this section.

**B. Internal Circulation**

For safety purposes, sidewalks shall be constructed within the interior of the development to link buildings with other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site amenities, such as recreation areas. Sidewalks shall also be provided adjacent to all public streets that provide access to the development.

### C. Bicycle Parking Areas

#### (1) Required

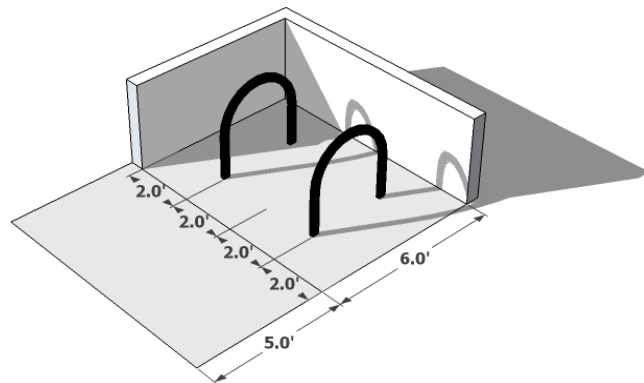
Wherever off-street parking is required, a minimum of two bicycle parking spaces are required. For parking areas with greater than twenty-five (25) motor vehicle spaces, bicycle parking shall be provided on a basis of two spaces per twenty-five motor vehicle parking spaces. For the purposes of this requirement, any fraction shall be rounded up or down to the nearest whole number.

#### (2) Location Requirements

Bicycle parking facilities shall be located in close proximity to main building entrances and in a location that is visible, well-lit, and easily accessible. The placement of bicycle racks shall not interfere with any non-motorized way, entrance, or ADA required ramps.

#### (3) Design Requirements

All racks shall be surrounded by a clear space at least two-feet wide on either side of each rack, six-feet long with a five-foot access aisle. A physical barrier, designed to prevent motor vehicles from driving into bicycle areas, shall be provided between bicycle and motor vehicle parking when bicycle-parking areas are located within or adjacent to a parking lot. All bike racks shall be set in concrete or otherwise permanently secured, and provide two points of bike contact.



## SECTION 523 STORMWATER MANAGEMENT

*Purpose:* The purpose of this section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.

### A. Applicability

This section applies to any application for development approval required by this ordinance. A stormwater management plan shall be provided in compliance with the Garfield Township Storm Water Control Ordinance, as amended or replaced.

### B. Stormwater Detention

#### (1) Level of Service Standard

(a) Stormwater detention shall mitigate peak flow rates to predevelopment or existing development conditions.

#### (2) On-site Detention

On-site detention facilities shall be privately owned and shall be maintained as required by Division 3 Improvements - Operation and Maintenance of this article. A maintenance schedule may be required by the Township prior to approval of construction plans.



**(3) Compliance Required**

No development shall take place excepting in conformity with an approved stormwater detention plan.

**(4) Low-Impact Stormwater Management Design**

Low Impact Design (LID) stormwater management techniques are a set of small-scale stormwater management practices which mimic and work with nature to reduce water runoff and pollutants and provide a natural open space. By incorporating LID practices, the amount of site development area necessary to be dedicated to a traditional stormwater basin can often be decreased substantially. For example, required landscaping areas may also function as bio-swales or retention basins. The use of low-impact stormwater management design techniques may be required, especially in areas adjacent to environmentally sensitive areas or in circumstances where water is proposed to be redirected into environmentally sensitive areas.

**(5) Multiuse Facilities**

The use of multiuse detention facilities to alleviate existing flooding problems, enhance and provide amenities for older neighborhoods, and support the revitalization of economically depressed areas in public and private redevelopment initiatives may be required. Multiuse facilities are stormwater management facilities that provide stormwater management functions and other benefits, such as water quality improvement, water recharge, open space, recreation, or habitat. Such facilities shall not increase the rate or volume of erosion resulting from the use of a facility without multiple uses.

**(6) Pre-treatment Facilities**

Where stormwater will be directed to municipal storm sewer systems, the use of pre-treatment structures such as oil-water separators may be required.

**SECTION 524 SANITATION REQUIREMENTS**

No structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or recreational purpose unless compliance shall be had with all provisions of the Environmental Health Regulations for Grand Traverse County, as the same may be amended from time to time. Violation of any provision of those regulations shall constitute a violation of this ordinance.

**SECTION 525 GROUNDWATER PROTECTION STANDARDS**

**A. Applicability**

These provisions shall apply to all non-residential uses that are required to proceed through the Site Plan Review provisions of Section 424 which use, store or generate hazardous substances and polluting materials in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).

**B. Site Plan Review Standards For Groundwater Protection**

The following ground water protection standards shall apply to all site plans subject to this subsection:

- (1) Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- (2) Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store

the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

- (3) General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- (4) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

## **SECTION 530 GREENSPACE AREAS, GENERALLY**

*Purpose:* The purpose of greenspace is to promote and protect the public health, safety, and general welfare by preserving and improving the environmental conditions created by the built environment, and to accomplish the following:

- Quality of Life. Protect and enhance property values and quality of life through the buffering of incompatible uses and enhancement of the appearance and visual quality of the landscape;
- Preserve the Regional Landscape. Retain and promote naturally occurring vegetation and natural species diversity, limit non-native vegetation, minimize areas of site disturbance, and respect topography, viewsheds, and natural features through appropriate site design. Preserving existing vegetation and incorporating native species into new landscape elements can minimize the visual and physical impact of buildings, drives, and parking areas;
- Landscape Areas. Provide landscaped areas within parking lots to provide shade and visual relief, and to buffer and screen adjacent properties from the impact of noise, lights, and glare; and
- Energy Consumption. Decrease the amount of energy consumption required for heating, cooling, and landscaping irrigation and maintenance.

### **A. Applicability**

Greenspace areas include § 531 Landscaping and Buffering, § 532 Parking Area Landscaping, § 533 Site Grading and Steep Slopes, and § 534 Wetlands, Streams, and Water Bodies.

### **B. Exceptions**

This section does not apply to the following situations:

- (1) Agricultural uses which do not include a commercial element such as a winery or brewery;
- (2) The reconstruction of an existing building of which 50 percent or less of the floor area was destroyed or ruined by flooding, fire, wind storm, or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided;
- (3) Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities or in an enlargement of the exterior dimensions of the existing building; and
- (4) Any use, building, or structure for which only a change of use is requested and which requires no structural modifications that increase its volume or scale.

