

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION AGENDA  
Wednesday, November 9, 2016 – 7:30 PM  
Board of Trustees Room**

**CALL TO ORDER:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

**MINUTES:**

**ITEM #1:** Approval of minutes from the regular meeting of October 26, 2016.

**CORRESPONDENCE:**

**PUBLIC HEARING:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**ITEM #1: 16-003 – SPECIAL LAND USE APPROVAL**

**TITLE: THE APPLICANT, JASON KISHMISH, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 10573 BELLEVILLE ROAD, VAN BUREN TOWNSHIP, MI 48111.**

**LOCATION:** Parcel number V-125-83-059-01-0020-000 (10573 Belleville Road.) The site is approximately 0.862 acres. It is located in the C-1, General Business district. This site is located on the east side of Belleville Road between I-94 and Tyler Road.

- A. Presentation by the applicant.
- B. Presentation by the Township Staff and Consultants.
- C. Planning Commission considers recommendation of the special use to the Board of Trustees

**ITEM #2: 16-003 – PRELIMINARY SITE PLAN APPROVAL**

**TITLE: THE APPLICANT, JASON KISHMISH, IS REQUESTING A PRELIMINARY SITE PLAN APPROVAL TO OPERATE A DRIVE THRU RESTAURANT AT 10573 BELLEVILLE ROAD, VAN BUREN TOWNSHIP, MI 48111.**

**LOCATION:** Parcel number V-125-83-059-01-0020-000 (10573 Belleville Road.) The site is approximately 0.862 acres. It is located in the C-1, General Business district. This site is located on the east side of Belleville Road between I-94 and Tyler Road.

- A. Presentation by the applicant.
- B. Presentation by the Township Staff and Consultants.
- C. Planning Commission considers approval of the preliminary site plan

**ITEM #3: LAKESHORE ORDINANCE AMENDMENTS AND RECOMMENDATION**

**TITLE: THE BELLEVILLE LAKE SHORELINE DISTRICTS AMENDMENTS TO THE ZONING ORDINANCE AND ITS ASSOCIATED GENERAL ORDINANCE IS PRESENTED TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION TO THE BOARD OF TRUSTEES.**

**INFORMATION:** These documents were developed by the Shoreline Management Work Group, reviewed by Township Staff and Attorney.

- A. Presentation by the Township Staff and Consultants.
- B. Planning Commission considers scheduling a public hearing on the agenda item.

**ITEM #4: ZONING ORDINANCE UPDATE**

**TITLE: THE VAN BUREN TOWNSHIP PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT HAS PROPOSED A COMPREHENSIVE UPDATE OF THE ZONING ORDINANCE. THE DEPARTMENT WILL EVENTUALLY ASK THE COMMISSION FOR A RECOMMENDATION FOR THE UPDATED ZONING ORDINANCE TO THE TOWNSHIP BOARD OF TRUSTEES.**

**INFORMATION:** The updated Zoning Ordinance is presented to the Planning Commission for eventual review and recommendation to the Township Board of Trustees. The Ordinance is being presented in multiple parts to the Commission. At this meeting, the discussion will focus on the following sections...

- A. Article 8 (Environmental Performance)
- B. Article 10 (Landscaping and Screening)

**GENERAL DISCUSSION:**

**ADJOURNMENT**

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
OCTOBER 26, 2016  
MINUTES - DRAFT**

Chairperson Thompson called the meeting to order at 7:30 p.m.

**ROLL CALL:**

**Present:** Franzoi, Jackson, Atchinson, Budd and Thompson.

**Excused:** Boynton and Kelley.

**Staff:** Director Akers, Deputy Director Best and Secretary Harman.

**Planning Representatives:** McKenna Associate, Patrick Sloan and Wade Trim Associate, David Nummer.

**Audience:** Eight (8).

**APPROVAL OF AGENDA:**

**Motion Jackson, Atchinson second to approve the agenda of October 26, 2016 as presented.**

**Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Franzoi, Budd second to approve the regular meeting minutes from October 12, 2016 as presented. Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1                    16-003 – SPECIAL LAND USE APPROVAL**

**TITLE:                      THE APPLICANT, JASON KISHMISH, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 10573 BELLEVILLE ROAD, VAN BUREN TOWNSHIP, MI 48111.**

**LOCATION:                 PARCEL NUMBER V-125-83-059-01-0020-000 (10573 BELLEVILLE ROAD). THE SITE IS APPROXIMATELY 0.862 ACRES. IT IS LOCATED IN THE C-1, GENERAL BUSINESS DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF BELLEVILLE ROAD BETWEEN I-94 AND TYLER ROAD.**

Motion Franzoi, Atchinson second to open the Public Hearing. Motion Carried.

Architect Ron Keisa gave the presentation for the applicant. The applicant has been working for over a year to design a retail building; the proposed building will have a drive-thru restaurant to and two (2) tenant spaces.

No comments from the audience.

Commissioners discussed side parking and possible interference from the drive-thru traffic and signage to eliminate RV and trailer parking on the site.

Resident would like less stacking spaces on the site to provide more of a buffer behind the building.

Motion Atchinson, Budd second to close the Public Hearing. Motion Carried.

**ITEM # 2                    16-028 – SPECIAL LAND USE APPROVAL**

**TITLE:**                    THE APPLICANT, MICHAEL BERRY, IS REQUESTING A SPECIAL LAND USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 11175 HAGGERTY ROAD, VAN BUREN TOWNSHIP, MI 48111.

**LOCATION:**                PARCEL NUMBER V-125-83-051-99-0003-005 (11175 HAGGERTY ROAD). THE SITE IS APPROXIMATELY 1.68 ACRES. IT IS LOCATED IN THE C-1, GENERAL BUSINESS DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF HAGGERTY ROAD BETWEEN I-94 AND TYLER ROAD.

Motion Atchinson, Franzoi second to open the Public Hearing. Motion Carried.

Applicant Michael Berry gave the presentation.

No comments from the audience.

Commissioners discussed the location of the proposed Tim Hortons and its proximity to the two (2) other Tim Hortons located in Van Buren Township, the previous tenants at the location (Subway and Tubby's) and the applicants reasoning for the Tim Hortons as the new tenant.

Motion Budd, Jackson second to close the Public Hearing. Motion Carried.

**NEW BUSINESS:**

**ITEM # 2                    14-022 – FINAL SITE PLAN APPROVAL**

**TITLE:**                    THE APPLICANT, BELLEVILLE DEVELOPMENT, INC., IS REQUESTING FINAL SITE PLAN APPROVAL TO CONSTRUCT A HOTEL AND SITE IMPROVEMENTS AS REQUIRED IN SECTION 12.02 OF THE ZONING ORDINANCE 06-02-92, AS AMENDED.

**LOCATION:**                PARCEL NUMBERS V-125-83-064-99-0002-002, ALSO KNOWN AS 11105 QUIRK ROAD, AND V-125-83-064-99-0002-003, WHICH IS VACANT, ARE THE TWO (2) SUBJECT PARCELS OF THIS PROJECT. PARCEL V-125-83-064-99-0002-002 MEASURES APPROXIMATELY 7.421 ACRES AND PARCEL V-125-83-064-99-0002-003 MEASURES APPROXIMATELY 3.895 ACRES. THESE PARCELS ARE LOCATED NORTHEAST OF THE INTERSECTION OF QUIRK ROAD AND THE N. I-94 SERVICE DRIVE.

McKenna Associate, Patrick Sloan gave the Zoning Ordinance Update presentation. The Zoning Ordinance received a technical review in 2014 identifying strengths, weaknesses and areas of improvement. The update is in Microsoft word format to allow more consistent updating and the

addition of graphics, tables, links and cross-references. Mr. Sloan displayed a PowerPoint presentation discussing the changes to Article 12 – Administrative Procedures, Article 13 – Administrative Organization and Article 14 – Nonconformities.

Commissioners thanked the subcommittee for their hard work. Commissioners discussed the site plan review process, performance guarantees, bonds versus cash or deposits, bank letters of credit, a tracking system for bonds, public hearing procedures and public hearing notification requirements.

No comments from the audience.

**ITEM # 3                    16-028 – SPECIAL LAND USE APPROVAL**

**TITLE:                    THE APPLICANT, MICHAEL BERRY, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 11175 HAGGERTY ROAD, VAN BUREN TOWNSHIP, MI 48111.**

**LOCATION:                PARCEL NUMBER V-125-83-051-99-0003-005 (11175 HAGGERTY ROAD). THE SITE IS APPROXIMATELY 1.68 ACRES. IT IS LOCATED IN THE C-1, GENERAL BUSINESS DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF HAGGERTY ROAD BETWEEN I-94 AND TYLER ROAD.**

Applicant Michael Berry explained the site and informed the Commission he was there to answer any questions.

McKenna Associate, Patrick Sloan, presented his special land use review letter dated 10-21-16 recommending approval subject to the conditions referenced in the letter.

No comments from the Commission or the audience.

**Motion Atchinson, Franzoi second to recommend to the Township Board of Trustees to grant a special use permit subject to the conditions in the McKenna Associates review letter dated 10-21-16.**

**Roll Call:**

**ITEM # 4                    16-028 – FINAL SITE PLAN APPROVAL**

**TITLE:                    THE APPLICANT, MICHAEL BERRY, IS REQUESTING FINAL SITE PLAN APPROVAL TO OPERATE A DRIVE THRU RESTAURANT AT 11175 HAGGERTY ROAD, VAN BUREN TOWNSHIP, MI 48111.**

**LOCATION:                PARCEL NUMBER V-125-83-051-99-0003-005 (11175 HAGGERTY ROAD). THE SITE IS APPROXIMATELY 1.68 ACRES. IT IS LOCATED IN THE C-1, GENERAL BUSINESS DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF HAGGERTY ROAD BETWEEN I-94 AND TYLER ROAD.**

Patrick Sloan of McKenna Associates presented his final site plan review letter dated 10-12-16 recommending final site plan approval subject to the conditions referenced in the letter.

David Nummer of WadeTrim presented his final site plan review letter dated 10-13-16 recommending final site plan approval.

**ITEM # 5                      ZONING ORDINANCE UPDATE**

**TITLE:**                      **THE VAN BUREN TOWNSHIP PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT HAS PROPOSED A COMPREHENSIVE UPDATE OF THE ZONING ORDINANCE. THE DEPARTMENT WILL EVENTUALLY ASK THE COMMISSION FOR A RECOMMENDATION FOR THE UPDATED ZONING ORDINANCE TO THE TOWNSHIP BOARD OF TRUSTEES.**

**INFORMATION:**        **THE UPDATED ZONING ORDINANCE IS PRESENTED TO THE PLANNING COMMISSION FOR EVENTUAL REVIEW AND RECOMMENDATION TO THE TOWNSHIP BOARD OF TRUSTEES. THE ORDINANCE IS BEING PRESENTED IN MULTIPLE PARTS TO THE COMMISSION. AT THIS MEETING, THE DISCUSSION WILL FOCUS ON THE FOLLOWING SECTIONS:**

- A. ARTICLE 3 (ZONING DISTRICTS AND PERMITTED USES)**
- B. ARTICLE 4 (SCHEDULE OF REGULATIONS)**
- C. ARTICLE 5 (DEVELOPMENT STANDARDS FOR SPECIFIC USES)**

Patrick Sloan of McKenna Associates presented the zoning ordinance update. Mr. Sloan handed out printouts of the PowerPoint presentation and discussed the changes to the following sections: Article 3 – Zoning Districts and Permitted Uses, Article 4 – Schedule of Regulations and Article 5 – Development Standards for Specific Uses.

Commissioners discussed finding out about the links when reading the paper copy, rezoning to mixed use whether a regulated plan or conditional rezone and having further discussion on mixed use with it being the most significant change.

**GENERAL DISCUSSION:** None.

**Motion Franzoi, Budd second to adjourn at 9:33 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary

# PLANNING & ZONING APPLICATION

Case number \_\_\_\_\_ Date Submitted 1/15/16

**APPLICANT INFORMATION**

Applicant BA CHIENA ARCHITECTS Phone (5816) 263-5519  
 Address 42260 WARFIELD RD Fax WTE 210 (5816) 263-5509  
 City, State WINTON TWP, MI. Zip 48033  
 E-mail chiensarchitects@global.net Cell Phone Number \_\_\_\_\_  
 Property Owner JASON KISHMISH Phone (248) 211-1234  
(if different than applicant)  
 Address 31333 SOUTHFIELD WTE Fax \_\_\_\_\_  
 City, State BEVERLY HILLS MI Zip 48025  
 Billing Contact \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City, State \_\_\_\_\_ Zip \_\_\_\_\_

**SITE/PROJECT INFORMATION**

Name of Project MULTI-TENANT RETAIL BUILDING  
 Parcel Id No. VI25-83-14-17-452-000 Project Address 10573 BENVILLE RD

Attach Legal Description of Property

Property Location: On the EAST Side of BENVILLE Road; Between TYLER Road  
 and I-94 Road. Size of Lot Width 100' Depth 375.60'  
 Acreage of Site .80 Total Acres of Site to Review .80 Current Zoning of Site C-1  
 Project Description: PROPOSED 4,950 SQ FT RETAIL BUILDING  
1 STORY, W/ DRIVE-THRU UNIT

Is a re-zoning of this parcel being requested? NO YES (if yes complete next line) NO  
 Current Zoning of Site C-1 Requested Zoning \_\_\_\_\_

**SPECIAL INFORMATION**

Does the Proposed Use Require Special Approval? YES (if yes complete next line) NO  
 Section of Zoning Ordinance for which you are applying \_\_\_\_\_  
 Is there an official Woodland within parcel? \_\_\_\_\_ Woodland acreage \_\_\_\_\_  
 List total number of regulated trees outside the Woodland area? \_\_\_\_\_ Total number of trees \_\_\_\_\_  
 Detailed description for cutting trees \_\_\_\_\_

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

**OWNER'S AFFIDAVIT**

Jason Kishmish  
 Print Property Owner Name  
 \_\_\_\_\_  
 Signature of Property Owner  
 \_\_\_\_\_  
 Date 1-12-2016  
 \_\_\_\_\_  
 Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE  
 The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and data are in all respects true and correct.  
 Subscribed and sworn before me this 12<sup>th</sup> day of JANUARY 2016  
Kenneth Bakko Notary Public, MACOMB County, Michigan My Commission expires September 2017  
Rev 11/2005

KENNETH BAKKO  
 Notary Public, State of Michigan  
 County of Macomb  
 My Commission Expires 09-27-2017  
 Acting in the County of Macomb

*[Handwritten Signature]*



# R.A. CHIESA ARCHITECTS, P.C.

Member of  
The American Institute  
Of Architects



October 31, 2016

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Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development  
Belleville Department of Building and Planning  
46425 Tyler Rd  
Belleville, MI 48111

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Dear Ron,

This letter is in regards to the retail project our client Mr. Jason Kishmish is proposing to develop at 10573 Belleville Road. We have been working with you and your staff for over one year now on this proposed development. We are hopeful we are close to getting the necessary approvals from the community to commence with the final plans and eventual construction.

The 4,950 s.f. one story multi-tenant building as designed is located on a .86 acre site that is zoned C-1. The building is proposed with three tenant spaces, one with a drive-thru window. Based on the parking requirements as described in your ordinance we need 42 parking spaces with 40 standard spaces and 2 recreational vehicle spaces. The drive-thru window requires 15 stacking spaces per the ordinance.

The proposed retail building is small in total floor area and is a building that typically is desired by smaller tenants that are normally low volume in customer activity and traffic. Mr. Kishmish has been able to have casual conversations with national tenants for the building units and drive-thru location. No firm agreements can be secured since the project does not have a defined timeline for occupancy based on the need for all community approvals still pending.

The users that have expressed interest in the drive-thru location would need between 1,800 to 2,000 s.f. of tenant area. They would require about 20 total parking spaces to service the location and 5-6 drive-thru stacking spaces based on their existing facilities both locally in Michigan and nationwide. The other two tenant units available for lease have drawn interest from national companies and would need about 12 parking spaces total. With the information we have to date a parking area for this development would need 32 standard spaces and 6 stacking spaces at the drive-thru. These totals are reasonable and fall with-in typical standards for a development of this size.

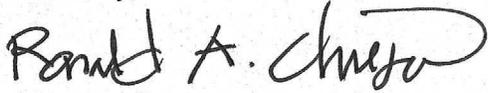
We have provided 40 total parking spaces (38 standard spaces with 2 recreational vehicle spaces) for the development which is 2 below the ordinance required amount but 25% more than the anticipated requirement for the project. We also have included a drive-thru stacking area for 12-13 vehicles which is double the actual spaces required for users typically interested in this type of small multi-tenant building.

43260 Garfield • Suite 210 • Clinton Township, Michigan 48038 • (586) 263-5519

With the reduction in parking spaces (2) and drive-thru stacking spaces (2-3) we have increased the on-site open paving/circulation area which helps to allow emergency vehicles and semi-truck traffic to navigate the site without any difficulties. We still have included the RV spaces on our revised Site Plan but the actual need for RV traffic on this site is very questionable. The multi-tenant retail building tenants would not be providing restaurant type services that could attract RV travelers. However, even with the two RV spaces now located along the east area of the paved lot there is a greater opening for vehicular site circulation. The RV spaces, if provided, would be typically unoccupied so that adds even more additional open area for site circulation. The spaces could also be turned into standard spaces in the future if there was a need for additional parking. That would increase the total parking provided to the original total per the current ordinance.

We hope that with the above information provided you and your staff, as well as, the Planning Commission see the greater benefit to reducing the parking and stacking totals per our plan for overall improved site access. We all look forward to the development of this project in your community.

Sincerely,

A handwritten signature in black ink that reads "Ronald A. Chiesa". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ronald A. Chiesa, AIA  
President

November 4, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: VBT-16-003 SLU; Multi-Tenant Building at 10573 Belleville Road; SLU Review #4;  
Plans Dated October 31, 2016; Received November 1, 2016**

Dear Commissioners:

The applicant proposes to demolish an existing house and shed at 10573 Belleville Road, and to build a multi-tenant commercial and retail use building on the site. The site is 0.86 acres in area. The building is proposed to be divided into three units: Unit A is 1,980 square feet, Unit B is 1,800 square feet, and Unit C is 1,170 square feet for a total of 4,950 square feet. There is a proposed drive-through restaurant use at the Unit A. The site is zoned C-1 General Business District, and drive-through uses require special use approval in the C-1 District.

#### COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Section 12.03.d. and the discretionary standards listed in Section 18.08.f. of the Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings and accepted principles of good planning and design. Our site plan review comments are in an accompanying letter.

#### 1. General Standards for Special Approval.

- a. **Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site is on the east side of Belleville Road, just north of the I-94 North Service Drive. This road is characterized by a variety of commercial uses along the corridor. To the east is a residential neighborhood and to the north are other single-family residences. The demolition of the house (a non-conforming use) and construction of a commercial building is generally compatible with the surrounding uses. However, as stated in our accompanying site plan review letter dated November 4, 2016, the proposed development does not meet the requirements of the Zoning Ordinance. While we have made some recommendations to improve the site design and possibly make the proposed development compliant, the proposed design of the site is not socially or economically desirable at this time.
  
- b. **Is necessary for the public convenience at that location.** Belleville Road is a major commercial thoroughfare and the site's location near I-94 makes a drive-through restaurant potentially convenient for consumers. The lot is very narrow, and an entrance from Belleville Road would be about 90 feet from the Belle Tire entrance. Section 12.04.a. of the Zoning Ordinance states that points of ingress and egress shall be placed no closer than 500 feet apart, and that the Planning Commission can recommend shared access drives. However, the Zoning Ordinance allows for 1 curb cut on Belleville Road and the applicant's proposed driveway is located on the

north side of the site as previously requested. While Belle Tire will not permit the applicant to access its driveway, Belle Tire has a recorded access easement on its site for future cross access. With the applicant's driveway located on the north part of the site and recorded access easements on both the north and south sides of the site, public convenience at the site will be achieved.

- c. **Is compatible with adjacent uses of land.** The C-1 District permits a wide range of land uses, including drive-through uses by special approval. The site abuts R-1B Single-Family Residential land to the east, other C-1 uses to the south, sites zoned C-1 but used as single-family housing on the north, and C-2 Extensive Highway Business District to the west. Altering the use on the site from residential to commercial would fit with adjacent and surrounding land uses. Our accompanying site plan review letter dated November 4, 2016 includes several comments with respect to screening and setbacks requirements on the east side of the site that have not yet been met.
- d. **Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** As stated in a previous version of this letter and in our accompanying site plan review letter dated November 4, 2016, the site design as currently proposed is overcrowded. The intensity of the uses and development exceeds the site's ability to accommodate them in a manner that protects the public health, safety, and welfare. We have made some recommendations in our site plan review letter to improve the site's ability to accommodate the proposed uses and development.
- e. **Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** The site's demand for public services and facilities will be commensurate with a commercially used site, and will not likely adversely affect public services to existing uses in the area. The truck turning radius at the rear of the site is tight and close to other site features, including the dumpster. This could negatively impact Fire Department's ability to maneuver a fire truck on the site, which could diminish the Fire Department's ability to provide timely emergency response to the site and within the site. We will defer to the Fire Department's recommendation on an adequate turning radius.
- f. **Will not cause injury to other property in the neighborhood in which it is to be located.** Unless the recommended and required improvements are made to the site circulation and landscaping (see comments in this letter and our accompanying site plan review letter dated November 4, 2016), the site plan as it is currently designed may cause adverse effects to users of the site and adjacent properties.
- g. **Considers the natural environment and helps conserve natural resources and energy.** There are no anticipated adverse effects on the area's natural resources. The site does not appear to be located near wetlands or other sensitive natural features.
- h. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** The site plan has several major items that do not comply with the Zoning Ordinance and are unresolved (please refer to our

accompanying site plan review letter dated November 4, 2016), which is mostly a result of the applicant proposing more development on the site than can be accommodated under the requirements of the Zoning Ordinance.

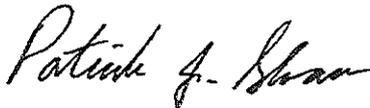
- i. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.
2. **Specific Standards for Special Approval.** Section 12.03.d provides specific standards for drive-in uses in the C-1 District. The proposal's compliance with those standards is evaluated below.
  - a. **Entrances and exits must be 100 feet from the intersection of any two streets.** There are no streets within 100 feet of this site, so this standard is met.
  - b. **Must have direct access to a major thoroughfare.** The site has direct access to Belleville Road, which is a major thoroughfare.
  - c. **No lighting or illuminated display shall reflect onto a residential zone.** The site abuts an R-1B residential zoning district to the east. The photometric plan shows that light trespass will not exceed 1.0 foot-candles into the residential district. The proposed screening for this site from the residential district is a 6-foot tall concrete wall with a simulated brick pattern. The applicant still must submit elevation details of this wall with the site plan.
  - d. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** The site is located near other similar commercial uses. Although there are single-family dwellings to the east and north, most of these do not directly connect to Belleville Road and those that do would not facilitate congregation of large number of children. There are no anticipated adverse effects regarding traffic safety and sanitation in relation to places of congregation for children.

#### RECOMMENDATION

Based on the above and our accompanying site plan review letter of November 4, 2016, we find the multi-tenant building does not yet meet the criteria for a special land use approval as currently proposed, based on the intensity of uses on the site and its impact on general site circulation. Our site plan review letter recommends site revisions that might address the concerns outlined in this letter. Therefore, we recommend that revised plans be submitted that are designed in accordance with the Zoning Ordinance based on the limited size of the site.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP  
Senior Principal Planner



Stephen Hannon  
Assistant Planner

November 4, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, Michigan 48111

**Subject: VBT-16-003 SPR; Multi-Tenant Building at 10573 Belleville Road; Site Plan Review #4;  
Plans Revision Dated October 31, 2016; Received November 1, 2016**

Dear Commissioners:

The applicant, RA Chiesa Architects, proposes to demolish an existing house and shed at 10573 Belleville Road, and build a multi-tenant commercial building. The building is proposed to be divided into three units: Unit A is 1,980 square feet, Unit B is 1,800 square feet, and Unit C is 1,170 square feet for a total of 4,950 square feet. There is a proposed unidentified drive-through use at Unit A. The site is zoned C-1 General Business District, which permits the drive-through use through Special Land Use approval. Our comments on the special land use application for the proposed drive-through are in a separate letter.

The site plans and a letter from Ronald Chiesa, the applicant's architect, is dated October 31, 2016. We have reviewed the site plan for compliance with the Township's Zoning Ordinance and sound planning and design principles, and we offer the following comments for your consideration:

#### COMMENTS

- 1. Use.** A variety of commercial uses are permitted in the C-1 District. Drive-through restaurants may be permitted subject to special use approval recommendation by the Planning Commission and approval of the Township Board. As discussed in our accompanying Special Use Review letter, all of the specific standards of Section 12.03.d of the Zoning Ordinance that apply to drive-through facilities must be met. Preliminary and final site plan approval by the Planning Commission is required as well. There is no written description provided of the proposed uses on this site plan because no leases for the spaces have been confirmed. While a conceptual floor plan is shown, a more refined floor plans for each of the tenant space and other similar information must be submitted with the final site plan application. This will effect the number of required parking spaces and, consequently, the final layout of the site.
- 2. Dimensional Requirements.** The building meets the required setbacks for the front yard (75 feet), side yards (15 feet), and rear yard (25 feet). The building height will be less than the maximum building height of 40 feet. There are no maximum lot coverage requirements in the C-1 district.
- 3. Specific Use Standards.** As discussed in our special use approval review, the specific standards of Section 12.03.d that apply to drive-through facilities have all been satisfied.

#### 4. Site Layout and Circulation.

- a. Section 4.37 of the Zoning Ordinance requires safe and convenient vehicular and pedestrian traffic within the site. In previous versions of the site plan, we noted that the narrowness of the access aisles and the one-way circulation pattern proposed created the potential for conflicts between vehicles and pedestrians. This concern was also raised by the Fire Department, which had previously required a larger turn radius on the east side of the site for a fire truck to turn.

The current version of the site plan depicts a 40-foot outside turning radius on the east side of the site. The turning radius is still tight given the density of development on the site, though we will defer to the Fire Department regarding the adequacy of the proposed turning radius for a fire truck. The applicant has proposed removing 2 of the stacking spaces based on the anticipated demand for the use. As we note below, removing additional stacking spaces and some of the parking spaces will improve circulation on the east side of the site. Reconfiguring some of the parking spaces or moving the dumpster may also create more room for these vehicles.

- b. There is one access drive proposed at the north part of the site's frontage along Belleville Road. Section 12.04.a. limits sites in the C-1 District to no more than one point of ingress and egress per 500 feet. Additionally, the Planning Commission has a policy of reducing the number of curb cuts on Belleville Road, which has resulted in many sites using indirect access via shared drives. The proposed curb cut on Belleville Road is acceptable because it is the only curb cut on the lot.
- c. Consistent with Township policy and in satisfaction of Section 12.04.a. described above, the applicant must provide a cross access easement to the parcels on the north and south and allowing users to access Belleville Road through the site's driveway. This easement should align with Belle Tire's recorded cross access easement so that the traffic flow is direct, not offset. Easement documents and legal descriptions must be submitted in recordable form for Township review and approval prior to a final site plan approval, and must be recorded prior to permits being issued for the site.
- d. Sidewalks are proposed on the west, south, and east of the building, as well as a crosswalk to connect them to the public sidewalk along Belleville Road. The sidewalk in front of the building is 8 feet wide to account for vehicle overhang for those parking spaces. Details of the sidewalk ramps are also provided.
- e. The existing overhead electrical wires are proposed to be relocated in coordination with the utility company. The intended new locations of the utility poles are shown on the site plan pending coordination with the DTE service coordinator.

#### 5. Parking and Loading. Parking and loading requirements are calculated as follows:

- a. **Retail Establishments.** *1 space per 200 square feet usable floor area.* Of the 2,970 sq. ft. of gross floor area of Units B and C, the site plan states that 2,400 sq. ft. (i.e., 80.81%) is usable

floor area. Thus, **12 spaces** are required and are included on the site plan. Conceptual floor plans have been submitted and are subject to change.

- b. **Drive-Through Restaurant.** *22 spaces per 1,000 square feet of usable floor area, plus 5 stacking spaces between the pick-up window and order station, plus 10 stacking spaces that do not conflict with access to any required parking spaces, plus 1 space for each employee at the largest shift, plus two spaces for RVs or semi-trucks (because the site is within one half mile of I-94).*

The site plan states 30 spaces (22 for the restaurant, 6 for employees, and 2 RV spaces) are needed to meet these requirements, which implies the usable floor area is 1,000 square feet of the total area of 1,980 square feet in this unit. A total of 42 spaces and 15 stacking spaces are therefore required. There are 40 spaces (including 2 RV parking spaces) and 13 stacking spaces are proposed. Section 6.01(10) of the Zoning Ordinance permits the Planning Commission to modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable because of the level of current or future employment and/or level of current or future customer traffic. At this time, there is insufficient information regarding whether a modification in the numerical requirements can be considered.

In a letter dated October 31, 2016, the applicant claims that the proposed size of the drive-through restaurant would require only about 20 parking spaces. However, there was no parking study or data attached to the letter. To assist the applicant in this analysis, we researched the parking demand using the 3<sup>rd</sup> Edition of Parking Generation from the Institute of Transportation Engineers. The data for parking at fast-food drive-thru locations included 46 data points from 12:00-1:00 pm on a weekday, which was the peak demand for fast-food restaurants. The average peak period parking demand is 9.9 vehicles per 1,000 square feet of gross floor area, and the 85<sup>th</sup> percentile is 14.8 vehicles per 1,000 square feet of gross floor area. This implies that 20 to 30 spaces for this site, not including staff and RV spaces. We recommend that the number of parking spaces for the drive-through restaurant use (including parking for employees) be reduced to **20 spaces**, as there will other on-site uses to share parking during peak periods. We recommend maintaining the requirement for **2 RV parking spaces**.

With a requirement for 32 spaces (i.e., 20 parking spaces for the drive-through restaurant and 12 parking spaces for the retail uses) and 38 spaces proposed on the site plan, we recommend removing the easternmost 4 spaces of the southern parking row and the easternmost 2 spaces of the northern parking row. We also recommend removing 2 additional stacking spaces, and thus reducing the number of stacking spaces to 11. A drive-through use of this size and scale can function adequately with 11 stacking spaces. These reductions will allow additional room for a turning radius on the east side of the site and will allow the applicant to move the dumpster area to be at least 20 feet from the eastern lot line (see below). These reductions will also allow for more area for landscaping and required trees.

- c. **Barrier Free Spaces.** Two (2) barrier free spaces are included, as the required barrier free spaces for a parking lot of 26-50 spaces.

- d. **Parking Spaces.** All parking spaces must be clearly striped with four (4) inch wide double lines spaced 24 inches apart. This must be noted on the plan.

Upon closer review of the parking space dimensions, the angled spaces must be lengthened to allow a stall length of 20 feet on both sides of the stall. While the 20-foot dimensions are shown on one side of the stall, a 20-foot long vehicle will encroach into the aisle on the other side of the stall if the spaces are not lengthened to sufficiently hold a 20-foot long vehicle. Per Section 6.02(2) of the Zoning Ordinance, if the angle of these parking spaces is between 54-74 degrees, the minimum aisle width will be 15 feet. Therefore, the angles of these spaces must be shown. However, our understanding is that the Fire Department requires a minimum aisle width of 16.5 feet to allow sufficient room for a fire truck, so we will defer to the Fire Department on the minimum width of the aisle. If the aisle is less than 16.5 feet wide after the angled spaces are appropriately lengthened, the applicant should consider narrowing the landscaping area to the north of the northern angled parking row.

- e. **Loading.** A 10' by 55' loading area is shown on the north side of the site next to the drive-through stacking lane.

6. **Landscaping.** This site is located in Van Buren Township's signature Belleville Road corridor and "downtown," which is planned as a high-image attractive mixed use area. Considerable public and private investment has been made in streetscape plantings, decorative lighting, amenities and aesthetic improvements, and these characteristics have been successfully mirrored in the newer developments on the corridor. All sites are strongly encouraged to exceed the Ordinance minimums in landscaping, site design, building appearance, and access/cross access provisions, among others.

Landscape requirements must be met individually, so trees cannot be double counted to fulfill different requirements. We encourage the use of shrubs and perennials to add interest to the site. All ground cover must be identified. Our comments follow:

- a. **Landscaping Adjacent to the Right-of-Way.** Section 4.40.3.b. requires a minimum of 1 tree per 50 feet of road frontage. Based on the site's 100-foot frontage, 2 trees are required and are shown on the plan. The parking lot must be screened from view from the right-of-way with a continuous landscape screen or a decorative wall at least 3 feet tall. A row of dense yews, planted at a height of 24"-30", is proposed to create the 3-foot high screen within 12 months of planting.
- b. **Vehicular Surface Landscaping.** Section 4.40.3.d of the Zoning Ordinance requires internal landscaped area to be at least 5% of the paved area, which is calculated as 1,453 sq. ft. The plan states that there is 1,573 sq. ft. of landscaped area proposed. There must be 1 tree per 100 sq. ft. of proposed vehicular surface landscape area, and 16 trees are proposed. The area of each landscaped island must be identified, must be at least 360 sq. ft. each, and must have at least 1 tree.

- c. **General Landscaping.** Section 4.40.3.a.2 requires 1 tree per 3,000 sq. ft. of landscape open space. The applicant has indicated that there are no proposed open spaces, therefore this requirement may not be applicable.
- d. **Screening of Single-Family Residential Areas.** Section 4.40.3.c requires either a continuous masonry wall or chain link fence with dense landscaping 6 feet in height, or a continuous landscape buffer strip no less than 25 feet wide for nonresidential lots adjacent to single-family residential land uses. The lots to the east are zoned as R-1B; the site plan proposes a 6-foot tall concrete wall with brick stamping and 3 trees along the rear (east) lot line, and an elevation detail of the wall was submitted.

A 6-foot vinyl privacy fence is proposed between the site and the single-family dwelling to the north zoned C-1. While vinyl fence has not generally been approved as an acceptable screen, Section 4.40.3.a.4 allows the Planning Commission to modify screening standards provided that any modification is in keeping with the intent of the Zoning Ordinance. The applicant provided an elevation detail of the fence, and stated that it will easily be removed once the site to the north is redeveloped as a commercial use.

- e. **Other Requirements.** A statement regarding annual landscape material maintenance was included. Four (4) shrubs are proposed around the proposed transformer, and more detailed landscaping will be required on the final site plan.

## 7. Architecture and Façade Materials

- a. A color rendering of the building was submitted. A sheet with details of the materials shall be submitted to the Planning Commission at preliminary site plan review. The Planning Commission has consistently required new and renovated buildings along Belleville Road to reflect with the DDA's palette of red-brown brick, natural stone and limestone accents, and natural non-reflective façades. Samples of materials and colors must be presented to the Planning Commission for approval upon final site plan review, including a color rendering of all the elevations.
- b. Sheet A-3 shows that the parapet walls on the west, north, and south sides will be higher than the rooftop equipment. However, the means for screening rooftop equipment from view on the east side must be shown on the site plan, including raising the parapet on the east side or showing lines of sight from the perspective of people standing east of the site (e.g. from the residential district) as a condition of final site plan approval.
- c. All sites in commercial districts must provide on-site amenities, such as DDA-standard seating, bike racks, pedestrian plaza/respice areas, and similar features on the Belleville Road frontage to enhance the site for all future users. The site plan shows a bench and sitting area on the front lot line next to the crosswalk connection from the sidewalk on Belleville Road to the front of the building.
- d. Open space on the site must be provided, as required by Section 11.05(d)(i), at a rate of no less than 1 sq. ft. per 25 sq. ft. of the principal building or 250 sq. ft., whichever is greater. Required open space shall be independent of sidewalks, pedestrian circulation areas, and

required landscape areas, visible from the building and public right-of-way, and connected to the pedestrian system. The size of the building indicates that 250 sq. ft. of open space is required. The open space around the bench may meet this standard if it is not included as part of the landscaping requirement. The design of this open space must be submitted to determine compliance with the requirement and should be improved with features such as pavers, perennials, or other landscape elements.

8. **Lighting.** A photometric plan is included on Sheet A-1A with details of light poles and fixtures. The photometric plan shows that the light trespass does not exceed 1.0 foot-candles at the lot lines, and the fixtures are shielded.
9. **Trash Enclosure.** The proposed dumpster enclosure is concrete with a simulated brick pattern, and a gate with rough sawn wood or decorative slats. The Zoning Ordinance requires the gates to be steel-reinforced wood that is either pressure treated or wolmanized, and so the dumpster enclosure detail must be revised to meet this requirement.

Also, Section 4.14(D)(2)(c)(iii) of the Zoning Ordinance requires dumpster enclosures to be at least 20 feet from a residential district, and the proposed dumpster is only 10 feet from the boundary of the R-1B district to the east. Therefore, the dumpster must be relocated to meet this requirement. The applicant has stated that Section 4.40(3)(l)(3) of the Zoning Ordinance requires a 10-foot setback from any residential property line or zoning district, but whenever any provisions of the Zoning Ordinance conflict with each other, the most restrictive provision applies. The location of the dumpster will impact site circulation and the parking layout. However, as previously stated, with the recommended reduction of 6 parking spaces and 2 stacking spaces on the east side of the site, there is room to relocate the dumpster enclosure to be at least 20 feet from the eastern lot line.

10. **Signs.** Details must be given on the proposed monument sign including dimensions, material to be used, colors, and elevations. Even if exact signage will be determined later by tenants, an elevation of the monument sign showing dimensions and materials of the base of the structure must be submitted as a condition of preliminary site plan approval.
11. **Engineering.** The applicant has provided storm water calculations on sheet A-1. The applicant has proposed an underground pipe storage system in a letter dated August 11, 2016. Section 4.33 – Physical Features 8 of the Zoning Ordinance requires a description of a feasible storm water drainage system and any proposed storm sewer facilities including catch basins, outlets, enclosed or open ditches, and proposed swales. We defer comment to the Township Engineer regarding the appropriate level of information required to comply with this requirement and whether the site design is feasible.

#### RECOMMENDATION

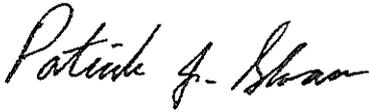
Although the applicant has revised the plan and addressed some of our previous comments, several key issues remain unresolved. While many of the items noted can be deferred to final site plan review, we recommend that the Planning Commission defer action on the preliminary site plan pending the receipt of revised plans showing a revised layout that includes the following:

1. Removing the easternmost 4 spaces of the southern parking row;

2. Removing the easternmost 2 spaces of the northern parking row;
3. Removing the 2 easternmost stacking spaces and thus reducing the number of stacking spaces to 11.
4. Striping all parking spaces with four (4) inch wide double lines spaced 24 inches apart.
5. Lengthening the angles spaces to allow a stall length of 20 feet on both sides of the stall.
6. Showing the precise angles of the angled parking spaces.
7. Making the aisle adjacent to the angled spaces 15 feet wide or the width required by the Fire Department, whichever is greater, provided the angles of the spaces do not exceed 74 degrees.
8. Calculating and labeling the area of each landscape island area, which must be at least 360 sq. ft. each.
9. Relocating the dumpster enclosure to be at least 20 feet from the eastern lot line.

Respectfully submitted,

**McKENNA ASSOCIATES**



Patrick J. Sloan, AICP  
Senior Principal Planner



Stephen Hannon  
Assistant Planner



# WADE TRIM

November 4, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Ms. Carol Thompson, Chairperson  
Van Buren Township Planning Commission

Re: Multi-Tenant Building  
Preliminary Site Plan Review

Dear Ms. Thompson:

We have reviewed the preliminary site plan package received October 31, 2016 for the multi-tenant building located at 10573 Belleville Road. The Project involves the construction of a 4,950 SF building, supplemental parking area and drive-thru. In our previous review letters, we have requested additional information be provided on the plans so that an adequate review of the site layout can be completed. Although the plans are preliminary, we believe certain missing information has the potential to adversely affect the site layout and approval process from both Van Buren Township and other jurisdictions.

Our comments on the preliminary site plan are as follows:

## GENERAL

While the site plan is preliminary, a full survey of the site should be performed at this stage and all invert elevations of existing utilities should be shown. While we understand the Designer would like to simplify the preliminary site plan stage by providing all survey requirements at the engineering stage, we recommend the outlet points for proposed utilities be investigated. Existing storm sewer inverts, in particular, can greatly impact the design and cost of development, especially if the storm water outlet must be pumped. In addition, it is a requirement of site plan submittal to have the plans signed and sealed by a Professional Engineer licensed in the State of Michigan.

## SANITARY SEWER

There is no public sanitary sewer proposed for this site. The building shall be serviced by a proposed sanitary lead connecting to an existing 12-inch sanitary sewer along Belleville Road.

## WATER MAIN

Public water main has been proposed to extend from the adjacent property to the south, across the site frontage, to accommodate future development to the north. The water service for the proposed building will be tapped from the new water main on-site.

## STORM WATER MANAGEMENT

Storm water detention will be required for this site which must be designed in conformance with both Van Buren Township Standards and Wayne County Storm Water Standards. As stated in

Wade Trim Associates, Inc. 734.947.9700  
25251 Northline Road 800.482.2864  
P.O. Box 10 734.947.9726 fax  
Taylor, MI 48180 www.wadetrim.com



the Van Buren Township Engineering Standards Manual, preliminary storm water conveyance and detention design must be provided with the site plan submittal.

The Designer has indicated that underground detention will be provided and designed during the engineering design phase. We would like to reiterate the importance of a preliminary design and review of a storm water management system at this phase. Approximately 5,600 CF of storage, along with a pretreatment system, is required for this site. All site run-off must pass through the pretreatment system before entering the detention system which greatly effects the storm sewer layout of the site and may in-turn effect the overall site layout. Due to the very small and narrow site area, the actual size of the underground detention system should be considered to ensure adequate space is available.

#### SITE ACCESS

We understand that the adjacent property to the south (Belle Tire) has not agreed to allow a paved access between their site and the subject site within the existing cross-access easement. As a result, the proposed drive approach has been shifted as far north as possible to maximize distance from the Belle Tire approach. This causes the drive approach to be located directly adjacent to the residential drive to the north, with no separation.

#### SITE LAYOUT

As currently proposed, we do not feel an RV will be able to maneuver in and out of the provided spaces along the east property line, particularly if another RV is already parked there.

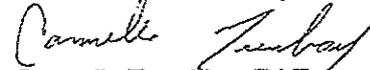
#### Recommendation

While we understand the Designer has put extensive effort into meeting requirements on such a small site, we do not feel comfortable recommending approval of this preliminary site plan without having all necessary information. Approval of this preliminary site plan is not recommended at this time.

If you have any questions regarding this review, please contact our office at 734.947.2793.

Very truly yours,

Wade Trim, Associates, Inc.

  
Carmelle Tremblay, E.I.T.

  
David M. Nummer, PE

DMN:CGT:ka  
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cc: Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development  
Mr. James Taylor, Director of Public Works

David C. McNally II  
Fire Marshal  
O: 734-699-8900 ext 9416

Van Buren Fire Department  
46425 Tyler Rd  
Belleville, MI 48111



11-4-2016

Department Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

Re: Multi-Tenant Building  
10573 Belleville Rd

16-003 SUSPR

To whom it may concern:

I have reviewed a digital plan set sent to me by Ron Akers on 10-31-2016. The plan set is also dated 10-31-2016 and is labeled site plan re-submit by R.A. Chiesa Architects, P.C. 43260 Garfield Township, Michigan 48038 (586)-263-5519

**Project Overview:**

The proposal is to build a multi-tenant building. The plan set was reviewed for Fire and Life Safety using the township adopted fire code NFPA 1 and NFPA 101 2012 editions.

Again, please note that **all** applicable **NFPA** codes and standards apply as adopted by the Township of Van Buren.