### **C. Expansions**

When a building or parking lot is enlarged, the requirements of greenspace apply on an incremental basis such that landscaping shall be required in the same proportion that the enlarged building area

or off-street parking area has to the existing development (e.g., a 10 percent increase requires 10 percent of the required landscaping).

**D. Interpretation of Terms**

Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to the *American Standard for Nursery Stock*. In the case of conflict of terms of definitions, this ordinance shall prevail.

**E. Landscape Plan**

Applications subject to this article shall include a landscape plan as part of plan approval.

**F. Plant Material Requirements**

- (1) Plant materials. Prohibited, permitted, and recommended species shall be based on the current publication of the Grand Traverse Regional Invasive Species Network’s *Recommended Planting Guidelines for Garfield Township* (the “ISN Planting Guidelines”). All plant material shall be hardy to the Grand Traverse area, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nurserymen.
- (2) Mixture of Species. The landscape plan shall not contain more than twenty five (25) percent of any single plant species, per feature. Species shall be planted in a staggered pattern so as to eliminate widely visible loss resulting from a species-specific disease event. At least seventy (70) percent of new plantings shall be native.
- (3) No artificial plant materials shall be used to satisfy the requirements of this section.
- (4) Plant materials required by this section shall comply with the minimum size requirements of Table 530.F at the time of installation.

**Table 530.F: Minimum Greenspace Planting Specifications**

Landscaping Feature	Minimum Plant Sizes
Canopy Trees	2 inch caliper
Evergreens and Conifers	6 feet in height; no caliper requirement
Flowering Trees	1-1/2 inch caliper for single-trunk trees; 6 feet in height for multi-trunk trees
Shrubs	5-gallon

**G. Increases**

The Township Board in the case of a Planned Unit Development application or the Planning Commission in the case of a Special Use Permit application shall have the authority to increase any requirement of this section in whole or in part if justified by appropriate findings that the increase(s) is/are necessary to meet the Purpose of this section.

## **H. Adjustments**

The Planning Director in the case of a site diagram or administrative site plan, or the approval authority in all other cases may waive or adjust any requirement of this section in whole or in part provided that one or more of the following conditions exist upon the site:

- (1) Existing conditions such as topography or vegetation provide an established screen or buffer which is equal to or superior in its ability to meet the Purpose of this Section. For the purposes of this subsection, vegetation requirements may be adjusted either in terms of the quantity of plantings otherwise required or in terms of the physical location of plantings otherwise required.
- (2) Decorative walls or fencing will be provided in lieu of all or some required plantings to provide an equal or superior buffer to meet the Purpose of this Section.
- (3) Natural features such as steep slopes or other topographical features make full compliance impractical or impossible.
- (4) Space limitations on the site or prevailing development patterns in the surrounding neighborhood justify alternative compliance.
- (5) Safety considerations warrant flexibility upon the site.
- (6) No practicable alternative in the placement of a building, structure, street or utility construction, access drives, stormwater management facilities, trails or pathways, or other site improvements is available.
- (7) In the instance of a waiver being requested, a modification request shall only be approved upon a determination that the existing site conditions or developed form of a property are such that the requirements of this section cannot reasonably be completed, that an alternative landscaping plan cannot be reasonably be substituted, and that the requested modification is the minimum modification necessary resulting from such site conditions or developed form.

## **I. Fractional Requirements**

Where any calculation of required plant materials in this ordinance results in a fractional requirement, such requirement shall be rounded up to the next highest whole number.

## **J. Required Vegetation**

All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be replanted with ground cover at a minimum. Ground cover may include:

- (1) Maintained lawn area;
- (2) Native wildflowers, vines, grasses, rushes, sedges, or ferns as identified within the ISN Planting Guidelines; or
- (3) Woodchips or rock provided that this type of material does not exceed twenty percent (20%) of the total of any individual landscaped area.

## **K. Existing Vegetation**

Site plans should preserve existing trees greater than three (3) inches in caliper when ever feasible, especially in required landscaping areas. Relocation of existing trees within the site is encouraged. Relocated trees may be credited towards landscaping requirements in accordance with Table 530.L, below.

## **L. Credit for Existing Vegetation**

Existing canopy trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible. Existing vegetation may be credited as detailed in Table 530.L for

the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, are the appropriate species, and are located within (or will be relocated to) the required buffer area.

*Table 530.L Landscaping Credit Calculations*

<i>Vegetation Type</i>	<i>Maturation</i>	<i>Landscaping Credit</i>
Canopy Tree	3" or less caliper	1:1
Canopy Tree	3" to 6" caliper	1:2
Canopy Tree	6" to 9" caliper	1:3
Canopy Tree	9" to 12" caliper	1:4
Canopy Tree	Greater than 12" caliper	1:5
Evergreen or Flowering Tree	8' or less in height	1:1
Evergreen or Flowering Tree	8' - 12' in height	1:2
Evergreen or Flowering Tree	12' - 16' or less in height	1:3
Evergreen or Flowering Tree	Greater than 16' in height	1:4
Shrub	Any size	1:1

**M. Vegetation Inventory**

Applications subject to the requirements of this Section shall be accompanied by a vegetation inventory in the form of a field survey, performed by a forester, landscape architect, or other person having similar recognized skills and/or experience. The vegetation inventory shall include the approximate location and extent of existing vegetation, significant tree stands or woodlands, location and size of vegetation proposed to be retained as credit towards greenspace requirements, and identification of any invasive species.

**N. Non-Native Species Removal and Management**

An applicant shall develop a removal and/or management strategies for invasive species that have been identified.

**O. Clustering**

Wherever possible, existing trees should be retained in stands or clusters to increase survival and preserve larger habitat areas. Clustering of new plantings is also acceptable to create viewing windows to a development site.

**P. Irrigation**

All required landscaped areas shall be irrigated with a piped underground system that is suitable for the type of plantings installed. The Director of Planning may also waive irrigation requirements if no additional planting is required to meet this criteria or if a reliable source of water is not reasonably available. Irrigation systems installed in the public right-of-way require an encroachment permit.

**Q. Overhead Power Lines**

Where overhead power lines are present, consideration shall be given to the location and mature height of species. The location of required planting areas may be adjusted to avoid conflict with power lines provided the intent of planting or screening requirement is maintained.

## R. Protection of Vegetation

### (1) *Site Design*

Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize tree destruction, as well as establishing Protected Root Zones (i.e. tree root buffer zones) to protect vegetation during road widening, sidewalk construction, and cut-and-fill activities.

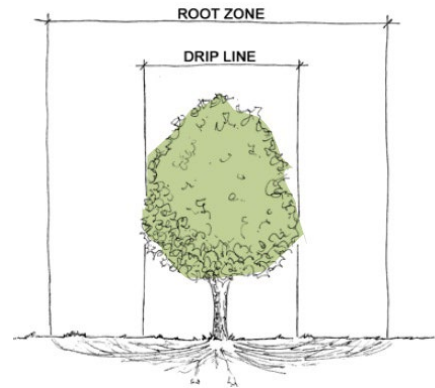
### (2) *Site Construction*

No grading, demolition, trenching, or other activity that may adversely affect trees in this zone may proceed prior to approval and issuance of necessary development approvals by the township. No person shall perform construction work (including the operation or storage of equipment or materials) within the protected root zone of any tree or shrub having its trunk on any public street or public property.

### (3) *Protected Root Zone*

The applicant shall erect protective barriers as follows:

- (a) Protective fencing shall be installed at the edge of the Protective Root Zone around each protected tree or group of protected trees that are designated for protection.
- (b) Barriers shall not be supported by the plants they are protecting but shall be self-supporting.
- (c) Protective barriers shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed.
- (d) Protective barriers shall be in place before construction commences and remain in place until after construction has been completed.



### (4) *Irreparable Damage*

Where the Zoning Administrator determines that irreparable damage has occurred to a tree within a tree protection zone, the tree shall be removed and replaced and protective fencing shall be installed.

## S. Completion of Improvements

Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.

## T. Stabilization

All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

## U. Replacement

When trees designated or planted in accordance with this section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity, and size approved by the Zoning Administrator.

**SECTION 531 LANDSCAPING AND BUFFERING**

**A. Applicability**

As identified in Table 531.1, Planting Requirements. For proposed uses not identified, the Planning Director shall identify which use, if any, is most similar to the proposed use and interpret the appropriate buffer. Such interpretation may be appealed to the Planning Commission.

**B. Location**

Greenspace areas shall generally be located along the property line but may be adjusted to meet the intent of this section.

**C. Planting Requirements**

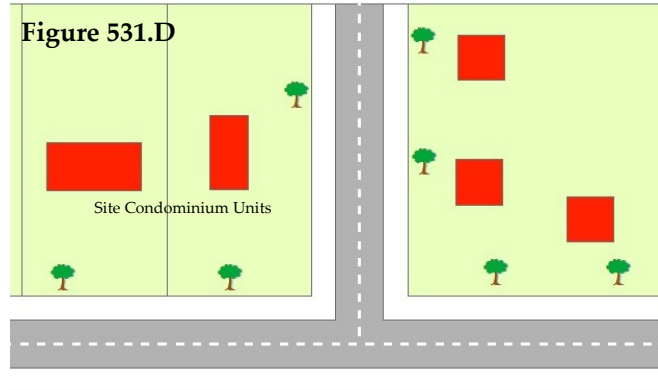
Table 531.1 identifies the landscape requirement type. All landscape plans shall include a table which indicates the quantity of plantings required and the quantity of plantings provided per buffer zone.

**Table 531.1 Planting Requirements**

Table 531.1 Landscape Requirements		Adjacent (Existing) Land Use Type															Streams, Wetlands, or Water Bodies	
		SF Residential	MF Residential	AG-Commercial	Agriculture	Commercial	Office	Industrial	Recreation	Vacant	Major Essential	Institutional	State Highway	Arterial Road	Primary Road	Local Road		Private Road
Primary Land Use Type:	SF Residential	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	See § 534 & § 535
	MF Residential	D	C	C	C	C	C	D	C	C	D	C	D	D	C	C	C	
	AG-Commercial	C	C	B	B	C	C	B	B	B	-	C	D	D	C	C	C	
	Commercial	D	D	B	C	B	C	B	C	C	-	C	D	D	C	C	C	
	Office	C	C	C	B	B	B	B	B	B	-	B	D	D	C	C	B	
	Industrial	D	D	C	B	C	C	B	D	B	-	D	D	D	C	C	C	
	Active Recreation	C	C	C	B	C	C	C	B	B	-	C	C	C	C	C	C	
	Major Essential Service	D	D	D	D	D	D	D	D	D	-	D	D	D	D	D	D	
	Institutional	C	C	C	C	C	C	C	C	C	-	B	D	D	C	C	C	
	Parking Lot	E	E	E	E	E	E	E	E	E	-	E	E	E	E	E	E	
	Gas Station	D	D	D	D	D	D	D	D	D	-	D	D	D	D	D	D	

**D. Type "A" buffer.**

- (1) Planting requirement. One street tree per residential unit along each public or private right-of-way that the use is adjacent to.
- (2) Placement. For individual parcels, plats, or site condominiums, the street tree(s) shall be placed on the property itself within ten (10) feet of the right-of-way. For condominium units, the street tree(s) shall be placed within the condominium common area within ten (10) feet of the right-of-way, generally between the dwelling unit and the right-of-way. See Figure 531.D.



**E. Type "B" buffer.**

- (1) Planting requirement. Ground cover as specified in Section 530.J, plus two large trees, one medium or small tree, and four shrubs per one hundred (100) linear feet of greenspace area.
- (2) Minimum width requirement. The Type "B" Buffer area shall be a minimum width of ten (10) feet.

**F. Type "C" buffer.**

- (1) Planting requirement. Ground cover as specified in Section 530.J, plus three large trees, three medium or small trees, one evergreen or coniferous tree per one hundred (100) linear feet of greenspace area.
- (2) Minimum width requirement. The Type "C" Buffer area shall be a minimum width of ten (10) feet.

**G. Type "D" buffer.**

- (1) Planting requirement. Ground cover as specified in Section 530.J, plus four large trees, three medium or small trees, and three evergreen or coniferous trees per one hundred (100) linear feet of greenspace area.
- (2) Minimum width requirement. The Type "D" Buffer area shall be a minimum width of twenty (20) feet.