1. ~~Knox Box will need to be ordered and installed by owner where fire department indicates prior to occupancy. [www.knoxbox.com](http://www.knoxbox.com)~~ NFPA 1 16.3.4.3
2. ~~Any openings between occupancies need to be protected.~~ NFPA 101 8.4.3
3. ~~Fire extinguishers will be mounted with signage per Fire Marshal.~~ NFPA 101 38.3.5
4. ~~Monitored smoke alarm for each occupancy.~~ NFPA 1 AHJ

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

5. ~~The building shall include the building address on the building. The address shall be a minimum of 6" high letters of contrasting colors and be clearly visible. The location and size shall be verified prior to installation.~~ \_\_\_\_\_ AHJ

6. ~~A digital site plan layout will be required at final inspection.~~ \_\_\_\_\_ AHJ

Items one thru 6 will be addressed during the construction process per letter from Architect dated August 11<sup>th</sup> 2016

7. This plan has changed again and the following concerns look like they have been met.

a. Van Buren Fire Department apparatus require a 65ft outside wheel turning radius. Turning radius of a fire department access road shall be as approved by the AHJ. NFPA 1 18.2.3.4.3.1

b. The VERY narrow lane between the loading zone/RV spots and stacked cars on the North side of the drive (12ft per print). I had already said in previous meeting that 16.5ft was the minimum that we would concede from the required 20ft fire lane per code. This has returned to the 16.5 as agreed in earlier submittal.

NFPA 1 2012 18.2.4.1.1 the required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

The fire department portion of the review is approved with exceptions.

If you have any questions about this plan review report, please feel free to contact me

Respectfully submitted,

David C McInally  
Fire Marshal  
Van Buren Fire Department



TENANT SIGN

TENANT SIGN

R.A. CHIESA

# PLANNING & ZONING APPLICATION

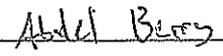
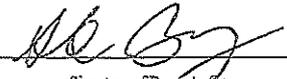
Case number 16-028

Date Submitted 8-26-16

APPLICANT INFORMATION	
Applicant	<u>Michael Berry</u> Phone <u>313-282-2856</u>
Address	<u>1175 Haggerty rd</u> Fax _____
City, State	<u>Van Buren Township</u> Zip <u>48111</u>
E-mail	<u>Berry.m13@yahoo.com</u> Cell Phone Number <u>313-282-2856</u>
Property Owner	<u>Abdel Berry</u> Phone <u>313-468-5202</u> <small>(if different than applicant)</small>
Address	<u>14611 Lansing</u> Fax <u>734-941-9332</u>
City, State	<u>Dearborn, MI</u> Zip <u>48126</u>
Billing Contact	<u>Michael Berry</u> Phone _____
Address	_____ Fax <u>734-642-011</u>
City, State	_____ Zip <u>48111</u>

SITE/PROJECT INFORMATION	
Name of Project	<u>BP/Tm Hortons</u>
Parcel Id No. <u>VI25-83-</u>	Project Address <u>1175 Haggerty rd Van Buren 48111</u>
Attach Legal Description of Property	
Property Location: On the <u>Haggerty</u> Side of <u>Day Service Road</u> ; Between _____ Road and _____ Road.	Size of Lot Width _____ Depth _____
Acreage of Site _____	Total Acres of Site to Review _____ Current Zoning of Site _____
Project Description: <u>Remodel existy restaurant to Tom Hortons.</u>	
Is a re-zoning of this parcel being requested? <u>N</u>	YES (if yes complete next line) NO
Current Zoning of Site _____	Requested Zoning _____

SPECIAL PERMIT/WORKSHEET	
Does the Proposed Use Require Special Approval?	YES (if yes complete next line) NO
Section of Zoning Ordinance for which you are applying <u>Drive thru</u>	
Is there an official Woodland within parcel? _____	Woodland acreage: _____
List total number of regulated trees outside the Woodland area? _____	Total number of trees _____
Detailed description for cutting trees _____	
If applicable application <u>MUST</u> be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.	

OWNER'S AFFIDAVIT	
 _____ Print Property Owners Name	
 _____ Signature of Property Owner	<u>8/26/16</u> _____ Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_, Notary Public, \_\_\_\_\_ County, Michigan My Commission expires \_\_\_\_\_, 20\_\_\_\_

Rev 1/12/06

October 21, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: VBT-16-028 SLU; BP Tim Hortons at 11175 Haggerty Road; SLU #2;  
Plans Dated September 30, 2016.**

Dear Commissioners:

The applicant proposes to construct a drive-through Tim Hortons at an already existing BP gas station at 11175 Haggerty Road, which is located at the northeast corner of the intersection of Haggerty Road and North I-94 Service Drive. The site is zoned C-1 (General Business District) and is 1.66 acres in area. The drive-through use requires special use approval in the C-1 District.

#### COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Section 12.03(d) and the discretionary standards listed in Section 18.08(f) of the Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings, and accepted principles of good planning and design.

#### Section 18.08(f): General Standards for Special Approval.

- 1. Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site is zoned C-1 and located at the corner of Haggerty Road and North Interstate 94 Service Drive. Another gas station is located immediately across the street, otherwise the site is surrounded by vacant land. Drive-thru uses are economically and socially desirable near freeway interchanges.
- 2. Is necessary for the public convenience at that location.** Haggerty Road is a major commercial thoroughfare and the site's location near I-94 makes a drive-thru use potentially convenient for customers and the general public.
- 3. Is compatible with adjacent uses of land.** The site is surrounded by vacant woodlands, so the drive-thru use is well-screened from any future development on adjacent land. All of the surrounding land is also zoned C-1.
- 4. Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The drive-thru area is designed to allow for the smooth flow of cars using the drive-thru and other users of the site. The public health, safety, and welfare will be protected based on the current site design.

5. **Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** The site's demand for public services and facilities will be commensurate with a commercially used site, and will not likely diminish or adversely affect public services to existing uses in the area.
6. **Will not cause injury to other property in the neighborhood in which it is to be located.** The site as currently designed is not anticipated to cause any adverse effects to the existing uses, marketability, or desirability of the other commercial and residential properties in the area. The site has functioned successfully as a gas station and convenience store for many years, and we are not aware of injury caused to any property in the area as a result of the site's use.
7. **Considers the natural environment and helps conserve natural resources and energy.** Because of the relatively minor site changes, there are no anticipated adverse effects on the area's natural resources. The site does not appear to be located near wetlands or other sensitive natural features. The site's existing and proposed landscaping is covered in our site plan review letter.
8. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** The site design has been greatly improved since the previous iteration, addressing several outstanding concerns. Any further concerns with the site plan are covered in our site plan review letter, in which we recommend preliminary site plan approval with conditions.
9. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.

**Section 12.03(d): Specific Standards for Special Approval.** Section 12.03(d) provides specific standards for drive-in uses in the C-1 District; the proposal's compliance with those standards is evaluated below.

1. **Entrances and exits must be 100 feet from the intersection of any two streets.** There are two (2) existing entrance/exit drives to the site: one at Haggerty Road and one at North I-94 Service Drive. The driveway at Haggerty Road is almost 200 feet from the intersection. The driveway at N. I-94 Service Drive is approximately 104 feet from the intersection if the distance is measured from the driveway to the pavement (not the right-of-way) of Haggerty Road. Although the definition of "intersection" is not defined in the Zoning Ordinance, we believe that the existing driveway on at N. I-94 Service Drive satisfies that 100-foot setback requirement from the intersection.
2. **Must have direct access to a major thoroughfare.** The site has direct access to Haggerty Road and N. I-94 Service Drive, both of which are major thoroughfares.
3. **No lighting or illuminated display shall reflect onto a residential zone.** All adjacent properties are zoned C-1, so this standard is not applicable.

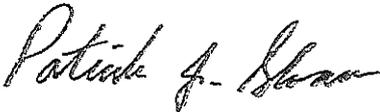
4. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** There are no places that children congregate near the site, so there are no potential issues with this standard.

#### RECOMMENDATION

Based on the above, we find the proposed drive-thru use meets the standards for special use approval, provided the ±104-foot distance from the driveway at N. I-94 Service Drive to the intersection with Haggerty Road is acceptable. We recommend that the Planning Commission recommend special use approval for the drive-thru to the Township Board, subject to the condition of preliminary and final site plan approval.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP  
Senior Principal Planner



Stephen Hannon  
Assistant Planner

October 21, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, Michigan 48111

**Subject: VBT-16-028 SPR; Tim Hortons Drive-Through at 11175 Haggerty Road; Site Plan Review #2;  
Plans Revision Dated September 30, 2016**

Dear Commissioners:

The applicant proposes to add a drive-through Tim Hortons to an already existing BP gas station at 11175 Haggerty Road, which is located at the northeast corner of the intersection of Haggerty Road and North I-94 Service Drive. The site is 1.66 acres in area. The site is zoned C-1 (General Business District), which permits drive-through uses via Special Land Use approval. Our comments on the special land use application for the proposed drive-through are in a separate letter.



Aerial Image of Site (Source: Google Maps 2016)

We have reviewed the site plan for compliance with the Township's Zoning Ordinance and with sound planning and design principles, and we offer the following comments for your consideration:

## COMMENTS

1. **Use.** Drive-through restaurants are permitted by special use approval in the C-1 District, subject to a recommendation by the Planning Commission and final action by the Township Board of Trustees. Site plan approval by the Planning Commission is also required. A use statement has been added to the plan, stating that the Tim Hortons will occupy the space previously used by the drive-thru Tubby's sub sandwich shop. Tim Horton's will be open 24 hours per day.
2. **Dimensional Requirements.** The required setbacks in the C-1 district are: 75 ft. front yard, 15 ft. side yards, and 25 ft. rear yard. All setback requirements are noted on the plan and met by the existing building and canopy, and no changes to these structures are proposed.
3. **Specific Use Standards.** Please refer to our special use approval letter for a discussion on the specific standards of Section 12.03.d that apply to drive-through facilities.
4. **Site Layout and Circulation.**
  - a. **Stacking Spaces and Drive-Through Bypass Lane.** The required 15 drive-thru stacking spaces are shown, and are now all located on the same side of the access drive from North I-94 Service Drive. This was done by removing the 7 parking spaces within this area of the site and by using more of the existing pavement for a wider turning radius near the building at the drive-thru windows.
  - b. **Drive-Through Turn Radius.** The drive-through turn radius near the building has been widened to allow easier vehicle turns at this part of the site. The drive-through lane is designed to leave enough space for the loading area and for access to the dumpster.
  - c. **Sidewalks.** There are existing sidewalks along frontages adjacent to Haggerty Road and North I-94 Service Drive. Because of the current lack of pedestrian activity, a sidewalk connecting to the building entrance is not necessary at this time. Adding sidewalks can be revisited in the future if development in the area generates more pedestrian activity.
5. **Dumpster.** Section 4.14 of the Zoning Ordinance requires the dumpster to be enclosed on three sides by a brick or decorative concrete wall that matches or complements the building, with the fourth side enclosed by steel-reinforced pressure treated or wolmanized gate. There is an existing dumpster enclosure in the northeast corner of the site. Sheet SP-1 states that this dumpster is enclosed with 6-foot high brick faced walls and a steel gate with inserts. We recommend that pictures be added to the plans and that the gate be changed to a steel-reinforced pressure treated or wolmanized gate. The proposed access to the dumpster has been improved with the reconfiguration of the drive-through lane and addition of an escape area between two of the stacking spaces.
6. **Landscaping and Screening.**
  - a. **Landscaping Adjacent to the Right-of-Way.** Section 4.40(3)(b) of the Zoning Ordinance requires that parking spaces adjacent to rights-of-way to be screened by a continuous landscape screen of at least 3 feet in height or a 3-foot high decorative screening wall. The

parking area is screened by an existing 3-foot high brick wall. One tree is required for each 50 linear feet of frontage. The site has 436 feet of frontage and thus requires 9 trees. There are 11 trees proposed and existing for in front of the wall.

- b. **Landscaping Schedule and Other Landscaping Requirements.** The site plan shows 20 “existing deciduous” trees and 10 “existing evergreen” trees. There are 3 Serviceberry trees, 3 Maple trees, and 65 total shrubs proposed to be added on site. The site plan must include the landscape calculations to confirm compliance with the landscaping requirements of Section 4.40 of the Zoning Ordinance, including general landscaping, vehicular surface landscaping, and loading area landscaping. The height or caliper of existing trees and shrubs must also be included.
- c. **Maintenance.** Per Section 4.42 of the Zoning Ordinance, provisions for irrigation and maintenance of landscape material must be noted.

7. **Parking and Loading.** Requirements per Section 6.01(C) of the Zoning Ordinance are as follows:

Standard	Applicable Measurement	Number of Spaces Required	Number of Spaces Provided
<b>Gas Station/Convenience Store</b>			
2 spaces per gasoline pump island	5 pump islands	10	10
1 space per 200 sq. ft. of gross floor area	2,766 sq. ft. of gross floor area for retail sales	14	20
1 space per employee in maximum shift	2 at maximum shift	2	
<b>Drive-Through</b>			
22 spaces per 1,000 sq. ft. usable floor area	270 sq. ft. of usable floor area for drive-through use	6	6
1 space per employee in maximum shift	4 at maximum shift	4	4
2 longer spaces for RVs	2 located on north side of site	2	2
<b>Drive-Through Stacking</b>			
5 stacking spaces between pick-up window & order station	5 provided	5	5
10 stacking spaces per order station	10 provided	10	10

- a. **Floor Plans and Employee Information.** A floor plan was provided showing the layout of the convenience store and drive-through use. There will be two employees on the maximum shift at the convenience store, and four employees on the maximum shift at the drive-through use.
- b. **Parking Space Dimensions.** The length of parking spaces must be shown as a typical dimension. All 90° and 60° spaces must be 9.5 feet wide and 20 feet deep.
- c. **Loading Area.** A 10 foot x 25 foot loading area is provided behind the building next to the reconfigured drive-through lane.

8. **Architecture and Facades.** Building elevations are now provided, which show brick and wall pack as the main materials used. The building is 20 feet tall at its highest point. There are two existing rooftop mechanical units which are not shown on the elevations. These units should be added, and the plans should demonstrate how they are shielded from the view of people at ground level.
9. **Open Space.** Open space must be set aside on the site, as required by Section 11.05(d)(i), in the amount of not less than 1 sq. ft. per 25 sq. ft. of principal building. This open space shall be independent of sidewalks, pedestrian circulation areas, and required landscape areas, visible from the building and public right-of-way, and connected to the pedestrian system. Based on the building area of 4,166 sq. ft., 167 sq. ft. of open space is required. There is an existing patio area near the building designated, which is 240 square feet and is the open space for this site. It is our understanding that there is an existing table and seating area on this patio, so we recommend noting this on the plans.
10. **Lighting.** A photometric plan is included with the site plan. The most intense light is under the gas canopy at 10.0 foot candles. A new light pole will be installed near the drive-through order window. Sheet SP-2 includes details of the light pole, which will be 14 feet high and contain a fixture that is directed downward. Light trespass onto neighboring properties or into the right-of-way generally does not exceed 1.0 foot candles, which is appropriate for a commercial site surrounded by a mostly vacant area or other commercial sites.
11. **Signs.** There is an existing monument sign and signs on the building and canopy for the existing gas station use. Details are required for all existing and proposed signs, including dimensions, materials, colors, and lighting. Signs in the C-1 District are regulated by Section 20.409(4) of the Zoning Ordinance.
12. **Additional Items.** The plans do not scale according to the scale indicated on the plans. The plans must be printed at the appropriate scale.

#### RECOMMENDATION

The applicant has revised the site plan and responded to several items from the previous review. While there are still some outstanding items, we believe these can be handled during final site plan review. Therefore, we recommend that the Planning Commission approve the preliminary site plan with the following conditions:

1. Pictures of the existing dumpster enclosure be added to the plans and that the gate be changed to a steel-reinforced pressure treated or wolmanized gate.
2. The site plan must include landscape calculations to confirm compliance with the landscaping requirements of Section 4.40 of the Zoning Ordinance, including general landscaping, vehicular surface landscaping, and loading area landscaping.
3. The height or caliper of existing trees and shrubs must also be included.
4. Provisions for irrigation and maintenance of landscape material must be noted.
5. The length of parking spaces must be shown as a typical dimension.
6. Rooftop units should be added to the elevation drawings and the plans should demonstrate how they are shielded from the view of people at ground level.

7. That the existing table and seating area on the patio be added to the plans.
8. Details are needed for all existing and proposed signs, including dimensions, materials, colors, and lighting.
9. The plans must be printed at the appropriate scale.

Respectfully submitted,  
McKENNA ASSOCIATES



Patrick J. Sloan, AICP  
Senior Principal Planner



Stephen Hannon  
Assistant Planner



# WADE TRIM

October 13, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Ms. Carol Thompson, Chairperson  
Van Buren Township Planning Commission

Re: Tim Horton's – 11175 Haggerty Road  
Recommendation for Approval

Dear Ms. Thompson:

At your request, we have reviewed the preliminary site plan package for the Tim Horton's drive-thru project located at 11175 Haggerty Road.

The site improvements involve minor parking re-striping and the addition of a small curbed island in order to facilitate a drive-thru. Proposed site circulation has been evaluated and found acceptable. All parking spaces shall be double-striped and the existing parking area has a curbed perimeter. There are no utilities or additional paving proposed with this site plan.

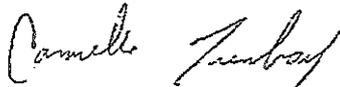
Recommendation

Due to the very minor site changes that do not necessitate an engineering review, we would like to offer our recommendation for both preliminary and final site plan approval, accepted at the discretion of the Planning Commission.

If you have any questions regarding this project, please contact our office at 734.947.2768.

Very truly yours,

Wade Trim Associates, Inc.

  
Carmelle Tremblay, E.I.T.

  
David M. Nummer, PE

DMN:CGT:jel  
VBN 2274-01T  
[10122016Thompson.docx](#)

cc: Mr. James Taylor, Director of Public Works  
Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development

Wade Trim Associates, Inc. 734.947.9700  
25251 Northline Road 800.482.2864  
P.O. Box 10 734.947.9726 fax  
Taylor, MI 48180 www.wadetrim.com





# WADE TRIM

October 13, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: Tim Horton's – 11175 Haggerty Road  
Recommendation for Approval

Dear Mr. Taylor:

At your request, we have reviewed the updated preliminary site plan package for the Tim Horton's drive-thru project located at 11175 Haggerty Road. The Project involves minor site changes to provide a drive-thru for an existing building.

The Designer has removed the additional parking spaces west of the drive-thru lane which, as initially proposed, hindered site circulation. As updated, a drive-thru and by-pass lane are provided with adequate space for circulation.

There are no utilities or additional paving proposed as part of this site plan.

Recommendation

We are recommending preliminary approval of the site plan at this time. Due to the very minor site changes that do not necessitate an engineering review, we would also like to offer our recommendation for final site plan approval, accepted at the discretion of the Planning Commission.

If you have any questions regarding this review, please contact our office at 734.947.2793.

Very truly yours,

Wade Trim Associates, Inc.

Carmelle Tremblay, EIT

David M. Nummer, PE

DMN:CGT:jei  
VBN 2274-01T  
[10122016Taylor.docx](#)

cc: Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development

Wade Trim Associates, Inc. 734.947.9700  
25251 Northline Road 800.482.2864  
P.O. Box 10 734.947.9726 fax  
Taylor, MI 48180 [www.wadetrim.com](http://www.wadetrim.com)



David C. McNally II  
Battalion Chief / Fire Marshal  
O: 734-699-8900 ext9416

Van Buren Fire Department  
46425 Tyler Rd  
Van Buren Twp., MI 48111



October 3, 2016

Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

Re: Tim Horton's  
11175 Haggerty  
Belleville, Mi. 48111  
16-028

I reviewed the plans given to your office on 8-26 and to me on 8-30 from Ziad El-Baba Engineering, 674 Gauthier Tecumseh, Ontario N8N3P8 Canada

1. ~~Where the drive thru is coming to a point at the building on the South East corner is a problem. I would want striping and signage that indicates fire lane and not to block drive with waiting cars.~~

2. A Knox Box is required on the building for both tenants. The Knox Box location will be verified prior to the installation on the building. [www.knoxbox.com](http://www.knoxbox.com) NFPA 1 18.2.2.1

With the above considerations, the plan set is approved as submitted.

A digital cad layout of the building is required by this department prior to our final C of O inspection.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes.

Respectfully Submitted,  
David C McNally

Fire Marshal  
Van Buren Fire Department

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

# PLANNING & ZONING APPLICATION

Case number 16-028

Date Submitted 8-26-16

**APPLICANT INFORMATION**

Applicant Michael Berry Phone 313-282-2856  
 Address 1175 Haggerty rd Fax \_\_\_\_\_  
 City, State Van Buren Township Zip 48111  
 E-mail Berryml13@yahoo.com Cell Phone Number 313-282-2856  
 Property Owner Alld Berry Phone 313-468-5202  
 (if different than applicant)  
 Address 14611 Lansing Fax 734-941-9332  
 City, State Dearborn, MI Zip 48126  
 Billing Contact Michael Berry Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Fax 734-642-011  
 City, State \_\_\_\_\_ Zip 48111

**SITE/PROJECT INFORMATION**

Name of Project BP/ Tom Hartman  
 Parcel Id No. V125-83- Project Address 1175 Haggerty rd Van Buren 48111

Attach Legal Description of Property

Property Location: On the Haggerty Side of Taylor Service Drive Road; Between \_\_\_\_\_ Road  
 and \_\_\_\_\_ Road. Size of Lot Width \_\_\_\_\_ Depth \_\_\_\_\_

Acreage of Site \_\_\_\_\_ Total Acres of Site to Review \_\_\_\_\_ Current Zoning of Site \_\_\_\_\_

Project Description: Remodel existing restaurant to Tom Hartman's.

Is a re-zoning of this parcel being requested? N YES (if yes complete next line) NO  
 Current Zoning of Site \_\_\_\_\_ Requested Zoning \_\_\_\_\_

**SPECIAL PERMIT INFORMATION**

Does the Proposed Use Require Special Approval? YES (if yes complete next line) NO  
 Section of Zoning Ordinance for which you are applying Drive thru

Is there an official Woodland within parcel? \_\_\_\_\_ Woodland acreage: \_\_\_\_\_  
 List total number of regulated trees outside the Woodland area? \_\_\_\_\_ Total number of trees \_\_\_\_\_  
 Detailed description for cutting trees \_\_\_\_\_

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

**OWNER'S AFFIDAVIT**

Alld Berry

Print Property Owners Name

Alld Berry

Signature of Property Owner

9/26/16

Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan My Commission expires \_\_\_\_\_, 20\_\_\_\_

October 21, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: VBT-16-028 SLU; BP Tim Hortons at 11175 Haggerty Road; SLU #2;  
Plans Dated September 30, 2016.**

Dear Commissioners:

The applicant proposes to construct a drive-through Tim Hortons at an already existing BP gas station at 11175 Haggerty Road, which is located at the northeast corner of the intersection of Haggerty Road and North I-94 Service Drive. The site is zoned C-1 (General Business District) and is 1.66 acres in area. The drive-through use requires special use approval in the C-1 District.

#### COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Section 12.03(d) and the discretionary standards listed in Section 18.08(f) of the Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings, and accepted principles of good planning and design.

#### Section 18.08(f): General Standards for Special Approval.

- 1. Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site is zoned C-1 and located at the corner of Haggerty Road and North Interstate 94 Service Drive. Another gas station is located immediately across the street, otherwise the site is surrounded by vacant land. Drive-thru uses are economically and socially desirable near freeway interchanges.
- 2. Is necessary for the public convenience at that location.** Haggerty Road is a major commercial thoroughfare and the site's location near I-94 makes a drive-thru use potentially convenient for customers and the general public.
- 3. Is compatible with adjacent uses of land.** The site is surrounded by vacant woodlands, so the drive-thru use is well-screened from any future development on adjacent land. All of the surrounding land is also zoned C-1.
- 4. Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The drive-thru area is designed to allow for the smooth flow of cars using the drive-thru and other users of the site. The public health, safety, and welfare will be protected based on the current site design.

5. **Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** The site's demand for public services and facilities will be commensurate with a commercially used site, and will not likely diminish or adversely affect public services to existing uses in the area.
6. **Will not cause injury to other property in the neighborhood in which it is to be located.** The site as currently designed is not anticipated to cause any adverse effects to the existing uses, marketability, or desirability of the other commercial and residential properties in the area. The site has functioned successfully as a gas station and convenience store for many years, and we are not aware of injury caused to any property in the area as a result of the site's use.
7. **Considers the natural environment and helps conserve natural resources and energy.** Because of the relatively minor site changes, there are no anticipated adverse effects on the area's natural resources. The site does not appear to be located near wetlands or other sensitive natural features. The site's existing and proposed landscaping is covered in our site plan review letter.
8. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** The site design has been greatly improved since the previous iteration, addressing several outstanding concerns. Any further concerns with the site plan are covered in our site plan review letter, in which we recommend preliminary site plan approval with conditions.
9. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.

**Section 12.03(d): Specific Standards for Special Approval.** Section 12.03(d) provides specific standards for drive-in uses in the C-1 District; the proposal's compliance with those standards is evaluated below.

1. **Entrances and exits must be 100 feet from the intersection of any two streets.** There are two (2) existing entrance/exit drives to the site: one at Haggerty Road and one at North I-94 Service Drive. The driveway at Haggerty Road is almost 200 feet from the intersection. The driveway at N. I-94 Service Drive is approximately 104 feet from the intersection if the distance is measured from the driveway to the pavement (not the right-of-way) of Haggerty Road. Although the definition of "intersection" is not defined in the Zoning Ordinance, we believe that the existing driveway on at N. I-94 Service Drive satisfies that 100-foot setback requirement from the intersection.
2. **Must have direct access to a major thoroughfare.** The site has direct access to Haggerty Road and N. I-94 Service Drive, both of which are major thoroughfares.
3. **No lighting or illuminated display shall reflect onto a residential zone.** All adjacent properties are zoned C-1, so this standard is not applicable.

4. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** There are no places that children congregate near the site, so there are no potential issues with this standard.

#### RECOMMENDATION

Based on the above, we find the proposed drive-thru use meets the standards for special use approval, provided the ±104-foot distance from the driveway at N. I-94 Service Drive to the intersection with Haggerty Road is acceptable. We recommend that the Planning Commission recommend special use approval for the drive-thru to the Township Board, subject to the condition of preliminary and final site plan approval.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP  
Senior Principal Planner



Stephen Hannon  
Assistant Planner

October 21, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, Michigan 48111

**Subject: VBT-16-028 SPR; Tim Hortons Drive-Through at 11175 Haggerty Road; Site Plan Review #2;  
Plans Revision Dated September 30, 2016**

Dear Commissioners:

The applicant proposes to add a drive-through Tim Hortons to an already existing BP gas station at 11175 Haggerty Road, which is located at the northeast corner of the intersection of Haggerty Road and North I-94 Service Drive. The site is 1.66 acres in area. The site is zoned C-1 (General Business District), which permits drive-through uses via Special Land Use approval. Our comments on the special land use application for the proposed drive-through are in a separate letter.



Aerial Image of Site (Source: Google Maps 2016)

We have reviewed the site plan for compliance with the Township's Zoning Ordinance and with sound planning and design principles, and we offer the following comments for your consideration:

## COMMENTS

1. **Use.** Drive-through restaurants are permitted by special use approval in the C-1 District, subject to a recommendation by the Planning Commission and final action by the Township Board of Trustees. Site plan approval by the Planning Commission is also required. A use statement has been added to the plan, stating that the Tim Hortons will occupy the space previously used by the drive-thru Tubby's sub sandwich shop. Tim Horton's will be open 24 hours per day.
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  - c. **Sidewalks.** There are existing sidewalks along frontages adjacent to Haggerty Road and North I-94 Service Drive. Because of the current lack of pedestrian activity, a sidewalk connecting to the building entrance is not necessary at this time. Adding sidewalks can be revisited in the future if development in the area generates more pedestrian activity.
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  - a. **Landscaping Adjacent to the Right-of-Way.** Section 4.40(3)(b) of the Zoning Ordinance requires that parking spaces adjacent to rights-of-way to be screened by a continuous landscape screen of at least 3 feet in height or a 3-foot high decorative screening wall. The

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5 stacking spaces between pick-up window & order station	5 provided	5	5
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- a. **Floor Plans and Employee Information.** A floor plan was provided showing the layout of the convenience store and drive-through use. There will be two employees on the maximum shift at the convenience store, and four employees on the maximum shift at the drive-through use.
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9. **Open Space.** Open space must be set aside on the site, as required by Section 11.05(d)(i), in the amount of not less than 1 sq. ft. per 25 sq. ft. of principal building. This open space shall be independent of sidewalks, pedestrian circulation areas, and required landscape areas, visible from the building and public right-of-way, and connected to the pedestrian system. Based on the building area of 4,166 sq. ft., 167 sq. ft. of open space is required. There is an existing patio area near the building designated, which is 240 square feet and is the open space for this site. It is our understanding that there is an existing table and seating area on this patio, so we recommend noting this on the plans.
10. **Lighting.** A photometric plan is included with the site plan. The most intense light is under the gas canopy at 10.0 foot candles. A new light pole will be installed near the drive-through order window. Sheet SP-2 includes details of the light pole, which will be 14 feet high and contain a fixture that is directed downward. Light trespass onto neighboring properties or into the right-of-way generally does not exceed 1.0 foot candles, which is appropriate for a commercial site surrounded by a mostly vacant area or other commercial sites.
11. **Signs.** There is an existing monument sign and signs on the building and canopy for the existing gas station use. Details are required for all existing and proposed signs, including dimensions, materials, colors, and lighting. Signs in the C-1 District are regulated by Section 20.409(4) of the Zoning Ordinance.
12. **Additional Items.** The plans do not scale according to the scale indicated on the plans. The plans must be printed at the appropriate scale.

## RECOMMENDATION

The applicant has revised the site plan and responded to several items from the previous review. While there are still some outstanding items, we believe these can be handled during final site plan review. Therefore, we recommend that the Planning Commission approve the preliminary site plan with the following conditions:

1. Pictures of the existing dumpster enclosure be added to the plans and that the gate be changed to a steel-reinforced pressure treated or wolmanized gate.
2. The site plan must include landscape calculations to confirm compliance with the landscaping requirements of Section 4.40 of the Zoning Ordinance, including general landscaping, vehicular surface landscaping, and loading area landscaping.
3. The height or caliper of existing trees and shrubs must also be included.
4. Provisions for irrigation and maintenance of landscape material must be noted.
5. The length of parking spaces must be shown as a typical dimension.
6. Rooftop units should be added to the elevation drawings and the plans should demonstrate how they are shielded from the view of people at ground level.

7. That the existing table and seating area on the patio be added to the plans.
8. Details are needed for all existing and proposed signs, including dimensions, materials, colors, and lighting.
9. The plans must be printed at the appropriate scale.

Respectfully submitted,  
McKENNA ASSOCIATES



Patrick J. Sloan, AICP  
Senior Principal Planner



Stephen Hannon  
Assistant Planner



# WADE TRIM

October 13, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Ms. Carol Thompson, Chairperson  
Van Buren Township Planning Commission

Re: Tim Horton's – 11175 Haggerty Road  
Recommendation for Approval

Dear Ms. Thompson:

At your request, we have reviewed the preliminary site plan package for the Tim Horton's drive-thru project located at 11175 Haggerty Road.

The site improvements involve minor parking re-striping and the addition of a small curbed island in order to facilitate a drive-thru. Proposed site circulation has been evaluated and found acceptable. All parking spaces shall be double-striped and the existing parking area has a curbed perimeter. There are no utilities or additional paving proposed with this site plan.

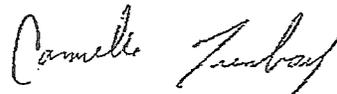
#### Recommendation

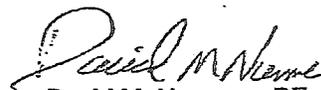
Due to the very minor site changes that do not necessitate an engineering review, we would like to offer our recommendation for both preliminary and final site plan approval, accepted at the discretion of the Planning Commission.

If you have any questions regarding this project, please contact our office at 734.947.2768.

Very truly yours,

Wade Trim Associates, Inc.

  
Camelle Tremblay, E.I.T.

  
David M. Nummer, PE

DMN:CGT;jel  
VBN 2274-01T  
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cc: Mr. James Taylor, Director of Public Works  
Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development

Wade Trim Associates, Inc. 734.947.9700  
25251 Northline Road 800.482.2864  
P.O. Box 10 734.947.9726 fax  
Taylor, MI 48180 [www.wadetrim.com](http://www.wadetrim.com)





# WADE TRIM

October 13, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: Tim Horton's – 11175 Haggerty Road  
Recommendation for Approval

Dear Mr. Taylor:

At your request, we have reviewed the updated preliminary site plan package for the Tim Horton's drive-thru project located at 11175 Haggerty Road. The Project involves minor site changes to provide a drive-thru for an existing building.

The Designer has removed the additional parking spaces west of the drive-thru lane which, as initially proposed, hindered site circulation. As updated, a drive-thru and by-pass lane are provided with adequate space for circulation.

There are no utilities or additional paving proposed as part of this site plan.

Recommendation

We are recommending preliminary approval of the site plan at this time. Due to the very minor site changes that do not necessitate an engineering review, we would also like to offer our recommendation for final site plan approval, accepted at the discretion of the Planning Commission.

If you have any questions regarding this review, please contact our office at 734.947.2793.

Very truly yours,

Wade Trim Associates, Inc.

Carmelle Tremblay, EIT

David M. Nummer, PE

DMN:CGT:jel  
VBN 2274-01T  
10122016Taylor.docx

cc: Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development

Wade Trim Associates, Inc. 734.947.9700  
25251 Northline Road 800.482.2864  
P.O. Box 10 734.947.9726 fax  
Taylor, MI 48180 www.wadetrim.com



David C. McNally II  
Battalion Chief / Fire Marshal  
O: 734-699-8900 ext9416

Van Buren Fire Department  
46425 Tyler Rd  
Van Buren Twp., MI 48111



October 3, 2016

Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

Re: Tim Horton's  
11175 Haggerty  
Belleville, Mi. 48111  
16-028

I reviewed the plans given to your office on 8-26 and to me on 8-30 from Ziad El-Baba Engineering, 674 Gauthier Tecumseh, Ontario N8N3P8 Canada

1. ~~Where the drive thru is coming to a point at the building on the South East corner is a problem. I would want striping and signage that indicates fire lane and not to block drive with waiting cars.~~

2. A Knox Box is required on the building for both tenants. The Knox Box location will be verified prior to the installation on the building. [www.knoxbox.com](http://www.knoxbox.com) NFPA 1 18.2.2.1

With the above considerations, the plan set is approved as submitted.

A digital cad layout of the building is required by this department prior to our final C of O inspection.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes.

Respectfully Submitted,  
David C McNally

Fire Marshal  
Van Buren Fire Department

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.



# Memo

**TO:** Planning Commission

**FROM:** Matthew R. Best  
Deputy Director of Planning and Economic Development

**RE:** Shoreline Management Ordinance

**DATE:** November 4, 2016

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After months of work the Lakeshore Management Workgroup, a group of residents under Township Staff facilitation, produced a new draft of the Shoreline Zoning Ordinance addition and Shoreline General Ordinance. The updated document responds to the concerns residents brought to the Planning Commission and Staff at multiple meetings earlier this year. Some of the changes addressed are...

- Residents responsibility to maintain the Township Property abutting their property.
- Increasing the number of watercraft on a single family residential parcel from 6 to 10.
- Stairs only being permitted if reasonably necessary to access the permitted uses.
- Facilities permitted on Township property shall not be rented or leased
- by any other persons.
- The 'vested structures' statement was removed.
- The Township's ability to enforce the FERC license was affirmed.
- Docks setback from lot lines is now 10 feet.
- The MDEQ's ability to enforce their permit requirements was affirmed.
- The restriction of boardwalks, catwalks, or other walkways widths at one foot over the water and no more than 6 feet in width was removed.
- Lot frontage coverage was increased from 50% to 60%
- The section defining multiple docks, boat lifts, or similar water based structures separated by 10 feet or less being considered as one unit was removed.
- The section requiring address signs on docks was removed (This is already a requirement of an existing Township ordinance.)
- It was stated that no part of any boat storage device structure may be used as a deck or outdoor living space.

- The height and roof pitch restrictions on boat storage device structures was removed.
- The ‘grandfathering’ issue was addressed by adding the following two statements...
  1. “The presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license.”
  2. “Any structures, other than secondary living spaces on Township Lake Property or blight, existing prior to the adoption date of this ordinance are considered grandfathered and shall not be subject to Township action under this ordinance.”

The Lakeshore Management Workgroup present the Shoreline Ordinance Amendment and General Ordinance for Planning Commission Review.

CHARTER TOWNSHIP OF VAN BUREN

COUNTY OF WAYNE  
STATE OF MICHIGAN

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO ADD A NEW ARTICLE XVIC, BELLEVILLE LAKE SHORELINE DISTRICTS.

THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS

**SECTION 1. Add a new ARTICLE XVIC, BELLEVILLE LAKE SHORELINE DISTRICTS to read as follows:**

**SECTION 16.01C. PURPOSE.**

The Charter Township of Van Buren recognizes and concludes that the proper and safe use of Belleville Lake is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the Lake in the Township, to preserve and protect the quality and safety of the Lake and shorelines and the rights of adjacent owners and users as well as the Township as a whole, to promote the public health, safety and welfare of all persons making use of the Lake within the Township and properties adjacent to the Lake in the Township, and to ensure compliance with federal and state laws in light of the Township's ownership of the land in and adjacent to Belleville Lake, as well as with the terms of the Federal Energy Regulatory Commission (FERC) license to operate the French Landing Dam. Accordingly, it is the intent and purpose of the Township Board to enact reasonable regulations for the number and placement of docks, installation of sea walls, earth excavation or grading, and other matters with respect to Belleville Lake in the Township. It is further the intent of the Township Board to restrict the private use of Township-owned Lake property to those water-based uses and structures customarily accessible to a waterfront lot, and to affirm that abutting property owners are responsible for maintaining both their property at the periphery of the Lake and the Township-owned Lake property adjacent abutting to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

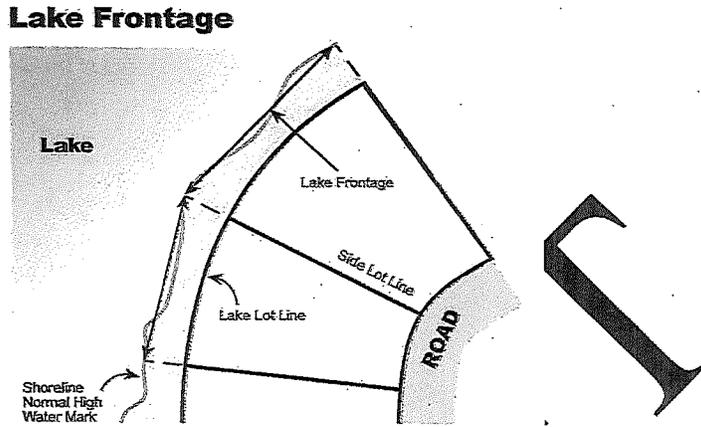
**SECTION 16.02C. DEFINITIONS.**

For the purposes of this section:

- a. "Boardwalk" means a walkway made of planking.

- b. "Boat" means every description of watercraft used or capable of being used as a means of transportation on water as defined under Part 801 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.80101.
- c. "Boat cradle", "shore station", "boat hoist" and "boat lift" means a device for the purpose of mooring, anchoring or holding a watercraft in, on or above the water in the Lake.
- d. "Bottomland" means the land area that lies below the normal high water mark.
- e. "Catwalk" means a narrow footway along the edge of a seawall or similar feature raised above the shoreline.
- f. "Common use lot" means any private site, platted lot or other parcel held in common by a subdivision, association, or similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use Lake access to non-Lakefront lots or land owners.
- g. "Director" means the Director of Planning and Economic Development of the Charter Township of Van Buren, or successor charged with enforcing this Ordinance.
- h. "Dock" means a structure, platform or fixture extending from the shore or bottomlands into a Lake.
- i. "Dock Stem" means that portion of a dock or mooring structure that extends perpendicular to the shore.
- j. "Docked" or "docking" means the mooring, tethering, or mooring of a watercraft directly to a structure, platform, pole, anchor or dock; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or anchoring or tethering to the bottomlands of a Lake.
- k. "Lake" or "Belleville Lake" means that portion of Belleville Lake within Wayne County.
- l. "Lake Frontage" or "Frontage" means the distance between the side lot lines of a lot or parcel as extended to the Belleville Lake shoreline, measured between their points of intersection with the shoreline at the normal high water mark.

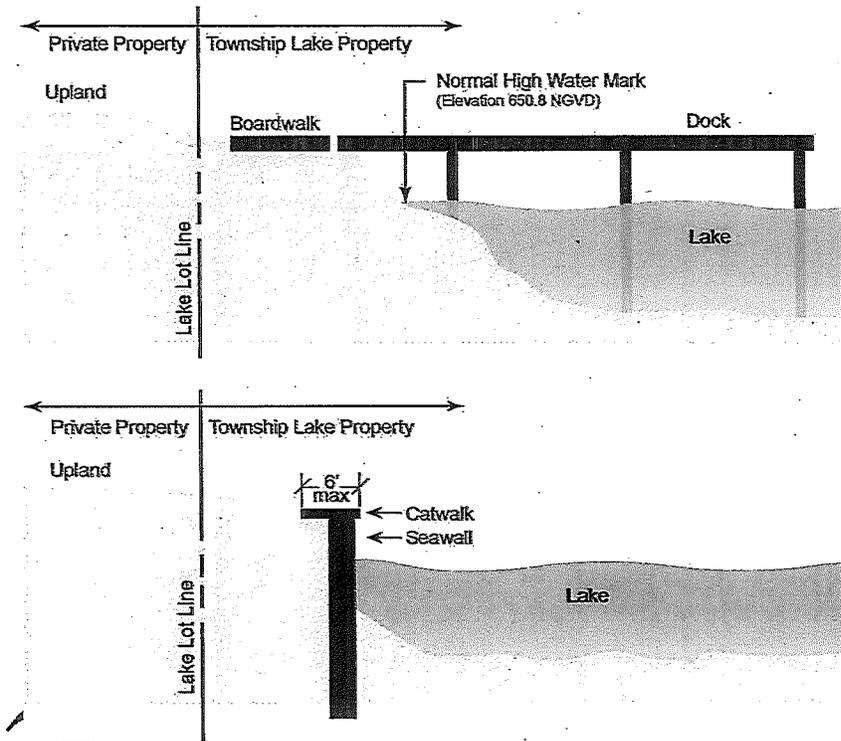
Figure 16.02C.1



- m. "Lake Lot Line" means the boundary line of a lot or parcel of land, lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts the Township Lake property.
- n. "Lake Structures" means improvements constructed upon Township Lake property, as may be permitted by this Article XVIC.
- o. "Marina" means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.
- p. "Moor" or "Mooring" means the anchoring, tethering or docking of a boat directly to a pier, structure, platform, pole, anchor or dock, and also means the placement of a boat in a boat cradle or shore station, the regular or overnight beaching of a boat, or overnight anchoring or tethering to the bottomlands of the Lake.
- q. "Non-Commercial Multi-Docking Facility" means a facility used for docking or mooring from one or more Lake Frontage properties to serve more than one single family dwelling and limited to use by the residents of the property, such as at outlots (common use lots), mobile home parks, condominium and apartment developments, and other commonly owned or controlled points of access.
- r. "Normal high water mark" means the normal high water mark of the Lake as determined by the Federal Energy Regulatory Commission from time to time. Presently on Belleville Lake, "normal high water mark" means six hundred and fifty and eight-tenths (650.8) feet National Geodetic Vertical Datum (NGVD), 1929.

Figure 16.02C.2

**Lake Structures Example**



- s. "Ramp" or "Launch" means a short, hardened slope extending from the shoreline into the Lake for the purpose of launching or retrieving boats.
- t. "Seawall" or "Bulkhead" means a linear, rigid structure built along the shoreline to resist the erosion of the land caused by the Lake and which can also be used to moor boats and as a structure to receive and discharge a boat's passengers and cargo.
- u. "Separate frontage" means that portion of a lot or parcel of land lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts or intersects with the normal high water mark of the Lake, whether such lot or parcel is owned by one or more persons, is commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

- v. "Township Lake property" means land owned by the Township at Belleville Lake, whether or not it is above the normal high water mark and is the property that exists below the Lake Lot Line and extends into Belleville Lake and is generally recognized as the property below the 655 ft. contour line (1929 NGVD) or brow of the hill.
- w. "Upland" means that the land area that lies adjacent to and above the Township Lake property.
- x. "Watercraft" means any boat, pontoon boat, hydrofoil, hovercraft, sailboat, JetSki, personal watercraft, jet boat, or similar vessel.