**H. Type "E" buffer.**

- (1) Planting requirement. Ground cover as specified in Section 530.J, plus two large trees, two medium or small trees, three evergreen or coniferous trees, and thirty (30) shrubs per one hundred (100) linear feet of greenspace area.
- (2) Minimum width requirement. The Type "E" Buffer area shall be a minimum width of ten (10) feet.



## SECTION 532 PARKING AREA LANDSCAPING

### A. Applicability

- (1) All accessory parking areas containing ten (10) or more parking spaces.

### B. Design Requirements

#### (1) No-Build Buffer Strip.

A no-build buffer strip, not less than ten (10) feet in width, shall be required on the perimeter of every parking area, drive, shared drive, alley, or loading area that is not located adjacent to a building. This buffer strip shall be used for landscaping, screening or drainage. Other landscaping and buffering requirements of this Section may be included within this buffer strip. The no-build buffer strip shall be planted in accordance with the requirements of Table 531.1, except in such case that the site characteristics are such that a stone or otherwise non-vegetated ground cover is found to be appropriate by the approval authority in the case of a development application or the Planning Director in all other cases. This requirement is not intended to be in addition to any other plantings required pursuant to § 531 Landscaping and Buffering.

#### (2) Residential Buffer.

All off-street parking areas abutting a residential zoning district shall be provided with an obscuring fence no less than four (4) feet in height. Such fence shall be constructed of materials approved by the Zoning Administrator and shall be durable, weather resistant and easily maintained. Alternatively, a natural vegetative buffer comprised of plants that are capable of providing a full and year-round visual screen within one (1) year of planting may be authorized by the Director of Planning upon written authorization from the abutting residential property owner.

#### (3) Fencing and Screens.

All perimeter fencing shall be located a minimum of 10-feet from the property line and interior to the no-build buffer strip. Where a screen of non-living material is used, at least one (1) shrub or vine shall be planted on the right-of-way side, and the neighboring residential property side if applicable, for each ten (10) lineal feet of screen.

#### (4) Interior Landscaping Areas.

All parking areas with two (2) or more parking aisles shall require interior landscaped areas of at least ten (10) square feet for each parking space. Such interior landscaped areas shall be located within the perimeter of the parking area surface.

- (a) Landscaping, for the purposes of this subsection, shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination of design may include rock ground cover not to exceed twenty percent (20%) of the total of any landscaped area, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this subsection.
- (b) The selected combination of plant materials shall be a harmonious blend of living deciduous and evergreen trees, shrubs and vines so arranged to present an aesthetically pleasing whole.
- (c) Each interior landscape area shall include one (1) or more canopy trees per each 100 square feet of interior landscaping area.

- (d) Significantly mounded islands of interior landscape area, which limit the ability of natural rainwater to reach the vegetation's roots, are discouraged.
- (e) Planting strips shall be a minimum of ten (10) feet in width.
- (f) Trees shall be planted within an island at least ten (10) feet wide by eighteen (18) feet deep.
- (g) Interior landscape areas shall be designed so as to create minimal interference with snow removal.
- (h) Incorporating and consolidating required interior parking lot landscaping areas as a functional element of site design is encouraged and in some instances may be required. Examples may include incorporating stormwater management, walkways, or common area with required interior landscape areas.

### **SECTION 533 SITE GRADING AND STEEP SLOPES REQUIREMENTS**

- A. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development to preserve the natural character. Proper grading and elevation relationships to adjacent properties shall be maintained. All necessary grading shall complement natural landforms.
- B. Cut and fill slopes shall be minimized. Unstable slopes or slopes subject to erosion shall be protected. Slopes shall be re-vegetated using low-maintenance techniques, with perennial grasses, herbaceous plants, and native trees and shrubs.
- C. Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes of twenty (20) percent grade or greater. Areas containing existing steep slopes shall be included as open space and not be a part of a building site.
- D. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development when possible.
- E. Large parcels that will be developed in phases shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to seasonal runoff.

### **SECTION 534 WETLANDS**

#### **A. Applicability**

This section applies to any wetland which is regulated under Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, except for the following:

- (1) Any wetland or portion of wetland for which an applicant has obtained a permit from the State of Michigan to fill or modify such wetland, where such permit has not expired or otherwise been revoked, and where such permit has been submitted to the Township as part of a site plan or land use permit application in accordance with the provisions of this Zoning Ordinance.

#### **B. Delineation**

As part of a site plan or land use permit application submitted in accordance with the provisions of this Zoning Ordinance, such application shall be accompanied by a delineation of all wetlands on the site. This delineation shall be conducted by a professional engineer with relevant expertise. This delineation shall be verified by the State of Michigan. Documentation of such verification shall be submitted to the Township.

**C. Wetland Setbacks**

No structure, parking lot area, or snow storage area shall be located within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

**SECTION 535 SUPPLEMENTAL SHORELINE REGULATIONS**

*Purpose.* The intent of this Section is to preserve and protect the water quality of the lakes and streams of our region. These regulations seek to balance the protection of the ecosystem while allowing development where appropriate. Methods to accomplish this purpose include, but are not limited to, preservation and/or enhancement of vegetation along lake-stream banks, maintaining lake-stream bank stabilization, preventing sediment from entering the water bodies, allowing for nutrient absorption, providing wildlife habitat and corridors, screening man-made structures, and providing shade, wood or wooden fiber material along the shoreline.

**A. Setbacks from Lakes, Rivers, and Streams**

- (1) Every commercial, industrial or multi-family residential building hereafter erected having frontage on any body of water, with the exception of Silver and Boardman Lakes, and with the exception of on-site storm water ponds and artificial water bodies created as part of the site's landscape treatment, shall be set back at least seventy-five (75) feet from the watermark or normal stream bank. Single family residential uses shall observe a setback of fifty (50) feet. Along those sections of the Boardman River controlled under the Natural River Act, PA 231 of 1970, as amended, setbacks shall be as required by the Act.
- (2) Every building hereafter erected having frontage on Silver and Boardman Lakes shall set back at least fifty (50) feet from the water mark.
- (3) Storm water retention or detention ponds, with the exception of customary release structures including pipe, swales and ditches shall be set back fifty (50) feet from a natural lake or normal stream bank.
- (4) Streets and access drives other than where they intersect lakes or streams and for such a distance as is required to cross a lake or stream shall be set back fifty (50) feet from a watermark or normal stream bank.

**B. Minimum Construction Elevations - Silver Lake**

Within five hundred (500) feet of Silver Lake, the lowest grade for any building construction or accessory building construction shall be elevation 866.N.V.G.D. (NOTE- SILVER LAKE WATER MARK - 862.32 feet above sea level USGSD).

**C. Riparian Vegetative Buffers**

- (1) Required. A vegetated buffer strip shall parallel and extend thirty-five (35) feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank, with the exception of on-site storm water ponds and artificial water bodies created as a part of site landscape treatment which does not flow or overflow into a natural lake-stream. The general standards for the buffer strip are as follows:
  - (a) The buffer strip shall consist of native trees, shrubs and other vegetation. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Trees and shrubs shall not be removed but may be pruned for a filtered view of the lake-stream, however, clear cutting shall be prohibited.

- (b) Subject to (1) above; ground cover vegetation shall be left in a natural state and shall not be removed. Chemical control and/or fertilization of vegetation shall be prohibited.
- (c) Footpaths, bicycle paths and hiking paths as well as fences, walls and stairways may be constructed under the following conditions:
  - (i) All paths and stairways must be constructed in a location and manner to avoid soil and slope failure.
  - (ii) Construction shall avoid removal of existing trees, shrubs and any other vegetation whenever feasible.
- (2) Reduction. In the event that the application of the vegetated buffer strip standards of this Section, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, the Planning Commission may approve a reduction of the buffer area upon a finding that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

**D. Filling and Grading within 200 Feet of the Water Mark or Stream Bank**

The following rules shall apply to any filling, grading or any other earth movement within 200 feet of the water mark or normal stream bank of any lake, river, stream, or other body of water to prevent harmful erosion and related sedimentation:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.

***DIVISION 3: IMPROVEMENTS - OPERATION AND MAINTENANCE***

**SECTION 540 PURPOSE**

All improvements required by this article shall be operated and maintained as required by this Division. The instruments creating the dedication, easement, transfer, homeowners' association (HOA), or condominium association, shall be provided to and approved by the Township as part of any development application.

The Township may, but is not obligated to, accept or agree to another form of operation and maintenance of any improvement required by this article provided that such is consistent with the intent of this article.

**SECTION 541 DEDICATION OF LAND OR EASEMENT**

The Township may, but is not required to, accept a dedication of land in the form of fee simple ownership or an easement for public use of any portion or portions of undivided improvement land, the title of which is to remain in ownership by the condominium or HOA, provided that:

- A. Such land is accessible to the residents of the Township;
- B. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- C. The improvement conforms to the applicable standards of this article.

Land dedicated as a natural area, greenway, greenbelt, or trail corridor shall be subject to a duly executed and recorded easement meeting the requirements of and enforceable in accordance with State statute,

which easement shall be unlimited in duration. Prior to the execution of the easement it shall be subject to Township Staff and/or Township Attorney review.

#### **SECTION 542 TRANSFER OF EASEMENT**

Following acceptance of an easement dedicated pursuant to § 541, the Township may transfer perpetual easements to a private, nonprofit organization, among whose purposes it is to promote the principal intent of the easement. Any transfer of such an easement shall be subject to terms and conditions of the transfer which are suitable to the Township.

#### **SECTION 543 HOMEOWNERS ASSOCIATION**

Improvements that are owned in common by all owners of lots or units in a subdivision or condominium are required by this article to be operated and maintained by an HOA established in the master deed and by-laws adopted as a condition of development approval. The master deed and by-laws shall provide that, in the event that the association fails to maintain the improvements according to the standards of this article, the Township may, following reasonable notice and demand that deficiency of operation or maintenance be corrected, enter the land area to repair, operate, or maintain the improvement. The cost of such maintenance shall be the responsibility of the HOA, which shall be required by the master deed and by-laws to levy an assessment to be charged to all owners.

#### **SECTION 544 CONDOMINIUMS**

The undivided improvement and associated facilities may be controlled through the use of permanent condominium agreements, approved by the Township. All undivided improvement land shall be held as a common element. Condominium requests shall be reviewed pursuant to § 429, Condominium Developments.

#### **SECTION 545 EASEMENT TO WATERFRONT**

In the event any land having water frontage is used for beach purposes, it shall have a minimum frontage on the water of not less than fifty (50) feet, measured at the water mark, and shall contain an additional five (5) feet for each family unit having easement or use privileges. Individual docks, boat hoists and related installations shall not exceed one unit per fifty (50) feet of shoreline, measured at the water mark.

### **DIVISION 4: PARKING AND LOADING STANDARDS**

#### **SECTION 550 PURPOSE**

This division establishes off-street parking requirements for all new construction and for the expansion of or changes to existing uses. The purpose of these requirements is to ensure adequate vehicular parking while limiting adverse impacts such as traffic congestion, excessive storm water runoff, and poor pedestrian access and circulation.

#### **SECTION 551 PARKING**

##### **A. General Requirements**

The standards of this section shall apply at the time of construction, enlargement, modification, or change in use of any building, structure, or parking area within any zoning district.

##### **B. Dimensional Requirements**

###### **(1) Parking Spaces**

- (a) Off-street parking spaces shall have a minimum width of nine (9) feet and a maximum width of ten (10) feet, except that parallel parking spaces shall have a minimum width of eight (8) feet and a maximum width of nine (9) feet.
- (b) Off-street parking spaces shall have a minimum stall length of twenty (20) feet except that parallel parking spaces shall have a minimum stall length of twenty-three (23) feet.

**(2) Parking Aisles**

The minimum width of access aisles internal to a parking lot or structure shall be as prescribed in Table 5-46.

**Table 5-46: Minimum Parking Aisle Width (Feet)**

Parking Angle (Degrees)	Parking Aisle Width	
	One-Way Operation	Two-Way Operation
0 (parallel)	12	20
30	12	20
45	14	20
60	16	20
75	18	20
90	20	20

**(3) Compact Vehicles**

Up to twenty (20) percent of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of eight (8) feet in width and sixteen (16) feet in length. Compact vehicle parking spaces shall be individually identified by "compact car parking only" signs, unless an alternative method of identifying such spaces has been approved by the reviewing authority.

**C. Parking Space Requirements**

**(1) Minimum Parking Ratio**

Table 5-47 establishes the minimum numbers of parking spaces required for the use indicated. No part of a loading space required for any building to comply with this article shall be included as part of a required parking space.