**SECTION 16.03C. BELLEVILLE LAKE SHORELINE DISTRICTS**

Two Belleville Lake Shoreline Districts are established in this section: the Belleville Lake Shoreline District A - Single Family Residential (BLA), and the Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). These zoning districts regulate the use of the Township-owned Belleville Lake property.

The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estate districts. The BLB District shall generally abut Lake Frontage upland zoned or zoned for more intensive uses that are not accessory to a single dwelling on a single family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional, and similar uses.

Accordingly, no improvements, modifications, alterations, removal, repairs or structures of any kind shall be constructed, installed or made on Township Lake property within the BLA and BLB districts unless those actions comply with the regulations of the respective district, obtain the approval of the Township as provided herein, and the approval of all other agencies with jurisdiction.

- a. **Belleville Lake Shoreline District A - Single Family Residential (BLA).** The BLA District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses that are customarily accessory to an abutting single family dwelling on a separate lot with Lake Frontage.
  - 1. Uses Subject to Administrative Approval. In the BLA District, the following water-based uses and structures customarily accessory to one single family dwelling on a single family lakefront lot shall be permitted. All such uses shall be subject to Township administrative approval as described in Section 16.06C., herein.
    - a) Docks, piers, landings, boardwalks and catwalks that can accommodate no more than ~~6 watercraft~~ 10 watercraft in total at one time on a single parcel.
    - b) Boat hoists, cradles and lifts.
    - c) Stairs and walkways located on Township Lake property.

- i. Shall only be permitted if ~~determined reasonably necessary by the Township~~ to access the permitted uses.
- ii. Shall be subject to the maximum Lake Frontage coverage and other standards applicable to the use.
- d) Embankments, bulkheads, gabion baskets, retaining walls and similar structures for erosion control to protect the existing shoreline.
- e) Minor excavation, grading or earth modifications, defined as those that do not exceed 5 cubic yards or disturb an area of 800 square feet or less within 100 feet of the normal high water mark of the Lake.
- f) Navigational markers or buoys.
- g) Any other use of the same nature or class of water-based uses listed in this district which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties. Any such use shall be limited to the use of the lakefront by a single family residential dwelling on an individual lot.

At the discretion of the Director, any BLA use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

2. General Restrictions on all BLA Uses - All uses permitted in the BLA District shall be subject to the following restrictions:
- a) All uses and structures shall comply with the standards and requirements of Section 10-4C. Development Standards, herein.
  - b) No use or structure shall be permitted if there is not a single family dwelling on the abutting frontage lot.  
Private ramps, launches or docks intended to provide access to the Lake from multiple non-abutting or back lots of a subdivision, site condominium or other development are prohibited.
  - d) ~~No signs shall be permitted other than those approved by the Township and necessary for public safety.~~
  - e) No use or structure or combination thereof shall be permitted that can accommodate more than ~~6 watercraft~~ 10 watercraft at one time on a single parcel.
  - f)e) All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLA District are limited solely for the use and quiet enjoyment of the abutting frontage lot owners and their invited guests. No such facilities as listed above shall be rented or leased or allowed to be used by any other persons. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities.

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b. **Belleville Lake Shoreline District B – Non-Single Family Residential (BLB).** The BLB District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses customarily accessory to land zoned or used for more intensive uses than a single family dwelling on a separate lot with Lake Frontage. Such more intensive uses include, but are not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

1. Uses Subject to Administrative Approval. In the BLB District, the following water-based uses and structures shall be permitted subject to Township administrative approval as described in Section 16.06C. herein.
  - a) Embankments, bulkheads, retaining walls and similar structures for erosion control, to protect the existing shoreline.
  - b) Minor excavation, grading or earth modification, defined as those that do not exceed 5 cubic yards or disturb an area of 800 square feet or less within 100 feet of the normal high water mark of the Lake.
  - c) Navigational markers or buoys.

At the discretion of the Director, any BLB use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

2. Uses Subject to Planning Commission Approval. In the BLB district, the following water-based uses and structures may be permitted, subject to Planning Commission site plan approval.
  - a) Decks, piers, landings, boardwalks, catwalks or similar features that can accommodate no more than 6 watercraft in total at one time on a single parcel, on features that serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient docks under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.
  - b) Non-commercial multi-docking facilities that can accommodate no more than 6 watercraft in total at one time on a single parcel.
  - c) Decks, stairs, and walkways located on Township Lake property.
    - i. Shall only be permitted if determined necessary by the Township to access the permitted uses.
    - ii. Shall be subject to the maximum lot frontage coverage and the other standards of Section 16.04C Development Standards.

3. Uses Subject to Special Approval. The following water-based uses and structures shall be permitted subject to special approval in accordance with the requirements of Sections 4.46 and 18.08 of this Ordinance. These uses shall require public hearing by the Planning Commission, recommendation to and

special approval by the Township Board, and Planning Commission site plan review and approval.

- a) Non-commercial multi-docking facilities with docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than 6 watercraft in total, at one time on a single parcel.
- b) Boat hoists, cradles and lifts as part of a non-commercial multi-docking facility permitted under this Section 16.03C.b.3. a) that are under common ownership and are all of the same style.
- c) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than 6 watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this article.
- d) Marinas.
- e) Watercraft minor service uses, including sale of gasoline, only permitted as part of a marina.
- f) Boat launches and ramps, for public access only.
- g) Any other use of the same nature or class of water-based uses listed in this district as either a principle use permitted or a use subject to special approval which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential uses of the Lake and adjacent properties.
- h) Major excavation, grading or earth modifications, defined as those greater than 100 cubic yards or that disturb an area of more than 800 square feet within the wetland of the normal high water mark of the Lake.

4. General Restrictions on BLB Uses. All uses permitted by right or by special approval in the BLB District shall be subject to the following restrictions:

- a) No boat lifts, cradles or hoists shall be permitted at marinas.
  - b) No buildings or covered structures shall be permitted on the water or on Township Lake property.
  - c) All uses and structures shall comply with the standards and requirements of Section 16.04C. Development Standards, herein.
  - d) Private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage uses shall be prohibited.
  - e) No signs shall be permitted other than those approved by the Township and necessary for public safety.
- All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial

use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons unless approved by the Township in conjunction with a marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan.

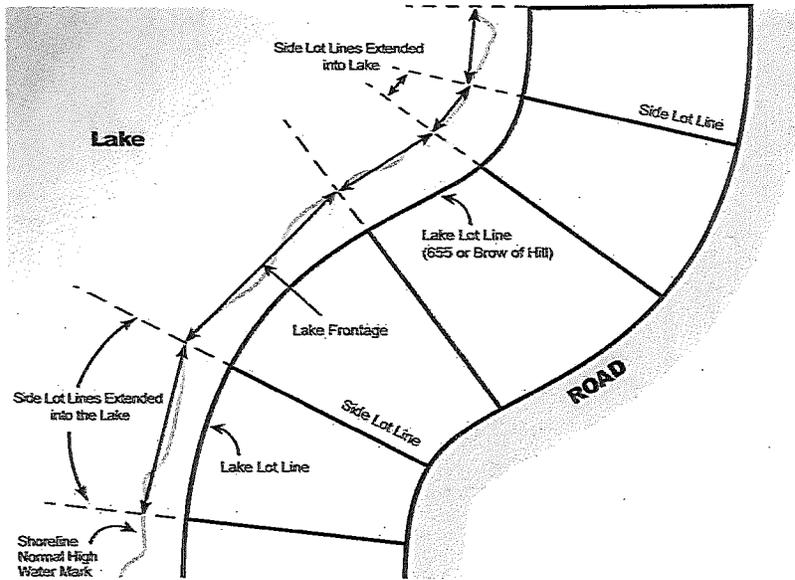
**SECTION 16.04C. DEVELOPMENT REGULATIONS**

- a. **General.** ~~No buildings are permitted on Township Lake property, and no buildings or other structures are considered vested. Provided however that the presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license, and the Township's approval, and the Township may force their removal at any time with or without cause. If the owner of a structure does not remove that structure when ordered by the Township, and thus the Township must remove it, the owner of the structure shall either pay the costs of removal or if the structure's owner owns the abutting upland parcel those costs shall become a lien upon that parcel, or the Township may take any enforcement action authorized by law. Further, no structure within the BLA or BLB districts shall be considered an accessory structure as regulated under Section 4.14 of this Ordinance.~~
- b. **Dock Location.** No dock shall be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor at the dock. No person shall install or maintain a dock except on shoreline or bottomlands abutting the frontage in which they have an ownership interest. All docks shall be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.
- c. **Measurement of Lake Frontage.** Each side lot line of the abutting upland lot shall be extended as a straight line from its point of intersection with the boundary of the Township Lake property (Lake Lot Line) to its intersection with the Lake Frontage line at the normal high water mark. A lot's total Lake Frontage shall be measured as a straight line connecting the points of intersection of the extended side lot lines with the normal high water mark.

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For purposes of measuring setbacks for docks, boat lifts and similar structures, the side lot lines shall be extended to the Lake Frontage line and then extended on the same line, straight into the Lake from the shoreline.

**Figure 16.04C.1  
Lake Frontage Measurement**



- d. **Setback Requirements.** Side setbacks shall be measured from the side lot lines of the abutting upland lot as extended into the water, as defined in Section 16.04C.c.
1. **Docks.** Docks shall be constructed, installed or placed within ~~15-10~~ feet of the side lot lines of an abutting upland lot as extended into the water.
  2. **Boat Lifts and Boat Cradles.** No boat lift or boat cradle shall be located within five feet of a side lot line of an abutting upland lot as extended into the water.
  3. **Launching, Storing, Mooring or Docking.** No boat or portion thereof shall be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.
  4. **Boardwalks and Catwalks.** Boardwalks, catwalks and other walkways located on Township Lake property shall be permitted to extend to the side lot line as extended. ~~No boardwalk, catwalk, or other walkway shall extend more than one foot over the water, nor shall any such structure be more than 6 feet in width. These structures shall be generally parallel the shoreline and shall be exempt from the computation of Lake Frontage coverage.~~

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e. **Dock Length and Width.** No dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. ~~Maximum dock widths shall be four feet in the BLA and six feet in the BLB districts.~~

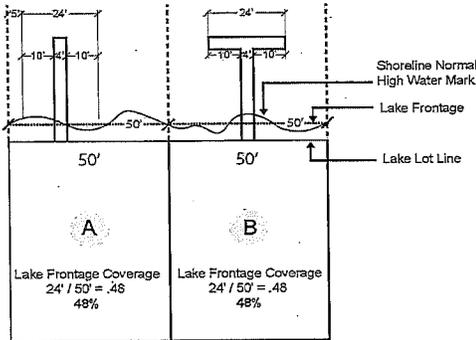
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f. **Size and Extent Restrictions.** (See Figure 16.04C.2)

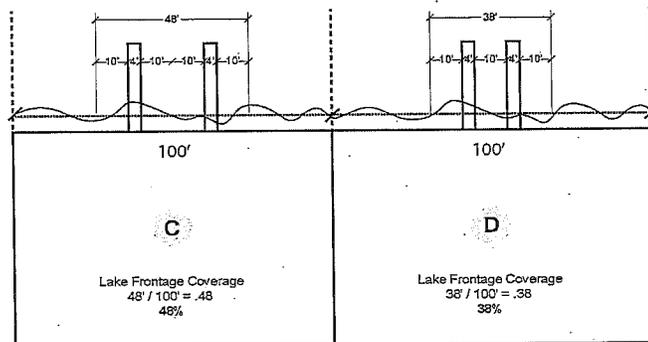
1. In the BLA District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft shall extend across no more than ~~60~~50% of the Lake Frontage of the single family lot to which they abut.
2. In the BLB District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft for non-commercial multi-boat docking facilities shall extend across no more than 50% of the Lake Frontage of the lot which they abut. Such watercraft and structures shall be clustered along the parcel frontage into no more than four groupings for marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake Frontage, as deemed appropriate and subject to special approval.
3. The extent of frontage coverage shall include the coverage by docks, other mooring structures, projections including boat hoists, boat cradles, lifts and similar, and watercraft. Permitted boardwalks, catwalks upon retaining walls, and shoreline protection structures that parallel the shore shall be excluded from the computation of frontage coverage.
4. Distance across a lot's Lake Frontage shall be measured along the Lake Frontage line as determined in accordance with Section 16.04C.c. The extent of structures across the Lake Frontage shall be the width of those structures measured parallel to the abutting lot's Lake Frontage line plus 10 feet of additional width for boat dockage on any side of the structure that can accommodate dockage, divided by the total length of the lot's Lake Frontage. The width of a "T" or "L" dock shall be measured at its widest point generally parallel to the Lake Frontage, and shall include a minimum of 10 feet of additional width parallel and adjacent to the "stem" for boat dockage.

Figure 16.04C.2

**Extent Coverage Examples**



NOTES: 10' minimum side setback. Boat must be 5' from side lot line.



5. ~~On any parcel with multiple docks, boat lifts, or similar water based structures, including but not limited to marinas and non-commercial multi-docking facilities, any such structures that are separated by 10 feet or less shall be considered one unit for purposes of calculating extent across the Lake Frontage. Structures that are separated by more than 10 feet shall be considered as individual units, and the space between those units shall not be included as Lake Frontage coverage.~~

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6.5. No docks, other mooring structures or combination thereof on a single site that accommodate more than ~~10~~ 106 watercraft shall be permitted, except as provided in the BLB District under Section 16.03C.b., above. Further, no such docks, other mooring structures or combination thereof that accommodate more than 10 watercraft shall be permitted unless it is approved by FERC, all other agencies

with jurisdiction, and receives special approval of the Township as provided herein.

~~7. Boardwalks, catwalks and other walkways on Township Lake property shall be a maximum of four feet wide, except at publicly owned docks, public or private marinas or other commercial uses in the BLB district, where they may be up to six feet wide. The Township may approve additional width as it deems appropriate, subject to special approval.~~

~~g. **Dock and Raft Ownership Identification and Repair.** The owner(s) of a dock, boat lift, boat storage device, raft, swimming platform or other similar structures shall place a numerical address sign on such item or on a sign located no more than 25 feet from the normal water's edge that conspicuously identifies the abutting property address of the owner(s). The sign shall include both the address number and street name in reflective, non-illuminated Arabic block style characters and shall be legible from the water. The address shall be displayed in a manner that structural elements and other features do not block or obscure the display. The minimum character size shall be 3 inches high by 2 inches wide, and the sign shall not exceed 6 square feet in area.~~

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All docks, boat lifts, boat cradles and rafts shall be kept in good repair. Good repair means free from defects which might be a hazard to persons or boats and free from defects which may result in interference with navigation of boats in the Lake.

~~h. **Boat Storage Devices.** Each boat cradle, hoist or boat lift used in conjunction with the Lake shall meet all of the following requirements, in addition to the other requirements of this Ordinance.~~

- ~~1. It shall not have walls, nor shall any part of the structure may be used as a deck or outdoor living space.~~
- ~~2. It shall be designed for not more than two boats.~~
- ~~3-2. It shall be designed with not more than three attached docks. Boat lifts with seating on three or more sides shall be prohibited.~~
- ~~4. Any roof or other cover over a boat lift shall have a minimum pitch of 4:12.~~
- ~~5. No boat cradle, hoist or lift shall exceed the minimum height necessary to raise the boat out of the water.~~

~~i. **Excavations, Grade Changes, and Earth Modifications.** All earth modifications, excavations and grade changes, shall meet the following criteria:~~

- ~~1. Minimize changes to the contour of the shoreline.~~

2. Maintain lateral earth support to prevent slope failures and to avoid potential negative impacts to adjacent lots.
  3. Rip-rap and gabion baskets are the preferred methods of erosion control and bank stabilization, where practicable.
  4. A Soil Erosion permit must be obtained from Wayne County, if required by the Soil Erosion and Sedimentation Control Act, P.A. 451 of 1994. Any earth disturbance greater than one acre or within 500 feet of the Lake requires a Soil Erosion and Sedimentation Control permit from Wayne County. The County may grant a waiver from permitting for gardening and very limited earth disturbances, but the abutting upland owner remains responsible for making the application.
  5. All major excavations and grade changes (greater than 5 cubic yards or 800 sq. ft. area disturbed) under this Ordinance are subject to the approval of the Township Engineer.
- j. **Channels and Canals.** No new channels or canals shall be created or expanded along the Belleville Lake shoreline for the purpose of creating additional Lake Frontage or for the mooring of boats.
- k. **Seawalls and Bulkheads.** Gabion baskets and rip-rap are generally preferred means for shoreline stabilization. All existing seawalls, bulkheads and other erosion protection devices shall be kept in good repair to prevent soil erosion and sedimentation into the Lake. As new erosion protection devices are required, seawalls and bulkheads shall only be permitted where gabion baskets and rip-rap are not feasible. New or replacement seawalls or bulkheads shall have one egress ladder or steps per 70 linear feet. Further, egress in seawall height may be required to accommodate emergency exit from the water.
- l. **Markers or Buoys.** A marker or buoy shall be placed or maintained in a location where it may present a hazard to navigation, or create a risk that boats will become entangled while navigating the Lake. Township approval is required to place any markers or buoys except that temporary markers or buoys placed for a special event for a period of less than 12 hours shall be permitted without Township approval.
- m. **Floating Rafts.** Floating rafts, swimming platforms, trampolines, slalom buoys, ski jumps or floats shall be located in the Lake so as to not impede navigation or present a safety hazard to boats; and shall be located on bottomlands immediately adjacent to a Lake Frontage in which the owner of the raft, platform, trampoline, buoy, jump or float has an ownership interest, unless otherwise approved by the Township.
- n. **Stairs.** Stairs, walkways, and landings for access from the abutting upland lot to the shoreline may be permitted on Township Lake property only if the Township determines

that it is necessary and is the minimum practical for reasonable access.

- 1. To minimize visual and physical impacts on the frontage, such structures shall be limited to no more than one per Lake Frontage lot, or the number of dock clusters, or the number reasonably necessary to access the lake frontage, whichever is greater. Stairs, walkways and landings shall be included in the calculation of, and subject to the limitations on maximum lot frontage coverage, and the other standards of Section 16.04C Development Standards.

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- 2. Stairs, walkways and landings must be placed entirely above the normal high water mark, except in cases where such structures are required to access the water due to a seawall or bulkhead.

**o. Marinas and Non-Commercial Multi-Docking Facilities.** Marinas and non-commercial multi-docking facilities must meet all the requirements that apply to their component docks, seawalls, and other facilities, as well as the following:

- 1. Dry docks and dry land storage of watercraft are not permitted on Township Lake property.
- 2. Suitable fire extinguishers, mooring cables, and other safety devices are required at any fueling station. Fueling stations are not permitted at a non-commercial multi-docking facility.
- 3. Such uses shall comply with all applicable construction standards and permit requirements of the MDEQ.
- 4. All docks, piers and similar structures installed shall be under common ownership and be designed so as to create a unified appearance at the marina. Piers and similar structures shall not be permitted at a marina.
- 5. All such uses shall be located so as to protect the neighboring property owners from potential off-site impacts of the use and so as to protect navigation on the lake.
- 6. When reviewing a proposed new or changes to an existing marina or non-commercial multi-docking facility, the Township shall consider factors including, but not limited to the location of the facility on the Lake, its visibility and potential impacts on the aesthetic and recreational quality of the Lake, the separation from other marinas, and other considerations for the public health, safety and general welfare.

**p. Overnight Anchorage.** There shall be no overnight watercraft anchorage in open water permitted.

**q. Rental Prohibited.** There shall be no rental of watercraft dockage or storage space

except at a marina.

- r. **Fences Prohibited.** There shall be no fences permitted on Township Lake property.

**SECTION 16.05C. EXEMPTIONS**

A Lake Frontage property owner who does or causes the following activities to be conducted on Belleville Lake, his or her frontage, or on abutting Township Lake property is not required to obtain Township approval under this Article 16C. Exemptions under this Section does not alleviate the responsibility of a property owner to obtain all other permits and approvals required by the Township and other entities with jurisdiction.

- a. Routine maintenance and repair of docks, seawalls, bulkheads, boat cradles, boat lifts, hoists, ramps or launches due to normal wear and tear.
- b. A minor earth change, 5 cubic yards or less, that impacts less than 800 square feet and that is stabilized within 24 hours of the initial disturbance.
- c. Earth changes necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities.
- d. Gardening, if the natural elevation of the area is not changed.
- e. Planting of trees, shrubs and other vegetation.
- f. Removal of trees, shrubs, and other vegetation, in a manner that does not cause erosion.
- g. Normal secondary residential landscaping. Native and natural plantings are preferred.
- h. Temporary stockpiling of soil, sand, or gravel not greater than 5 cubic yards, as part of a construction project on the Lake, provided that the loose material is protected to prevent wash or erosion.

**SECTION 16.06C. BELLEVILLE LAKE SHORELINE DISTRICT APPROVAL PROCESS**

- a. **Approval Required.** Except as otherwise provided in this Section, no person shall do or cause any one of the following on Belleville Lake, on his or her frontage, or on abutting Township Lake property without first having obtained Township approval in accordance with the provisions of this Ordinance:
  - 1. Install, construct or expand a dock, boat cradle, boat lift, boat hoist, ramp, or launch.

2. Install, construct or expand a seawall, bulkhead, dike, levee or other erosion control device.
3. Install, place or maintain a ski jump or other rigid platform.
4. Install, place or maintain a navigational marker or buoy.
5. Excavate, grade, or make earth modifications other than those exempted under this Ordinance.

b. **Application Requirements.** Only the property owner or authorized designee may apply for approval under this Section. Each applicant shall submit the following documents and drawings. If determined necessary and required by the Township, the drawings and documents shall be signed by licensed professional(s).

1. A completed application form, including a description of the proposed improvements and modifications and a description of any other required permits.
2. A plan that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation.
3. A copy of any existing survey from the abutting upland lot and photographs of the existing conditions.
4. Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation.
5. A description of the materials to be used in construction or installation.
6. Water depth at the farthest point of projection, when additional dock length is requested.
7. Distance from the farthest point of projection to the opposite shore (if less than 250 feet).
8. A description of the existing shoreline features and uses.
9. A description of any shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project.
10. Other information as determined necessary by the Township to protect the public health, safety and welfare of the Township's residents, those who use Belleville Lake and the shoreline habitat.