**(2) Maximum Parking Ratio**

- (a) Table 5-47 establishes the minimum and maximum number of parking spaces for indicated uses or structures. Unless otherwise approved by the Planning Commission or constructed in accordance with (B) below, if a maximum parking space ratio applies, the number of parking spaces shall not exceed the maximum number permitted.
- (b) The Planning Commission may allow an applicant to exceed the maximum number of spaces permitted provided the additional spaces are constructed of pervious pavement, pavers or similar material acceptable to the Planning Commission. Pervious pavement shall comply with the following conditions:
  - (i) Pervious pavement shall not be located on any slope exceeding ten (10) percent over twenty (20) feet; and
  - (ii) The pervious pavement area shall be maintained as specified for that type of product.

**Table 5-47: Required Parking Standards**

Use	Minimum Parking Required	Maximum Parking Permitted
<b>Residential</b>		
Boarding or Lodging House	2 per dwelling unit plus 1 for each room for boarders	
Dwelling – Apartment, Multiple Family	1.5 per dwelling unit	2.0 per dwelling unit
Dwelling - Single Family, Two Family, Mobile Home	1.5 per dwelling unit	2.0 per dwelling unit
Dwelling unit in a non-residential building	1 per dwelling unit	2.0 per dwelling unit
Housing for the Elderly	1 per dwelling unit	2.0 per dwelling unit
Mobile Home Park	2 per mobile home plus 1 for each employee	
<b>Places of Assembly / Recreation</b>		
Auditoriums, theaters, stadiums or sports arenas & other structures <b>with fixed seats</b> including professional studios, dance halls, drama, and similar uses.	1 for six (6) seats	1 for each three (3) seats
Libraries, post offices	One (1) for each eight hundred (800) square feet of floor area, plus one (1) for every four (4) employees	
Pool and billiard parlors, roller or skating rinks, indoor soccer, skate & bike parks and similar indoor recreational uses and similar uses <b>without fixed seats</b>  Exhibition halls without fixed seats  Professional studios, dance halls, drama, and similar arts without fixed seats	1 for each six (6) persons allowed within the maximum occupancy load as established by fire, building, or health codes.	1 for each three (3) persons allowed within the maximum occupancy load as established by fire, building, or health codes
<b>Medical, Health, Child Care &amp; Institutional Uses</b>		
Child care organizations or centers	1 for each three hundred (300) square feet of floor space	
Churches or temples	1 for each six (6) seats	1 for each three (3) seats in the main unit of worship
Dormitory, Fraternity or Sorority	1 for each two (2) beds	One (1) per bed
Fire Department	1 for each emergency personnel expected on largest shift plus 1 for each 3 seats in meeting/training area.	1 for each two hundred (250) square feet of floor area
Hospitals	1 for each bed	

Medical Clinics: Doctor, Dentist, etc	1 for each two hundred (200) square feet of floor area	1 for each one hundred (150) square feet of floor area
Nursing, convalescent homes	1 for each four (4) beds	1 for each two (2) beds
School, Elementary and Junior High	1 for each teacher, administrator or other employees, in addition to the requirements of the auditorium	
School, Senior High	1 for each teacher, administrator or other employee, and 1 for each ten (10) students, in addition to the requirements of the auditorium	
<b>Business, Commercial &amp; Office Uses</b>		
Automotive sales and service establishments	1 for each four hundred (400) square feet of floor area of sales room	1 for each two hundred (200) square feet of floor area of sales room and one (1) for each auto service stall in the service room
Bar, Tavern, Night Club	1 for each three (3) seats	1 for each 1.5 seats
Brewery	1 for each four (4) seats	1 for each 1.5 seats
Cafe, delicatessen	1 for each two-hundred fifty (250) square feet of floor space	
Bus Passenger Terminal & Station	1 for each employee on the largest working shift plus 1 for each two hundred and fifty (250) square feet of floor area.	
Beauty parlor or barber shop	1 for each beauty and/or barber shop chair	2 for each beauty and/or barber shop chair
Bowling alleys	2 for each alley plus 1 for each employee, plus accessory uses	3 for each alley plus 1 for each employee, plus accessory uses
Financial Institution	1 for each two hundred (200) square feet of floor area	1 for each one hundred (100) square feet of floor area
Furniture and appliance, household equipment, hardware, repair shops, shoe repair, and other similar uses	1 for each eight hundred (800) square feet of floor area	
Gasoline service station and convenience store	1 for each two hundred and fifty (250) square feet of floor area, plus one (1) for each worker on the largest shift	



Gasoline service station and automobile repair garages	1 for each service and repair stall, plus one (1) for each worker on the largest shift	
Golf courses	4 for each golf hole plus one (1) for each two (2) employees	
Golf Courses - Miniature or Par 3"	3 for each one (1) golf hole plus one (1) space for each employee	
Hotel, Motel, Vacation Home Rental	1 for each sleeping unit plus one (1) for each one (1) employee on the largest shift	1.5 for each sleeping unit
Laundromats and coin operated dry cleaners	1 for each two (2) washing or dry cleaning machines	
Mortuaries	1 for each fifty (50) square feet of floor area	
Nursery	1 for each Two hundred and fifty (250) square feet of floor area	
Office	1 for each Two hundred (200) square feet of floor area	1 for each one hundred (150) square feet of floor area
Planned Shopping Center	2.5 per 1,000 square feet Gross Leasable Area (GLA)	5 per 1,000 square feet GLA
Restaurant, Drive-in or Drive-Through only	1 for each employee on the largest working shift plus 1 for each outdoor table	
Restaurants, restaurants with drive-through	1 for each One hundred fifty (150) square feet of floor area	1 for each seventy-five (75) square feet of floor area
Retail stores, except otherwise specified	1 for each two hundred and fifty (250) square feet of floor area	1 for each one hundred fifty (150) sq. feet of floor area
Veterinary Clinic	1 for each Two hundred (200) square feet of floor area	1 for each one hundred (150) sq. feet of floor area
<b>Industrial</b>		
Industrial or manufacturing establishments, research testing laboratories, low volume retail and related accessory offices	5 plus 1 for every one and one-half (1-1/2) employees in the largest working shift	
Warehouses or wholesale establishments, and related accessory offices	5 plus one (1) for every one (1) employee in the largest working shift, or one (1) for each one-thousand (1000) square feet of floor area, whichever is greater	
Warehouse, mini	Three (3) spaces plus one (1) space for each employee.	

**(3) Parking for Multiple Uses**

Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure. This does not apply to § 551.C.(4) Shared Parking.

**(4) Shared Parking**

- (a) Parking spaces required under this section may be provided cooperatively for two (2) or more uses in a development or for two (2) or more individual uses, subject to the requirements of this section.
- (b) Developments which contain a mix of uses on the same parcel, as set forth in Table 5-48, may reduce the amount of required parking in accordance with the following methodology:
  - (i) Determine the minimum parking requirements in accordance with Table 5-47 for each land use as if it were a separate use;
  - (ii) Multiply each amount by the corresponding percentages for each of the five (5) time periods set forth in Columns (B) through (F) of Table 5-48;
  - (iii) Calculate the total for each time period; and
  - (iv) Select the total with the highest value as the required minimum number of parking spaces

**Table 5-48: Shared Parking Standards**

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight-6 AM)
	(B) Daytime (9 AM-4 PM)	(C) Evening (6 PM- midnight)	(D) Daytime (9 AM-4 PM)	(E) Evenings (6 PM- midnight)	
Office/industrial	100%	10%	19%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/commercial	40%	100%	80%	100%	10%

**(5) Fractional Measurements**

When units of measurement determining the number of required off-street parking spaces result in a fractional space, any such fraction equal or greater than one-half shall require a full off-street parking space.

**(6) Uses Not Identified**

The Zoning Administrator shall determine the parking requirement for uses that do not correspond to the categories listed in Table 5-47. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

- (a) Type of uses;
- (b) Number of employees;
- (c) Building design capacity;
- (d) Square feet of sales area and service area;
- (e) Parking spaces proposed on site;
- (f) Parking spaces provided elsewhere; and
- (g) Hours of operation.

**(7) Accessible Parking Spaces**

Accessible parking spaces shall be provided in accordance with the Michigan Building Code.

**(8) Parking Credit**

**(a) Change of Use in a Commercial District**

Where a change in the use of any building or structure located in a commercial district is proposed, the number of parking spaces required shall be the lesser of the following:

- (i) The requirement of § 551.C.(1) Minimum Parking Ratio through 551.C.(7) Accessible Parking Spaces ; or
- (ii) The sum of the parking spaces located on the parcel immediately prior to the change of use together with the net difference of the requirements between the previous and proposed uses calculated in accordance with § 551.C.(1) Minimum Parking Ratio through 551.C.(7) Accessible Parking Spaces.

**(b) Extension or Additions to a Building or Structure**

The parking requirement for a building or structure proposed to be extended or added to, which prior to the extension or addition was deficient to the parking standards of § 551 Parking, but the use of which is in conformity with the permitted uses of the underlying zoning district, shall be:

- (i) The number of spaces on the lot immediately prior to the extension or addition; together with
- (ii) The number of additional parking spaces required as a result of the extension or addition calculated in accordance with § 551.C.(1) Minimum Parking Ratio through § 551.C.(7) Accessible Parking Spaces.

**(9) Parking Space Deferrals**

(a) A deferral from the requirements of §551.C. Parking Spaces Required may be authorized by the approval authority, subject to such conditions and time limitations as may be established by the approval authority, where an applicant can demonstrate that public health, safety and welfare would not be compromised and that one or more of the following conditions exist:

- (i) The parking requirements of this ordinance are unreasonable for the proposed use based on anticipated parking needs specific to the use.
- (ii) The provision of fewer parking spaces than required by this ordinance is proposed on a temporary basis to determine the actual number of parking spaces required to adequately service a proposed use.
- (iii) The use has legally existed without some or all of the required parking and has not resulted in off-site parking concerns in the surrounding area.
- (iv) Peak parking demands exceed actual day to day requirements and can be adequately provided with a prepared surface waiver granted in compliance with §551.E.(2) Prepared Surface.

(b) Any deferral granted by the approval authority shall be subject to the following conditions:

- (i) Adequate area to provide all parking spaces, including necessary maneuvering aisles and site development requirements, required by this ordinance shall be reserved on site.
- (ii) A parking deferral agreement shall be entered into between the landowner and township specifying the conditions under which the deferred parking may be installed by the landowner or required to be installed by the Township.

## **D. Location of Parking Spaces and Parking Areas**

### **(1) Generally**

- (a) Excluding parking structures, all off-street parking spaces shall be located on the lot occupied by the building, structure or use for which the parking spaces are required except where a lot has both residential and non-residential districts in which case any parking spaces for non-residential use shall not be permitted on any portion of the lot zoned residential.
- (b) Parking structures shall be considered primary uses of a parcel.

### **(2) Residential Uses**

- (a) Off-street parking spaces may be located within a side or rear yard but may not be located within a front yard setback unless otherwise provided in this ordinance.
- (b) For one and two family dwellings, parking may be located within the required front yard setback provided that the space does not intrude within a right-of-way or impede pedestrian pathways, and provided further that the parking is located on a driveway.

### **(3) Other Than Residential Uses**

- (a) Off-street parking spaces shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking area. Ownership of, or authorization to use, all lots or parcels intended for use as parking by the applicant shall be demonstrated.
- (b) Ingress and egress shall not be across lands zoned for single family residential use.
- (c) The location of each ingress and egress shall be at least twenty-five (25) feet distant from any adjacent property located in any single family residential district.

### **(4) Water Body Setbacks**

Off-street parking spaces and parking areas shall be subject to the water body setback requirements of § 534 and §535.

## **E. Site Development Requirements**

### **(1) Access**

Except for one family and two family dwelling units, all parking spaces shall be provided access by means of a maneuvering lane, parking aisle, alley, or private drive. Backing directly onto a street shall be prohibited.

### **(2) Prepared Surface**

- (a) Except for one and two family dwellings, all parking areas, including parking spaces, parking aisles and maneuvering lanes, shall be surfaced with asphalt, bituminous, concrete, pavers or other similar material that shall provide a durable, smooth and dustless surface. Such areas shall be maintained in good condition free of weeds, dust, trash, and debris.
- (b) A waiver or reduction in standards from the prepared surface requirements of this section may be authorized by the Planning Commission or Director of Planning, on a temporary basis, where an applicant can demonstrate that one or more of the following conditions exist:
  - (i) A proposed parking area is completely shielded from the view of adjacent roadways and properties.
  - (ii) Peak parking demands exceed actual day to day requirements and a portion of the required parking can be adequately provided without the need of asphalt, bituminous, concrete or other similar material surfacing.