11. The application fee established by the Township Board.
12. Completed application for review by Michigan Department of Environmental Quality, and if required, by FERC.
13. Any other applicable elements of Site Plan and/or Special Approval applications, as required by this Ordinance.

c. **Review Process.** All plans and applications for approval under these Belleville Lake Shoreline Districts shall be submitted to the Director of Planning and Economic Development or other designated Township official for Township review. The plans and applications shall be reviewed to ensure compliance with the submittal requirements of this Ordinance, and consistency with Belleville Lake Shoreline District zoning and development regulations. Review shall be by one of the following processes: Administrative, Site Plan, and/or Special Approval, as further specified below.

1. Administrative Approval. Uses listed under the Belleville Lake Shoreline District A – Single Family Residential (BLA), Section 16.03C.a., and those uses in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.1., above, are subject to administrative approval by the Director of Planning and Economic Development. The Director shall review the plan for compliance with the requirements of this Ordinance.
  - a. The Director of Planning and Economic Development may forward any application for a use under this Section to the Planning Commission for site plan review and/or public hearing, recommendation and special approval by the Township Board upon finding that unique characteristics of the property or the application warrant such consideration.
  - b. Every application submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. Approval by all other agencies with jurisdiction, including FERC is also required.
2. Site Plan Approval by the Planning Commission. The uses permitted under the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.2. above, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance Section 4.33 Information Required for site plan approval, and also that information specified under Section 16.06C.b. above. The Planning Commission shall review the plan for compliance with along with compliance with all applicable requirements of this Zoning Ordinance. Approval by FERC may be required for such uses, along with the approval of other agencies with

jurisdiction.

3. Special Approval by the Township Board. The uses permitted in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.3. above, are subject to special approval by the Township Board. All such uses shall be subject to the standards, criteria, procedures and requirements of Sections 4.46 Review and Authorization of Special Approval Uses, and 18.08 Powers of the Township Board Concerning Special Approvals, of this Zoning Ordinance, including public hearing and recommendation by the Planning Commission and approval of the Township Board. All special approval uses also require submission and approval of a site plan, along with compliance with all other applicable requirements of this Zoning Ordinance. Approval by FERC and other agencies with jurisdiction is also required for all special approval uses.
- d. **Approval Criteria.** The Township shall find that the following criteria are met prior to granting approval for any use of Township land or property in the Belleville Lake Shoreline District. In addition, for those uses that require special approval of the Township Board, the criteria of Section 18.08.f. must also be met.
  1. The application shall demonstrate compliance with all of the requirements of Section 16.04.C. above, and all other applicable requirements of this Zoning Ordinance.
  2. The structure(s) shall not unreasonably interfere with the adjacent property owners' public use and enjoyment of the waters of Belleville Lake. The facilities shall be designed as to protect the neighboring property owners from negative off-site impacts.
  3. The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.
  4. The structure(s) will be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake.
  5. To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.
  6. Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake.
  7. Consideration shall be given to maintaining consistency with the upland zoning

and land use.

- 8. Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners.

e. **Approval Issuance.** The Director of Planning and Economic Development shall authorize the issuance of a Township approval letter if, following review in accordance with the procedures of this Ordinance, all conditions and standards of the Ordinance and the approving body are met. Approvals from FERC, MDEQ and any other agency with jurisdiction that cannot be obtained until the Township's approval is issued, shall be required before any construction, earthwork or site changes begin, and a copy of all such other approvals must be submitted to the Township Director of Planning and Economic Development. If an application is denied by the Township, a written record shall be provided to the applicant listing the reasons for the denial, in addition:

- 1. No structure within the BLA or BLB districts shall be considered an accessory structure for purposes of this Ordinance.
- 2. Any other activities conducted on the land or water shall comply with all applicable federal, state and local laws.

f. **Existing Boat Docks, Structures and Uses.**

- 1. General. No buildings are permitted on Township Lake property, and no buildings or other structures are considered vested. Provided however that the presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license and the Township's approval, and the Township may force their removal at any time with or without cause. If the landowner does not remove structures as ordered by the Township and the Township removes such structures, the land owner shall either pay the costs of removal or those costs shall become a lien upon the property. Further, no structure within the BLA or BLB districts shall be considered an accessory structure as regulated under Section 4.14 of this Ordinance. The presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license.

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- 2. Easements. The lawful mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, or platforms on or from a Lake access easement recorded prior to the date of adoption of this Section shall be permitted to continue. However, any easement recorded after the date of adoption of this Section shall not permit the mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, platforms or

3. Continuation of Lawful Existing Uses.

a. Any structures, other than secondary living spaces on Township Lake Property or blight, existing prior to the adoption date of this ordinance are considered grandfathered and shall not be subject to Township action under this ordinance.

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a-b. The lawful mooring, docking, or launching of boats or usage of docks, boat lifts, boat cradles, piers, platforms or rafts on or from a particular lot, parcel, or frontage occurring prior to the date of adoption of this Section shall be permitted to continue without change, unless such activities are in violation of the prohibition against renting or leasing of facilities contained in Section 16.03(a)(2)(e). However, if any existing dock, boat lift, boat cradle, pier, platform, raft or similar structure shall be removed, it shall thereafter fully comply with the provisions of this Section. Further, any change, alteration, or expansion of such prior usage which occurs after the date this Section becomes effective shall fully comply with the provisions of this Section.

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b-c. Normal maintenance and repair of docks, seawalls and bulkheads due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage.

e-d. Whether a Lake use or structure is approved by the Township or not, it is the obligation of all property owners to maintain both their property at the periphery of the Lake and the Township Lake property adjacent abutting to their property free of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FEM license. The abutting property owner from which the tree originated shall be responsible for its removal.

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e-e. The burden of proof in asserting and establishing a defense under this Section shall rest on the property owner who asserts a lawful existing use. The Board of Zoning Appeals may hear and decide appeals regarding the existence or expansion of any lawful existing uses under this Section. The Board of Zoning Appeals shall not decide any such appeal until after it has held a public hearing pursuant to Article 19 of this Ordinance.

g. Exceptions, Modifications and Appeals.

1. Board of Zoning Appeals. For the purposes of this Article 16C., the Board of Zoning Appeals ("BZA") as established and regulated in Article 19 of this

Ordinance shall be the reviewing body. All provisions of said Article 19 shall apply except as specifically modified in this Section 16.06C.g.

2. Powers. The BZA may interpret the provisions of this Article 16C. if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case. In exercising its powers, the BZA shall have the primary goal of reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in Section 16.01C Purpose of this Ordinance.
3. Standards for Special Exceptions. The BZA shall not grant a special exception to any provision of this Article 16C. unless it first makes all of the following findings:
  - i. Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property;
  - ii. The special exception would not unduly prevent the realization of the purposes of this Ordinance;
  - iii. The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;
  - iv. Unusual circumstances or conditions are involved; and
  - v. The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.
4. No Precedent. Granting a specific special exception does not set a precedent for consideration of future special exception requests, as each request is to be decided on a case by case basis.
5. Special Exception. Upon making the findings above, the BZA may grant a special exception to provisions of this Article 16C. subject to complying with all other requirements of this Ordinance. The BZA may also attach reasonable conditions to the granting of an exception.
6. Public Hearing. Appeals and requests for special exceptions to this Article shall be considered only at a duly held public hearing and meeting of the BZA. Notice of the hearing shall be given in accordance with Article 19. In addition, the Township shall give at least fifteen (15) days prior written notice of such hearing to any Lake Owners Property Owners Association if the association has provided its name to the Township beforehand.
- h. Indemnification. By accepting any Township approval, the applicant agrees to execute an agreement to defend, indemnify and hold harmless the Township and its elected and appointed officials, agents, representatives, employees, boards and commissions against and with respect to any and all actions, suits, proceedings, claims, demands, judgments, costs and expenses resulting from the erection or usage of a structure or facility pursuant to this Article 16C. By virtue of any approval under this Article, the applicant further

agrees to permit the Township to take access to the property at reasonable times for inspections and for purposes of public safety.

**Obligations.** Abutting property owners shall be responsible for maintaining both their property at the periphery of the Lake and the Township Lake property adjacent ~~abutting~~ to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license. The abutting property owner from which the tree originated shall be responsible for its removal.

**Penalties and Enforcement.**

1. **Penalty.** Violation of this Article is a civil infraction, for which fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Article, "subsequent offense" means a violation of this Article committed by the same person within twelve (12) months of a previous violation of the Article for which said person admitted responsibility or was adjudicated to be responsible, provided however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.
2. **Injunction.** Any violation of this Article is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Article by proceeding under Section 6.06C.j.1. above, the Township or any Township resident may institute an appropriate action in a court of general competent jurisdiction seeking injunctive or equitable relief.
3. **Enforcement and Administration.** This Article shall be enforced and administered by the Township Director of Planning and Economic Development, or such other Township official as may be designated from time to time by resolution by the Township Board.

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**SECTION 2. Conflicts.** Any provision of the Zoning Ordinance conflicts with this amendment to the Zoning Ordinance, the more restrictive provision shall apply.

**SECTION 3. Severability.** This Ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining parts, sentences, paragraphs, sections, and clauses of this Ordinance.

**SECTION 4. Effective Date:** This Ordinance shall be effective upon publication in a newspaper of general circulation within the Township.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016.

YEAS:

NEAS:

ABSENT:

I hereby approve the foregoing Ordinance.

---

Leon Wright, Township Clerk

---

Linda Combs, Township Supervisor

Adopted:  
Published:  
Effective:

**DRAFT**

CHARTER TOWNSHIP OF VAN BUREN

COUNTY OF WAYNE

STATE OF MICHIGAN

ORDINANCE # \_\_\_\_\_

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF USERS OF BELLEVILLE LAKE AND TOWNSHIP OWNED PROPERTY**

At a regular meeting of the Township Board of the Charter Township of Van Buren, Wayne County, Michigan, held in the Van Buren Township Hall within the Township, on the \_\_\_\_\_ day of \_\_\_\_\_, ~~2015-2016~~ at 7:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Member: \_\_\_\_\_

It was moved by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_ that the following Ordinance be adopted to add a new Article V to Chapter 42 Environment to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Section 42-219 Intent and Purpose.

The Van Buren Township Board recognizes and concludes that the proper and safe use of the Belleville Lake and Township-owned shoreline is desirable for the reasons stated in the Charter Township of Van Buren Zoning Ordinance, Article XVIC, Belleville Lake Shoreline Districts (the "Zoning Ordinance"). Accordingly, it is the intent of the Board of Trustees through this Ordinance to adopt reasonable regulations for the use of Township-owned Belleville Lake property (the "Township Lake property" or "Township-owned Lake property"), as it is defined in the Zoning Ordinance, and for the maintenance and use of all structures, improvements and alterations made on that property, for the promotion and protection of public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township. The Township-owned Belleville Lake property is property that exists below the adjacent

abutting property owner's property line and extends into Belleville Lake and is generally recognized as the property below the 655' contour line or the brow of the hill. Nothing in this Ordinance shall overrule any existing applicable court decisions

#### Section 42-220 Exclusive Use and Enjoyment

~~The Owners of the adjacent-abutting property to the Township-owned Belleville Lake property shoreline shall have the exclusive right of use, control and enjoyment of that Township Lake property lying above the water level of Belleville Lake as it is regularly maintained, subject to Section 42-221, and any other conditions or limitations that the Township deems reasonable and necessary for the for the use and enjoyment of Belleville Lake and the Township-owned Lake property. and any other conditions or limitations that the Township may impose or require. The exclusive right to use, control and enjoy the Township Lake property does not create or convey any legal or equitable right, title, ownership or interest whatsoever in the Township Lake property other than as expressly set forth herein, and in the Township Zoning Ordinance accompanying ordinance.~~

The Township shall have the right to enter the Township Lake property for any purpose, ~~after~~ The Township may access the Township Lake Property by requesting permission from the abutting property owner, and if permission is denied, then access by the Township shall be permitted from the lake or other permissible access point. including, but not limited, to inspect of any structures, alterations and/or improvements that exist on Township Lake property. Such sStructures and improvements shall include, but not be limited to, docks, decks, boat hoists, seawalls and other structures, whether or not affixed to the Township Lake property of the shoreline and lake.

All structures and improvements on the Township Lake property shall be the personal property of the owners of the adjacent-abutting property and shall be subject to the requirements of the Township Zoning Ordinance and all applicable federal, state and local laws, regulations, rules and license requirements, as may be amended. All structures, improvements and alterations, including any and all repairs and maintenance that may be required for such structures, improvements and alterations, shall be the sole responsibility of the owner of the adjacent-abutting property. All

structures or other improvements now existing or hereafter made on Township Lake property shall be removed at the expense of the owner of the ~~adjacent~~ abutting property if such removal is required by the Federal Energy Regulatory Commission.

#### Section 42-221 Compliance with Law.

In consideration of the exclusive use, control and enjoyment of the Township Lake property conferred by this Ordinance and referenced in Section 42-220 above, the owner of the ~~adjacent~~ abutting property shall use and maintain the Township Lake property in compliance with all existing applicable federal, state and local laws, regulations, rules and license requirements, as may be amended, including, but not limited to, any and all requirements of the Township license from the Federal Energy Regulatory Commission. Such compliance shall include providing and maintaining proper shoreline erosion protection and maintaining any structures, improvements and alterations on the Township Lake property in good repair and in a safe condition.

#### Section 42-222 Penalties and Enforcement.

a) Penalty. Violation of this Ordinance is a municipal civil infraction, for which the fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first and any subsequent offense, in the discretion of the Court, and in addition to all of the costs, damages and expenses provided by law.

b) Injunction. Any violation of this Ordinance is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 42-222(a), the Township may institute an action in a court of ~~general~~ competent jurisdiction seeking injunctive or equitable relief and shall be entitled to recover all attorney fees, court costs, litigation expenses, expert witness fees, costs and expenses to abate the nuisance, and all other costs allowed by law.

c) Immediate Hazard. If the Township determines that there is an immediate hazard or otherwise dangerous condition that exists on the Township Lake property, it may take any action that it deems necessary to abate and/or otherwise make safe the hazardous or dangerous condition and

shall be entitled to recover the costs to abate the immediate hazard or dangerous condition from the adjacentabutting property owner and/or otherwise responsible party. The Township shall also be entitled to recover all attorney fees, court costs, litigation expenses, expert witness fees and all other costs allowed by law to enforce this Section.

d) Enforcement and Administration. This Ordinance shall be enforced and administered by the Township Director of Planning and Economic Development or such other Township official as may be designated from time to time by resolution by the Township Board.

Section 42-223 Severability.

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 42-224 Conflicts.

If any provision of this Ordinance conflicts with any provision of any other Township general ordinance or zoning ordinance, the most restrictive provision shall apply.

Section 42-225 Effective Date.

The provisions of this Ordinance shall take effect upon publication in a newspaper of general circulation within the Township.

AYES: Members: \_\_\_\_\_

NAYS: Members: \_\_\_\_\_

ABSTAIN/ABSENT: Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Leon Wright,  
Clerk, Charter Township of Van Buren

Linda Combs,  
Supervisor, Charter Township of Van Buren

Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Board of the Township of Van Buren at a regular meeting held on \_\_\_\_\_, 201~~6~~<sup>5</sup>, pursuant to the required statutory procedures.

\_\_\_\_\_  
Township Clerk

(date)

(name)  
(address)

**RE:** Letter of Approval

Dear \_\_\_\_\_

The Charter Township of Van Buren ("Township") hereby grants permission to make improvements on ~~adjacent~~abutting Township-owned Lake property located at (address). Those improvements based on plans submitted to the Township and/or other agencies within jurisdiction shall be limited to the following specific improvements:

(describe improvements)

It will be your sole responsibility to obtain and deliver to the Township copies of permits or approvals as necessary from other federal, state or county agencies before commencing construction of the improvements. Unless these permits or approvals are obtained, this approval letter shall be null and void. In the event that changes to the approved plan become necessary, all work must stop. Any changes to the plan must be re-submitted to the Township and other agencies with jurisdiction for approval.

The improvements on the Township-owned Lake property shall be personal property owned and insured solely by you and shall remain under your exclusive control, provided that you shall comply with all applicable federal, state, county and local laws, ordinances, rules, regulations and licenses (including any and all requirements of the Federal Energy Regulatory Commission license) as to, for example, maintenance and repair. In addition, as consideration for this letter of approval, you shall execute the attached hold harmless letter.

The Township does not warrant that this property is either suitable for any such purposes or that stated boundaries actually exist. This approval is required and must be obtained before the commencement of any work. Please be advised that other state, county and/or local permits or approvals are your responsibility and the Township makes no representation or warranty that the said permits or approvals will be granted to you.

Sincerely yours,

\_\_\_\_\_, SUPERVISOR (or Director)  
**CHARTER TOWNSHIP OF VAN BUREN**

**CHARTER TOWNSHIP OF VAN BUREN**

**HOLD HARMLESS ALLOWING USE OF TOWNSHIP PROPERTY**

In consideration for the Charter Township of Van Buren ("Township") allowing the undersigned, his/her family members, agents, employees, contractors, licensees and/or invitees, to enter onto Township-owned Lake property adjacent to and including Belleville Lake, and to construct certain structures, facilities, modifications and alterations, such construction subject, however, to Township prior approval, to the fullest extent permitted by law the undersigned agrees to completely and fully defend, pay on behalf of, indemnify, and hold harmless the Township, its elected and appointed officials, employees, agents, representatives, boards, commissions and volunteers, and others working on behalf of the Township against any and all liabilities, obligations, penalties, litigation, fines, judgments, proceedings, damages, disbursements, claims, demands, suits, or loss, including all costs and expenses of any kind connected therewith (including all attorney fees, costs and expenses incurred in investigating, defending or prosecuting any litigation, claim, action or proceeding), and for any damages which may, at any time, be asserted, claimed, awarded or recovered against, imposed upon or from the Township, by reason of personal injury, including bodily injury or death, and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with, in whole or in part and whether directly or indirectly, the entry upon, construction of structures, facilities, modifications and alterations, and use of Township Lake property.

Dated: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

MEMORANDUM

**TO:** Charter Township of Van Buren Planning Commission

**CC:** Ron Akers, Director of Planning & Economic Development  
Matt Best, Deputy Director of Planning & Economic Development

**FROM:** Patrick Sloan, AICP, Senior Principal Planner

**SUBJECT:** Zoning Ordinance Update –Article 8 (Environmental Performance) and Article 10 (Landscaping and Screening).

**DATE:** November 4, 2016

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**Introduction.** At the September 28, 2016 Planning Commission meeting, we discussed the ongoing updates to the existing Zoning Ordinance and proposed a series of 6 meetings to review all of the proposed articles. So far, the following meetings have been held:

- **Meeting 1 (October 12<sup>th</sup>):** Review of Article 12 (Administrative Procedures), Article 13 (Administrative Organization), and Article 14 (Nonconformities).
- **Meeting 2 (October 26<sup>th</sup>):** Review of Article 3 (Zoning Districts and Permitted Uses), Article 4 (Schedule of Regulations), and Article 5 (Development Standards for Specific Uses)

At the upcoming meeting, we will review Article 8 (Environmental Performance) and Article 10 (Landscaping and Screening).

Please note that each section of the Draft Zoning Ordinance includes a reference of the current section of the existing Zoning Ordinance or a reference that it is a new section. This will allow the user to refer to the existing Zoning Ordinance. Proposed deletions are located in the margins and proposed additions are underlined.

**Major Changes Proposed.** The following are the major changes proposed to Articles 8 and 10:

**Article 8. Environmental Performance.** This is a new article that consolidates many of the current environmental regulations for specific land uses and zoning districts, soil removal, solid waste facilities, exterior lighting, woodland and tree preservation, and storm water basins. The significant changes proposed are as follows:

- **Use and District Environmental Standards.** The environmental standards of proposed Section 8.102 that apply to specific uses and districts currently apply to the M-1 and M-2 districts. These are expanded to also apply to industrial-related uses and uses in the M-T and AP zoning districts. The environmental standards of Section 8.102 are fairly customary, so they are not expected to be more burdensome than general standards in the Township ordinances or State Law.
- **Exterior Lighting.** The exterior lighting standards of Section 8.105 include the following new provisions:
  - Adding a Purpose and Intent section that includes reasons for having effective lighting regulations that also protect the neighbors and the night sky.
  - Shielding standards were clarified to require full cutoff fixtures, and a graphic was added illustrating a full cutoff fixture.

- Including limits on illumination levels. Currently, there are no maximum illumination levels in the Zoning Ordinance. We recommend having maximum illumination levels of parking and loading areas, sidewalks, building entrances, and gas station canopies. The maximum illumination levels are based on the average of an area, so some areas can be higher if the average illumination meets the requirements.
- Limiting light trespass onto adjacent properties, which is recommended at 0.5 footcandles.
- Limiting the use of up-lighting along buildings. While up-lighting of buildings is currently permitted, we recommend additional standards to limit its visibility from neighboring properties and vehicle and pedestrian traffic areas.
- Maintaining the currently height limit of light fixtures to 25 feet in non-industrial districts, but allowing a height of 35 feet in industrial districts and the OT district if the additional height has no impacts on the surrounding land uses or the natural environment. Many large industrial and office uses have requested higher light fixtures so that they don't have to install as many poles to maintain adequate light coverage of the site. Many communities allow light poles of up to 35 feet, so a maximum height of 35 feet is reasonable in industrial districts and the OT district.
- Prohibited types of lighting were added, which include flashing lights, excessive landscaping lighting, mercury vapor or wall pack lighting that isn't fully shielded, laser source lighting, and searchlights.
- Exempt lighting was added, which includes decorative holiday lighting, typical residential lighting, festival and civic lighting, emergency lighting, pedestrian walkway lighting, and lighting required by the government.
- **Woodland and Tree Preservation.** Many of the woodland and tree preservation standards remain the same based on the long-term success that these standards have had. However, based on challenges with the administration of some of the standards, the following changes are proposed:
  - Expanding the definition of "Removable Tree" to include additional species that are undesirable, including fruit trees in an abandoned orchard, and including trees that are dead or in poor or very poor condition. In most cases, the Planning Commission has not enforced the tree mitigation requirements for trees that are dead or in poor or very poor condition.
  - Changing the definition of "Landmark Tree" to "Protected Tree" and repeating the current standard that a protected tree is a tree that has a diameter at breast height (D.B.H.) of 5 inches or greater. Language was added stating that a protected tree requires a tree removal permit.
  - Exempting "Removable Trees" from the requirement for a Tree Removal Permit. Currently, even though "Removable Trees" are currently defined, the Zoning Ordinance does not exempt them from mitigation. We believe the intent is to exempt "Removable Trees" (e.g., Cottonwood, Willow, Box Elder, etc.), so we recommend amending the Zoning Ordinance accordingly.
  - Expanding the replacement ratio of removed trees. The current standards, which allow larger trees to offset additional numbers of required mitigation trees, will not change. However, the ratios will continue mathematically to allow, say, a 12'-14' conifer to count as 3 replacement trees. This method is currently implemented by the Planning Commission to allow for larger trees, but we recommend adopting it into the Zoning Ordinance to better communicate the requirement to applicants.
  - Stating that an alternative to tree mitigation planting is to pay into the Township tree fund for the cost of the tree replacement. Although this is a current standard, we recommend adopting it into the Zoning Ordinance so that applicants are aware of this alternative.