- (iii) The use is an agricultural use or seasonal use located in the agricultural district.
- (c) Any waiver or reduction in standards granted by the Planning Commission or Director of Planning may be subject to an agreement being entered into between the landowner and township specifying conditions under which required parking spaces shall be surfaced in compliance with the prepared surface standards of this section.
- (d)

**(3) Grading and Drainage**

- (a) All parking spaces and parking areas shall be graded and drained to dispose of all collected surface water. Parking areas specifically designed to retain runoff as part of an approved storm water retention plan, or to drain towards landscaped swales as part of a low impact design approach, shall be considered compliant with this standard.
- (b) Parking spaces and parking areas shall be constructed so that no surface water shall shed directly into any lake, river, stream or tributary. Any surface water that sheds towards such water bodies shall be treated and/or filtered to remove silt, grease, oil and other matter which would deteriorate the water quality. Minimum treatment shall consist of retention or detention facilities as required by the township.
- (c) The Planning Commission may require applicants to incorporate additional storm water treatment techniques for storm water located near any lake, river, stream or tributary.

**(4) Lighting**

Except for single-family and two-family residential lots, all parking areas containing eight (8) or more parking spaces shall provide adequate lighting throughout the hours when the parking area is in operation. All lighting shall comply with the standards of § 517 Lighting and shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic, and shall be installed so as to be confined within and directed into the parking area only.

**(5) Landscaping**

Parking area landscaping shall be provided in compliance with the specification described in § 532 Parking Area Landscaping.

**(6) Snow Storage**

Whenever a development requiring off street parking has parking areas containing two thousand seven hundred (2,700) square feet or more, provision shall be made for on-site snow storage.

Such snow storage shall:

- (a) Be provided at the ratio of ten (10) square feet per one hundred (100) square feet of parking area.
- (b) Be located so as to prevent damage to landscaping required by this ordinance.
- (c) Not occupy required parking spaces or areas that would interfere with the clear visibility of traffic within the site or on adjacent streets.
- (d) Not be located within twenty-five (25) feet of a wetland regulated under Section 534 of this Zoning Ordinance, per Section 534.C.
- (e) Not be located within any required riparian vegetative buffer, per Section 535.C.

**F. Use of Parking Areas and Spaces**

No required parking space or parking area shall be used for commercial repair work or the servicing of vehicles, for display or storage purposes, for the permanent parking of any vehicle, for parking trailers or for the location of any sign or light standard.

**G. Bicycle Parking**

Bicycle parking shall be provided in compliance with § 522 Pedestrian Circulation and Non-Motorized Transportation.

**SECTION 552 LOADING**

**A. General Requirements**

- (1) Truck loading facilities are required in all zones for structures containing uses devoted to businesses, industry, manufacturing, storage, warehousing, processing, offices, professional buildings, hotels, multiple-family dwellings, hospitals, airports, railroad terminals, and any buildings of a commercial nature.
- (2) If a structure is enlarged, expanded, or changed, it shall not be used, occupied, or operated unless it has at least the amount of off-street truck loading facilities that would apply if the increment were a separate structure.

**B. Responsibility**

The provision for and maintenance of the off-street truck loading facilities shall be the responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.

**C. Dimensions**

There shall be two sizes of truck loading spaces designated: "large" and "small." Each large space shall have an overhead clearance of at least fourteen (14) feet, shall be at least twelve (12) feet wide, and shall be at least twenty-five (25) feet long, exclusive of access or maneuvering area, platform, and other appurtenances. Each small space shall have an overhead clearance of at least ten (10) feet, shall be at least ten (10) feet wide, and shall be at least twenty (20) feet long, exclusive of access or maneuvering area, platform, and other appurtenances.

**D. Location**

Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located. However, loading facilities that are available under a cooperative arrangement (refer to § 552.E.(5) Combined Facilities of this article) may be located on another site not more than three hundred (300) feet from the structure for which they are provided. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property by the installation of a buffer yard, as set forth in the greenspace standards (§ 530 Greenspace Areas, Generally of this article).

**E. Construction and Maintenance**

Off-street truck loading facilities shall be constructed, maintained, and operated in accordance with the specifications described in § 552.E.(1) Drainage and Surfacing through § 552.E.(5) Combined Facilities of this article.

**(1) Drainage and Surfacing**

Off-street truck loading facilities shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition free of weeds, dust, trash, and debris.

**(2) Protective Screen Fencing**

Off-street truck loading facilities shall be provided with protective screen fencing or vegetation such that occupants of adjacent structures are not unreasonably disturbed by the movement of vehicles either during the day or at night.

**(3) Lighting**

Lighting facilities shall comply with § 517 Lighting Standards and shall also be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.

**(4) Entrances and Exits**

Off-street truck loading facilities shall be provided with entrances and exits so located as to minimize traffic congestion.

**(5) Combined Facilities**

Requirements for the provision of off-street truck loading facilities with respect to two (2) or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility. The total number of spaces designated in a common truck loading facility shall be at least the sum of the individual requirements unless the Zoning Administrator determines that a lesser number of spaces will be adequate. In determining the number of revised spaces, the Zoning Administrator shall consider the respective times of usage of the truck loading facilities by the individual users and the character of the merchandise.

**(6) Minimum Required**

The number of required truck loading spaces shall be as provided in Table 5-49. Where a large truck loading space is required, two (2) small truck loading spaces may be provided to satisfy the requirement.

**Table 5-49: Minimum Truck Loading Spaces**

<b>Square Feet of Gross Floor Area in Structure</b>	<b>Required Number of Spaces</b>
2,000 up to and including 12,500	1 small
12,501 up to and including 25,000	2 small
25,001 up to and including 40,000	1 large
40,001 up to and including 100,000	2 large
Each additional 80,000 above 100,000	1 large

**F. Waiver**

The Zoning Administrator is authorized to waive the off-street loading requirements for structures that are required to provide and maintain fewer than five (5) off-street parking spaces, or any other structure if the design and the proposed use of the structure show no need of off-street loading.