**Article 10. Landscaping and Screening.** This is a new article that consolidates several of the landscaping requirements that are currently scattered throughout the Zoning Ordinance into a single user-friendly article. Many of the existing landscaping regulations in the Zoning Ordinance conflict with each other, so many of the proposed changes include resolving these conflicts. Additionally, there are many great landscaping standards that currently exist in the Ecorse Haggerty Road Overlay District (EHROD) and the Office/Technology (OT) district that we recommend moving into the general standards instead.

The format, tables, and graphics will make it much easier for applicants to understand the landscaping requirements and create a proper landscape plan. We worked closely with McKenna's Registered Landscape Architects to make modifications to the standards that will result in better site design. The significant changes proposed to the landscaping and screening regulations are as follows:

- **Scope of Application.** The landscaping requirements were clarified to state that they apply to both Site Plan Review and Administrative Review processes.
- **Frontage Landscaping.** Currently, the only frontage landscaping required is 1 tree per 50 feet of frontage. We recommend requiring 1 deciduous or evergreen tree per 40 feet of frontage, 1 ornamental tree per 100 feet of frontage, and 8 shrubs per 40 feet of frontage. The recommended frontage landscaping requirements are common in many communities and enhance the curb appeal of a site. Although the proposed amendments result in more trees required for planting, there would be fewer trees required for tree mitigation (see above) and parking lot landscaping (see below).
- **Parking Lot Landscaping.**
  - **Screening from the Right-of-Way.** Currently, the parking lot screening requirements are difficult to interpret. We recommend keeping the same requirements but clearly separating them into the following 3 options: a hedge of 3 feet in height, a 3-foot high berm, or an 8-foot high brick or stone wall. Most applicants opt for a hedge, so we clarified that the hedge must be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within 3 years.
  - **Interior Parking Lot Landscaping.** While the area required for interior parking lot landscaping remains the same, the number of required trees is proposed to change. Currently, the Zoning Ordinance requires 1 tree per 100 sq. ft. of interior landscaping area, which is difficult to meet at that density. We recommend requiring 1 tree per 300 sq. ft. of interior landscaping area, which is a common requirement in most zoning ordinances. We do not recommend that rock, stone, or pebbles be permitted as a groundcover for interior parking lot landscaping because of the impact they have on vehicles when they spill out into the parking lot.
- **Loading Area Landscaping.** Additional standards are recommended to include truck docks, overhead doors, and trailer staging areas as areas requiring screening. While the screening currently only applies to loading areas facing a right-of-way, we also recommend that the screening apply to loading areas facing an adjacent residential zoning district.
- **Display Area Buffering.** While the display area buffering standards are proposed to remain the same, we recommend adding language to allow the Planning Commission to modify or waive these requirements where outdoor display is integral to the principal use of the property (e.g., Outdoor Vehicle Sales) and the view of the outdoor display will be aesthetically pleasing to the area. The frontage landscaping requirements would still apply, so there would be sufficient landscaping in the front of the lot.
- **Greenbelt Buffering.** Currently, there are 10 different sections of the Zoning Ordinance that regulate greenbelt buffering, many of which conflict with each other. The proposed section consolidates these standards into an easy-to-use table that requires 1 of 3 greenbelt planting methods, which depend on the zoning of the subject site and the zoning of the adjacent site(s). The

3 greenbelt methods differ on width of the greenbelt, number of trees, and required species. For example, an industrial-zoned site that abuts a residential-zoned site would be required to install the most dense method of greenbelt (i.e., a 60-foot wide buffer with a staggered double row of evergreen trees spaced 15 feet on center on a 6-foot high berm).

- **Landscaping Requirements for Specific Zoning Districts and Land Uses.** Currently, there are landscaping standards applicable to specific zoning districts in a different area of the Zoning Ordinance, so these standards were relocated with few changes.
- **Garbage, Refuse, and Recycling Collection Areas.** This section was changed to simply include a reference to proposed Section 7.122 of the Zoning Ordinance, which regulates dumpster screening. Many zoning ordinances include these regulations in the landscape standards, so we recommend including a reference to the proper section to make the regulations easier to find.
- **Recommended Species of Trees, Shrubs, and Perennials.** Though the recommended species didn't change much, the required sizes were increased so that the trees and shrubs would have a more mature appearance at the time of planting.
- **Prohibited Species.** The list of prohibited species was expanded and the proposed text allows the Planning Commission or Planning Director to prohibit other species.
- **Minimum Requirements for Plant Material.** Minimum standards were added for the quality and resiliency of plant material based on common best practices.
- **Installation and Maintenance.** New standards were added for the required installation period, installation method, maintenance, and irrigation based on common best practices.

If time permits at the November 9, 2016 Planning Commission meeting, we will give a PowerPoint presentation summarizing these major changes and including other notable changes to Articles 8 and 10.

# Article 8 Environmental Performance

## Purpose (currently 4.45.a)

No use, otherwise allowed, shall be permitted within any district ~~which that~~ does not conform to the following standards of use, occupancy, and operation of this Article, which standards are hereby established as the minimum requirements to be maintained within ~~said the~~ area. These environmental performance standards will not prohibit any use, activity or facility also governed by Wayne County or State of Michigan statutes in and of themselves, but rather will provide definition, local guidance, standards for all off-site impacts due to performance and operation of these ~~special specific~~ land uses. Statutorily mandated zoning or placement of solid waste facilities standards and hazardous waste facilities would still apply.

## Standards Applicable to Specific Uses and

### Districts (currently 4.45.b)

~~Section 9.101~~ ~~Section 9.102~~ ~~Section 9.103~~ ~~Section 9.104~~ ~~Section 9.105~~ ~~Section 9.106~~ ~~Section 9.107~~

Any industrial-related land use activity, any use in the M-1 (Light Industrial District) or M-1 (Heavy Industrial) M-1, M-T, M-2, and AP zoning districts, or that is any use that is a mine, quarry, or solid waste facility shall not be permitted within Van Buren Township unless ~~said the~~ activities are in compliance with the appropriate current State regulations, shall comply with the following environmental performance standards, and, if applicable, shall submit a site plan with the Township following the process set forth in Article 12, Chapter 2 ~~Section 4.31 Site Plan Review.~~

~~Section 9.106~~

~~Section 9.107~~

(A) Drainage. The natural drainage shall not be blocked or diverted in such a manner as to cause the natural water flow to back up onto adjacent property or to flow in a different course upon leaving the property upon which the blocking or diverting occurs, unless an application is made and a permit is issued by the Township Board. The altered drainage shall not be detrimental to surrounding properties or riparian owners.

(A)(B) Dust, Dirt and Fly Ash. No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or their natural or synthetic fuels, without maintaining and operating, while using ~~said the~~ process of furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with ~~said the~~ process, furnace or combustion device so that the quantity of particular matter shall not exceed Part 3 for Emission Limitations and Prohibition—Particulate Matter (Rules 301 through 331) of the Michigan State Air Pollution Act (Public Acts 348 of 1965) comply with the Natural Resources and Environmental Protection Act (Public Act 451 of 1994[PS182]), as amended.

~~Method of Measurement~~—Measurement for any air pollutant shall follow the reference test method, adopted from Federal test methods described in 40 CFR, part 60 (July 1, 1982 or as amended). Methods of measurement are detailed in Appendix A, Rule 1004 (Methods 9 and 25) of the Administrative Rules for Air Pollution Control, as amended.

Article 8: Environmental Performance

~~(B)~~(C) **Electromagnetic Radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this ~~Resolution~~Ordinance.

~~(C)~~(D) **Fire and Explosive Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and regulations as established by Public Act No.207 of 1941, as amended and local code.

~~(D)~~(E) **Flammable Liquids.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all rules and regulations of Wayne County, the State, and Van Buren Township. All storage tanks for flammable liquid materials aboveground shall be located not less than one hundred fifty (150) feet from all property lines and shall be completely surrounded by embankments, dikes or other types of retaining walls capable of containing the total capacity of all tanks so enclosed.

Bulk storage tanks of flammable liquids below ground shall not be located closer to the property line than the depth to the bottom of the buried tank.

~~(E)~~(F) **Floodplains, Watercourses, and Wetlands.** There shall be no excavation, soil removal, filling or depositing of materials in any floodplain, watercourse and/or wetlands, ~~said~~the terms as defined by the Michigan Department of ~~Natural Resources~~Environmental Quality, without permit issued by the State of Michigan.

~~(F)~~(G) **Gases.** The escape of or emission of gases or volatile organic materials so as to be injurious, destructive or explosive shall be unlawful and may be summarily caused to be abated.

~~(G)~~(H) **Glare, Heat, and Radioactive Materials.** Glare or heat from any process or operation which emits harmful ultraviolet rays or excessive heat shall be performed within an enclosure so as to completely obscure and shield the process or operation from direct exposure. Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be submitted to exceed quantities established as safe by the National Institute of Standards and Technology, when measured at the property line.

Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance. Berms and/or obscuring walls shall buffer vehicular parking areas from public streets and residentially used or zoned properties.

~~(H)~~(I) **Industrial Sewage Waste.** No industrial sewage wastes shall be discharged into sewers that will: (1.) cause chemical reacting, either directly or indirectly, with the materials of construction to impact the strength or durability of sewer structures; (2) cause mechanical action what will destroy or damage the sewer structure; (3) cause placing of unusual demands on the sewage treatment equipment or process; (4) cause restriction of the normal inspection or maintenance of the sewage structures; (5) cause limitation of the effectiveness of the sewage treatment process; (6) cause danger to public health and safety; or (7) cause

Article 8: Environmental Performance

obnoxious conditions inimical to the public interest. Specific conditions controlling sewage wastes shall be as follows:

- (1) Acidity or alkalinity shall be neutralized within an average PH range of between five and a half (5 ½) to seven and a half (7½) as daily average on the volumetric basis with a temporary variation of PH 4.50 to 10.0.
- (2) Wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of .1 ppm (parts per million); no fluorides shall be in excess of ten (10) ppm; and shall contain no more than five (5) ppm of hydrogen sulphide; and shall contain no more than ten (10) ppm of chromates.
- (3) Wastes shall not contain any soluble substance in excess of ten thousand (10,000) ppm or exceed daily average of five hundred (500) ppm or fail to pass a No. 8 Standard Sieve or have a dimension greater than half (½) inch.
- (4) Waste shall not have a chlorine demand greater than fifteen (15) ppm.
- (5) Waste shall not contain phenols in excess of .05 ppm.
- (6) Wastes shall not contain any grease or oil or any oily substance in excess of one hundred (100) ppm or exceed a daily average of twenty-five (25) ppm.

~~(J)~~ (J) **Light.** In addition to the standards of Section 8.105, exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window and shall be so arranged as far as practical to reflect light away from any residential use. ~~In no case shall more than one (1) foot candle power of light across a lot line five (5) feet above ground into a residential district.~~

~~(K)~~ (K) **Noise.** The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Uses	Where Measured
67 dBA	Residential / Agricultural	Boundary Property Line *
75 dBA	Commercial / Office	Boundary Property Line
80 dBA	Industrial / Other	Boundary Property Line

\*except where normal street traffic noise levels exceed sixty-five (65) dBA, the use noise level may equal but not exceed the traffic noise level.

- (1) The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.
- (2) Objectionable noise as determined by the Board, of an intermittent nature or high frequency sounds, even if falling below the aforementioned decibel reading, shall be muffled so as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.

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~~(K)~~(L) Odors. The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point lot lines, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

~~(L)~~(M) Roads. Non-paved roads between the site and the nearest paved road and paved roads off of site within 1/4 mile of the site entrance which are used by vehicles and/or equipment traveling to or from the site and all roads on site, shall not be used unless they are treated sufficiently frequently enough so that they are dust free whenever used by vehicles and/or equipment.

~~(AA)~~(N) Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the MDNR Michigan Department of Environmental Quality according to ~~Act 348 of 1965~~ Public Act 451 of 1994 ~~(PS183)~~ as amended.

~~(A)~~(O) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 inches as measured at any property line of its sources.

~~(G)~~(P) Water Quality. The pollution streams and surfaces water bodies shall be prohibited in accordance with regulations promulgated under ~~Public Act 245 of 1929~~ 451 of 1994 ~~(PS184)~~ as amended.

~~Section 9.108~~ Section 8.103

Soil Excavation and Removal for Mining, Quarries, and Solid Waste Facilities (currently 4.45.c)

- (A) Standing Water. The premises shall at all times be graded so that surface contours shall tend to forestall local depressions or cause water to stand or accumulate.
- (B) Fence. Where there is an excavation with a depth in excess of five (5) feet not subject to standard to Township building codes and trenching regulations, the permit holder shall erect a fence of at least six (6) feet, but not more than ten (10) feet in height, of wire mesh or such other suitable materials to afford protection to persons and property. Any gates required shall be kept locked, daily, when operations are stopped.
- (C) Processing. Processing of materials mined from any property shall be permitted only in an M-2 (General Industrial) Zoning District.
- (D) Post Closure or End Use Land Use Plan. As a part of the special approval and site plan review process, a post closure land use plan for the facility shall be reviewed and approved. Such a plan shall include the end use of all facilities after closure as defined by the MDNR for the technical aspects of closing the solid waste facility, mine or quarry. The contents of the Closure Plan shall include:

Article 8: Environmental Performance

- (1) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;
- (2) Location and extend of all natural features to be retained during operation;
- (3) The slope of all restored areas;
- (4) Proposed completed topography at contour intervals of not more than two (2) feet;
- (5) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
- (6) The estimated date of completion of the requirements of the restoration plan;
- (7) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
- (8) A description of the methods and materials to be utilized in restoring the site;
- (9) Sketch plan of the proposed use or uses of the restored site;
- (10) For solid waste facilities, a program of continued groundwater monitoring for at least ten years after closure must be approved by the appropriate local and State officials; and;
- (11) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.

~~Section 9.109~~ Section 8.104

Solid Waste Facilities (currently 4.45.d)

- (A) **General Prohibitions.** The operation of a solid waste facility shall be conducted in a manner which prohibits insect and rodent breeding, odor problems, dust problem, ground and surface water contamination and fires. The site shall be maintained in such conditions as to reasonably conceal all evidence of solid waste disposal as prescribed herein.
- (B) **Required Studies.** A comprehensive set of subsurface stratigraphic maps detailing both the major and minor geological strata and containing surface and subsurface glacial and hydrologic features of the site and the surrounding area shall be provided. The site shall be mapped to provide cross sectional transects every one-quarter (1/4) of a mile. The mapped information shall be based on well core data taken at three hundred (300) foot intervals. Surface wetlands shall be mapped to show all surface wetland features such as herbaceous and woody vegetative cover, seasonal wet areas, soils and soil associations, and drainage patterns.
- (C) **Fencing.** A chain link wire fence not less than six (6) feet nor more than ten (10) feet in height secure to steel fence posts securely anchored in the ground shall be erected around the entire periphery of the site. The fence shall be located between eighty (80) and one hundred (100) feet from the edge of the working area of the solid waste facility. The fencing shall be buffered with evergreen trees along the entire affected area ~~of~~ on the outside of the fence.

**Article 8: Environmental Performance**

- (D) **Height.** Landfills or solid waste facilities shall have a standard maximum height of sixty (60) feet ~~(60) feet~~. For each additional one (1) foot of height over sixty (60) feet, ten (10) feet of horizontal setback shall be added to the minimum setback requirements. Height shall be measured from ground level of undisturbed areas and in no case shall exceed eighty (80) feet.
- (E) **Setbacks.** There shall be no unloading, incineration, storage, burial of solid waste material, or composing facility within required setbacks as follows:

Landfill or Solid Waste Facility *	Setback
From outer edge of working area of solid waste facility to interior fence	80 ft. – 100 ft.
From edge of solid waste facility to public road right-of-way	500 ft. minimum
From outer edge of working area of solid waste facility to adjoining commercial, office, or industrially zoned property	600 ft. minimum
From outer edge of working area of solid waste facility to adjoining residentially zoned property	1,500 ft. minimum

\* measured from proposed outer edge of active cells or areas of disturbance ~~(see attached diagrams, Figures A and B).~~

- (F) **Signage.** All facilities shall be property signed. Exterior fencing shall contain necessary notices for no trespassing waste disposal facility every three hundred (300) feet of fence posted at a height no lower than five (5) feet from the ground. Other facilities shall be signed in accordance with emergency response team requirements as directed by the Van Buren Township Board, Fire Department, State Fire Marshall, public safety officials and the Wayne County Road Commission.
- (G) **Support Service Facilities.** Support service facilities may be located in the transition strip subject to the following conditions;
  - (1) All support service facilities shall be subject to site plan approval procedures of Article 12, Chapter 2 Section 4.31.
  - (2) Support service facilities shall conform to the size, height and setbacks of the zoning district.

Setbacks relative to the landfill cells shall not apply to support service facilities. However, support services shall be located inside required berm or landscape buffer areas. All support facilities shall conform to all provision of the Township Building Code, electric, plumbing, mechanical codes and other applicable State and local codes. Any support service facilities located within the required fence line shall be temporary structures which shall conform to all applicable codes. Placement of support service facilities within the required fence line shall require the approval of the Building Official.

Any structures to be placed on or uses of the site after closure shall conform to all provisions of site plan review and other requirements of the zoning district.

- (H) **Transition Strips with Berms.** Views of facilities shall be screened from public right-of-way and all parkland and private property. Screening shall be accomplished through both berming and landscaping.

Berms shall be a height of at least eight (8) feet in height and no more than twenty (20) feet with a minimum eight (8) foot crown width and back slopes no greater than four to one (4:1). Landscape screens shall contain sufficient landscape materials to obscure obtrusive views. The interior slopes of such berms shall begin at the required fence line. Where the existing topography can shield the surrounding residential property or a public right-of-way from the landfill, the height of the berm may be reduced or the berm may be eliminated. All berms shall comply with the State, County, and local ordinances and shall be designed to be compatible with the local topographic surfaces.

- (I) **Waste Stream Reduction.** The applicant shall detail all measures taken which will reduce the need for landfills in the future, including, but not limited to, commercial, industrial and residential recycling operations, composting, incineration, baling and mixing waste processing centers.
- (J) **Changes.** The permittee shall submit a written request to the Township Board for approval of changes to the original plans, specification, reports and methods of operation submitted with a permit application. No such change shall be initiated until the written approval of the Township Board upon recommendation of the Township Planning Commission has been obtained.

~~Section 9.110~~ Section 8.105

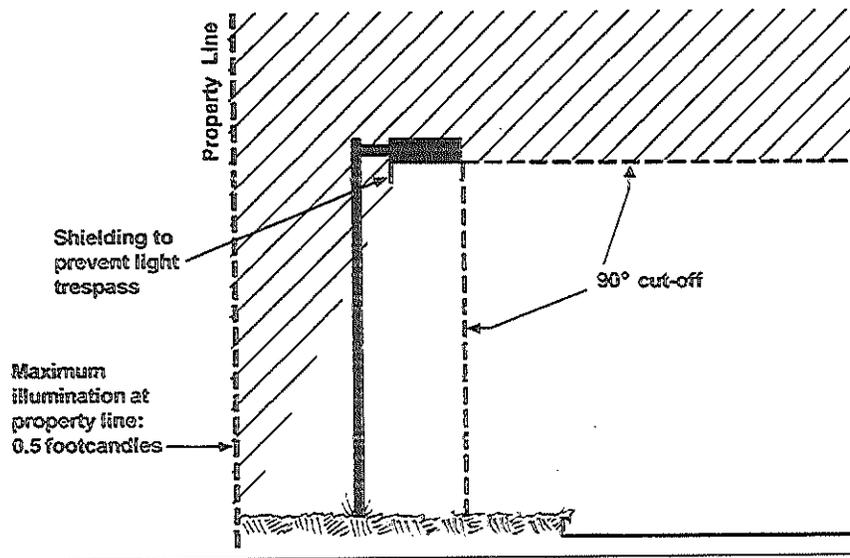
Exterior Lighting (currently 4.23.a)

(A) Purpose and Intent. The regulations in this section aim to ensure that sufficient lighting is provided in the publicly accessible areas of buildings and surrounding property, in order to provide for the security of property and safety of the general public. These regulations promote the use of appropriate lighting practices and systems, and discourage the adverse effects of inappropriate lighting such as glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. This section also intends to encourage the use of innovative lighting designs and fixtures which complement the natural and built environments found throughout the Township.

(B) General Requirements.

- (1) Shielding. All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from adjacent residential districts, adjacent residences, and public right-of-way. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots. Full cut-off fixtures shall be used to prevent light from projecting above a ninety (90) degree horizontal plane (see illustration below (ps135)).

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- (2) Illumination Levels[ps186]. Sufficient lighting, as specified in the following table, shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure security of property and safety of persons.

<u>Location</u>	<u>Maximum Level of Illumination (Footcandles) for the Average of the Area</u>
<u>Off-Street Parking Areas</u>	<u>1.0</u>
<u>Off-Street Loading Areas</u>	<u>1.0</u>
<u>Sidewalks (Residential Areas-Public)</u>	<u>1.0</u>
<u>Sidewalks (Non-Residential Areas)</u>	<u>1.0</u>
<u>Building Entrances (Frequent Use)</u>	<u>5.0</u>
<u>Building Entrances (Infrequent Use)</u>	<u>1.0</u>
<u>Gas Station (Directly Under Canopy)</u>	<u>20.0</u>
<u>Other Outdoor Areas Not Listed</u>	<u>At the discretion of the Planning Director, with a maximum not to exceed 20.0</u>

- (3) Light Trespass Limits. Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that minimizes light trespass onto neighboring properties. The light trespass from a property shall not exceed 0.5 foot candles at the property line, measured 5 feet from the ground. The light-emitting element of a light fixture shall not be directly visible from neighboring properties, as this is the primary cause of glare. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots (see illustration above).
- (4) Up-lighting. All up-lighting in nonresidential districts used for the external illumination of buildings, so as to feature said the buildings, shall be placed and shielded so as to not interfere with the vision of persons on adjacent highways or adjacent property. The light-emitting element of such fixtures shall not be directly visible from a vehicle or pedestrian travel area so as to not interfere with the vision of persons on adjacent highways or

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adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.

(C) Height. Light standardsThe height of light fixtures shall be measured from the finished grade to the top of the fixture. All lighting fixtures in non-industrial districts, shall not exceed twenty-five (25) feet in height. In industrial districts and the OT, Office Technology District, the Planning Commission may approve lighting fixtures up to a maximum height of thirty-five (35) feet if the proposed lighting over twenty-five (25) feet in height has no adverse impacts on the surrounding land uses and on the natural environment.

(D) Signs. Illumination of signs shall be in accordance with Article 11.

~~4. Illumination of signs shall be directed or shaded downward so as to not interfere with the vision of persons on adjacent highways or adjacent property.~~

~~5. All illumination of signs and other outdoor feature shall not be a flashing, moving or intermittent type. Nor vary in intensity or color other than used in connection with a sign for conveyance of noncommercial information which requires periodic change, such as time, temperature or stock average.~~

~~6. No sign shall be approved which provides a level of illumination in excess of .08 foot candles and a luminary brightness of 2,400 foot lamberts when measured from the nearest point of residentially zoned property.~~

(E) Prohibited Lighting<sup>[PS137]</sup>.

(1) Flashing or Moving Lights. All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.

(2) Recreational Facility Lighting. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.

(3) Outdoor Building and Landscaping Lighting. Unshielded illumination of the exterior of a building or landscaping is prohibited except outdoor residential lighting of 100 watts (or equivalent) or less and outdoor non-residential lighting of 50 watts (or equivalent) or less.

(4) Mercury Vapor and Wall Pack Lighting. The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.

(5) Laser Source Light. The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.

(6) Searchlights. The operation of searchlights for advertising purposes is prohibited.

(F) Exempt Lighting<sup>[PS138]</sup>. The following exterior lighting fixtures and systems are exempt from the regulations of this section. The Planning Director reserves the right to enforce standards to minimize glare, reduce light pollution, and otherwise protect the health, safety, and welfare of the public.

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- (1) Light fixtures places by a governmental agency on public property.
- (2) Decorative holiday lighting fixtures.
- (3) Pedestrian walkway lighting.
- (4) Light from the burning of fossil fuels, such as in gas lamps.
- (5) Temporary festival and civic lighting.
- (6) Temporary construction or emergency lighting.
- (7) Outdoor residential lighting of 100 watts (or equivalent) or less and outdoor non-residential lighting of 50 watts (or equivalent) or less
- (8) Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.

### Woodland and Tree Preservation (currently

#### ~~Section 9.114~~ Section 8.106

**(A) Findings.** Rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling or eliminating many of the trees and other forms of vegetation and natural resources and associated processes which, if preserved and maintained in an undisturbed and natural condition constitute important physical, aesthetic, recreational and economic assets to existing and future residents of the Township. Specifically, the Township finds that woodlands and trees:

- (1) Protect public health by conserving water quality by reducing noise and the metal and physical damage related to noise pollution, by absorbing air pollutants and contamination by providing buffering to reduce wind and storm impacts and by maintaining visual screening with its accompanying cooling effect during the summer months.
- (2) Provide for further public safety through the prevention of erosion, siltation, and flooding.
- (3) Contribute significantly to the general welfare of the Township by maintaining natural beauty, providing recreational and educational opportunities and representing an irreplaceable heritage for existing and future residents.
- (4) Are matters of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan of 1963, as well as the Natural Resources and Environmental Protection Act of 1994, Being Act 451 of the Public Acts of 1994, as amended.

**(B) Purpose.** The purpose of these requirements is as follows:

## Article 8: Environmental Performance

- (1) To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in the Township, in order to minimize disturbance, to prevent damage from erosion and siltation and to prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this ~~Section 8.106~~~~Section 4.45(e)~~ to protect the integrity of woodlands as a whole, recognizing that woodlands serve as a part of an ecosystem and to place priority on preservation of woodlands and trees to the greatest extent reasonably possible.
  - (2) To protect the woodlands and trees of the Township, in order to support local property values and to promote the natural beauty of the Township.
  - (3) To prevent owners or developers of property from removing trees from land prior to or in anticipation of development.
  - (4) To provide for the replacement of trees removed, where no feasible alternative site development is available.
  - (5) To respond to the public concern for the preservation of these natural resources in the interest of public health, safety and general welfare of the residents of the Township.
- (C) **Exemptions.** Notwithstanding the provisions of ~~Section 8.106(F)~~~~Section 4.45(e)(6)~~, the following activities are exempt from the provisions of this ~~Section 8.106~~~~Section 4.45(e)~~, unless otherwise prohibited by statute or ordinance:
- (1) **Resident Owners.** The removal, transplanting, trimming, or destruction of any trees by or on behalf of a resident owner of a single-family dwelling lot or unit, single-family cluster housing unit, single-family subdivision lot, single-family site condominium unit or other residential condominium unit from an area under the owner's exclusive control. This exception shall not apply to removal of trees from common areas or removal of trees required on an approved site plan.
  - (2) **Public Utilities.** The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities.
  - (3) **Public Agencies.** The removal or trimming of trees if performed by or on behalf of the Township, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project such as the installation of public streets or public sidewalks.
  - (4) **Routine Maintenance.** The trimming and pruning of trees as part of normal maintenance of landscaping or orchards, if performed in accordance with accepted forestry or agricultural standards and techniques.
  - (5) **Public Safety.** The removal or trimming of dead, diseased or damaged trees if performed by or on behalf of the Township, County, State or other public agencies in a public right-of-way or on public property if done to prevent injury or damage to persons or property.

**Article 8: Environmental Performance**

- (6) **Accidental Damage.** The removal or trimming of dead, diseased or damaged trees (as described by a certified forester and approved by the Township) provided that the damage resulted from an accident or non-human cause and provided further that the removal or trimming is accompanied through the use of standard forestry practices and techniques.
  - (7) **Commercial Nurseries and Tree Farms.** The removal or transplanting of trees during the operation of a commercial nursery or tree farm; provided; however, that this exception shall only be applicable if the commercial nursery or tree farm has a valid Grower License from the State of Michigan.
  - (8) **Disasters and Emergencies.** Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze or dangerous and infectious insect infestation or disease or other disaster, in order to prevent injury or damage to persons or property or restore order.
  - (9) **Agricultural Uses.** The removal, transplanting or destruction of trees occurring during a farm operation, as defined in the Michigan Right to Farm Act (Act 93 of the Public Acts of 1981, as amended), for parcels zoned for agricultural uses of at least ten (10) contiguous acres; or during a farm operation, as defined in the Michigan Right to Farm Act (Act 93 of the Public Acts of 1981, as amended), on at least ten (10) contiguous acres zoned for other than agricultural uses.
- (D) **Definitions.** The following terms, words and phrases shall have the following meaning for purposes of this ~~Section 8.106~~Section 4.45(e):
- (1) **“Activity”** shall mean any use, operation, development or action caused by any person, including but not limited to constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining, or diverting water; pumping or discharging surface water; grading; paving; tree removal or other vegetation removal; excavation; mining or drilling operations.
  - (2) **“Builder”** shall mean a person who builds or contracts to build a building or structure within the Township.
  - (3) **“Building envelope”** shall mean the area designated by the developer or builder for the construction of the principal building(s) upon the site in accordance with the following:
    - (a) In platted residential subdivisions or residential site condominiums, the buildable area remaining on the lot, parcel or unit after complying with zoning setback and maximum lot or site coverage requirements; or such smaller building area designated by the developer for construction of buildings upon a lot, parcel or unit within the development.

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(b) In all other developments, the building area(s) plus ten (10) feet around the perimeter of the building(s), provided such areas do not encroach into any required setback.

(4) "Commercial nursery or tree farm" shall mean a plant or tree nursery or farm in which trees are planted and grown for sale, wholesale or the general public in the ordinary course of business.

(5) "Developer" shall mean a person who installs or contracts for the installation of improvements such as sewers, streets, and water mains in a residential, office, commercial or industrial development.

(6) "Diameter Breast Height (D.B.H. )" shall mean a tree's diameter in inches measured four and one half (4 ½) feet above ground.

(7) "Drip line" shall mean an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

(8) "Driveway envelope" shall mean an area designated by the property owner to provide vehicular access to the building or parking area.

~~i. "Generally accepted agricultural and management practices" shall mean those practices as defined by the Commission of Agriculture of the State of Michigan.~~

(9) [PS189] "Groundcover" shall mean low growing shrubs, woody vegetation, wild flowers and other small herbaceous plants within a woodland.

(10) "Grubbing" shall mean the effective removal of understory vegetation, groundcover, shrubs or trees but not including removal of any protected trees[PS190] of greater than five (5) inches D.B.H.

(11) "Land clearing" shall mean operations which remove trees and vegetation in connection with the installation of storm or sanitary sewers, public or private utilities, streets or any other clearing or grading of the property at any time prior to construction of a building.

~~(12) "Landmark Protected trees [PS191]" shall mean any tree species having a D.B.H. of five (5) inches or greater and that is not included in the definition of "removable tree." trees that shall be considered protected Protected and trees shall not be removed or relocated without a tree removal permit. Such list shall be maintained by the Township and shall initially include the following tree species:~~

~~(13)~~

(14) Botanical Name \_\_\_\_\_ Common Name

(15) Abies spp. \_\_\_\_\_ Fir

(16) Acer spp. \_\_\_\_\_ Maple

(17) Acer spicatum/pensylvanicum \_\_\_\_\_ Mountain/Striped Maple

(18) Aesculus spp. \_\_\_\_\_ Horsechestnut

(19) Ailanthus altissima \_\_\_\_\_ Tree of Heaven

(20) Asimina triloba \_\_\_\_\_ Pawpaw

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<del>(21)</del>	<del>Betula spp.</del>	<del>Birch</del>
<del>(22)</del>	<del>Carpinus spp.</del>	<del>Blue-Neech Hornbeam</del>
<del>(23)</del>	<del>Carya spp.</del>	<del>Hickory</del>
<del>(24)</del>	<del>Castanea</del>	<del>American Chestnut</del>
<del>(25)</del>	<del>Cedrus spp.</del>	<del>Cedar of Lebanon</del>
<del>(26)</del>	<del>Celtis occidentalis</del>	<del>Hackberry</del>
<del>(27)</del>	<del>Cercis canadensis</del>	<del>Eastern Redbud</del>
<del>(28)</del>	<del>Cladrastis styracifua</del>	<del>Yellow Wood</del>
<del>(29)</del>	<del>Cornus florida</del>	<del>Flowering Dogwood</del>
<del>(30)</del>	<del>Crataegus spp.</del>	<del>Hawthorn</del>
<del>(31)</del>	<del>Diospyros virginiana</del>	<del>Persimmon</del>
<del>(32)</del>	<del>Fagus spp.</del>	<del>Beech</del>
<del>(33)</del>	<del>Fraxinus spp.</del>	<del>Ash</del>
<del>(34)</del>	<del>Ginkgo biloba</del>	<del>Ginkgo</del>
<del>(35)</del>	<del>Gleditsia triacanthos</del>	<del>Honey Locust</del>
<del>(36)</del>	<del>Gymnocladus dioicus</del>	<del>Kentucky Coffee Tree</del>
<del>(37)</del>	<del>Juglans cinerea</del>	<del>Butternut</del>
<del>(38)</del>	<del>Juniperus spp. &amp; upright cultivars</del>	<del>Cedar</del>
<del>(39)</del>	<del>Larix spp.</del>	<del>Larch/Tamarack</del>
<del>(40)</del>	<del>Liquidambar styracifua</del>	<del>Sweetgum</del>
<del>(41)</del>	<del>Liriodendron tuliperifera</del>	<del>Tuliptree</del>
<del>(42)</del>	<del>Malus spp.</del>	<del>Crabapple (cultivar)</del>
<del>(43)</del>	<del>Metasequoia glyptostreboides</del>	<del>Dawn Redwood</del>
<del>(44)</del>	<del>Nyssa sylvatica</del>	<del>Black Tupelo</del>
<del>(45)</del>	<del>Ostrya virginiana</del>	<del>Ironwood</del>
<del>(46)</del>	<del>Pinus spp.</del>	<del>Pine</del>
<del>(47)</del>	<del>Picea spp.</del>	<del>Spruce</del>
<del>(48)</del>	<del>Platanus spp.</del>	<del>Sycamore/ Plane Tree</del>
<del>(49)</del>	<del>Populus spp. (except deltoids, alba)</del>	<del>Poplar/Willow</del>
<del>(50)</del>	<del>Prunus serotina</del>	<del>Black Cherry</del>
<del>(51)</del>	<del>Prunus spp.</del>	<del>Flowering Cherry</del>
<del>(52)</del>	<del>Pseudotsuga menziesii</del>	<del>Douglas-fir</del>
<del>(53)</del>	<del>Pyrus spp.</del>	<del>Pear</del>
<del>(54)</del>	<del>Quercus spp.</del>	<del>Oak</del>
<del>(55)</del>	<del>Sassafras albidum</del>	<del>Sassafrass</del>
<del>(56)</del>	<del>Taxodium distichum</del>	<del>Bald Cypress</del>
<del>(57)</del>	<del>Tilia spp.</del>	<del>Basswood</del>
<del>(58)</del>	<del>Tsuga canadensis</del>	<del>Eastern Hemlock</del>
<del>(59)</del>	<del>Ulmus spp. (except pumila)</del>	<del>Elm</del>
<del>(12)</del>		

~~(60)~~(13) "Locate" shall mean to construct, place, insert or excavate.

~~(61)~~(14) "Material" shall mean soil, sand, gravel, clay, peat, mud, debris, refuse, or other material, organic or inorganic.

~~(62)~~(15) **“Operations”** shall mean locating, moving, depositing, or grading of any material or any construction, use or activity or any combination of such activities which modifies conditions of property subject to this ~~Article~~Section.

~~(63)~~(16) **“Person”** shall mean an individual, partnership, corporation, association, organization, or other legal entity including governmental agencies.

~~(64)~~(17) **“Removable tree~~s~~”** shall mean those trees designated by resolution of the Planning Commission as being appropriate for removal due to their characteristics. Such trees shall be listed by common and botanical name. Such list shall be maintained by the Township and shall initially include the following tree species, plus fruit trees in an abandoned orchard and trees that are dead or in poor or very poor condition as determined using the current International Society of Arboriculture guidelines:

<u>Botanical Name</u>	<u>Common Name</u>
<u>Acer negundo</u>	Box Elder
<u>Acer saccharinum</u>	Silver Maple
<u>Ailanthus altissima</u>	Tree of Heaven
<u>Alnus glutinosa</u>	Black Alder
<u>Caragana arborescens</u>	Siberian Peashrub
<u>Catalpa spp.</u>	Catalpa
<u>Fraxinus americana</u>	White Ash
<u>Fraxinus nigra</u>	Black Ash
<u>Fraxinus pennsylvanica</u>	Green Ash
<u>Fraxinus quadrangulata</u>	Blue Ash
<u>Elaeagnus augustifolia</u>	Russian Olive
<u>Kalopanax Septemlobus</u>	Kalopanax
<u>Maclura pmifera</u>	Osage-Orange
<u>Morus alba</u>	White Mulberry
<u>Populus alba</u>	White Poplar
<u>Populus deltoides</u>	Cottonwood
<u>Populus grandidentata</u>	Large-tooth Aspen
<u>Populus nigra (var. italica)</u>	Lombardy Poplar
<u>Populus tremuloides</u>	Trembling Aspen
<u>Prunis mabaleb</u>	Perfumed Cherry
<u>Rhamnus cathartica</u>	Common Buckthorn
<u>Robinia pseudoacacia</u>	Black Locust
<u>Salix alba</u>	White Willow
<u>Salix babylonica</u>	Weeping Willow
<u>Salix fragilis</u>	Crack Willow
<u>Salix nigra</u>	Black Willow
<u>Salix purpurea</u>	Basket Willow
<u>Ulmus parvifolia</u>	Chinese Elm
<u>Ulmus pumila</u>	Chinese-Siberian Elm

~~(65)~~(18) **“Removal or remove”** shall mean the act of removing a tree by digging up or cutting down, the effective removal through damage or the infliction of damage to a tree or its root system.

# ~~Article 11~~ Article 10 Landscaping and Screening <sup>[PS206]</sup>

## Intent (currently 4.40(1))

Landscaping, greenbelts and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. The purposes and intent of this Section are as follows:

### ~~Section 11.101~~ Section 10.101

- (A) To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, carbon dioxide storage, oxygen regeneration, groundwater recharge and storm water runoff retardation while at the same time aiding in noise, glare and heat abatements;
- (B) To encourage the preservation of existing trees and vegetation;
- (C) To assist in providing adequate light and air and in preventing overcrowding of land;
- (D) To provide visual buffering and enhance the beautification of the Township;
- (E) To safeguard and enhance property values and to protect public and private investment;
- (F) To preserve, protect and restore the unique identity and environment of Van Buren Township and preserve the economic base attracted to the Township by such factors;
- (G) To conserve energy and to protect the public health, safety and general welfare.
- (H) To provide habitat for living things that might not otherwise occur or be found in urban and

### ~~Section 11.102~~ Section 10.102

## Scope of Application (currently

### 4.40(2))

The requirements set forth in this Section shall apply to all uses, lots, site and parcels for which Site Plan Review or Administrative Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless ~~said~~ that site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a Building Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Section have been met or a performance ~~bond~~ guarantee has been posted in accordance with the provisions set forth in Section 12.211~~Section 12.210~~.

In cases where the use of an existing building changes or an existing building is ~~changed or otherwise~~ altered or re-occupied, all of the standards ~~set forth herein~~ of this Article shall be met.

The requirements of this Section are minimum requirements, and nothing ~~herein~~ in this Article shall preclude a developer and the Township from agreeing to more extensive landscaping.

**Article 10: Landscaping and Screening**

**Landscaping Design Standards**

**(currently 4.40(3))**

Except as otherwise specified in the general requirements for each zoning district or for the specific land use, all landscaping shall conform to the following standards. The clear vision triangle area requirements of Section 7.108 shall also be met. Existing landscaping that meets the requirements of this Article shall be used to comply with the following standards.

**(A) Frontage Landscaping (currently 16.07B(6)(a) and (f))** (PS207). Where the property is adjacent to a site abuts a public road right-of-way, the following frontage landscaping shall be provided in the front yard area adjacent to the road right-of-way (see diagram Example of Frontage Landscaping below):

**(B)**

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 40 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	8 per 40 linear feet of road frontage or fraction thereof

The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning Director may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

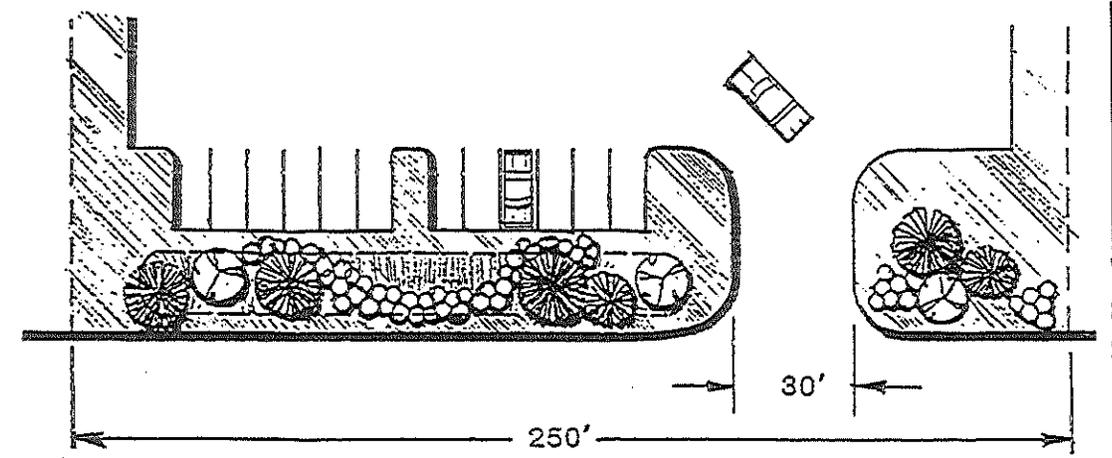
**Example of Frontage Landscaping**

Length of Road Frontage: 250 linear feet minus 30 foot driveway = 220 feet

**Required Number of Plants**

Deciduous or evergreen trees	220 ft./40 ft. = 6 deciduous or evergreen trees
Ornamental trees	220 ft./100 ft. = 3 ornamental trees
Shrubs	(220 ft./40 ft.) x 8 = 48 shrubs
<b>TOTAL</b>	<b>6 deciduous or evergreen trees, 3 ornamental trees, and 48 shrubs</b>

**Figure 7. Example of Frontage Landscaping**



(B) Parking Lot Landscaping (currently 4.40(3)(b), 4.40(3)(d), and 16.07B(6)(b)) [ps208]. All parking areas and other paved ground surface areas used for vehicular parking shall have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. Landscaping adjacent to public right-of-way is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure.

(1) Parking Lot Screening. Parking lot screening adjacent to a parking lot is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure. Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area within ten (10) feet of the paved ground surface area with landscaping, a berm, a masonry wall, or a combination of these, as follows:

(a) Parking Lot Screening Landscaping. Said landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang.

(b) Parking Lot Screening Berm. Said screen may be composed of berms shall be at least two-three (23) feet in height (measured above the elevation of the adjacent parking surface) and meet the requirements of Section 10.103(H) or a screen of landscaping at least two (2) feet in height.

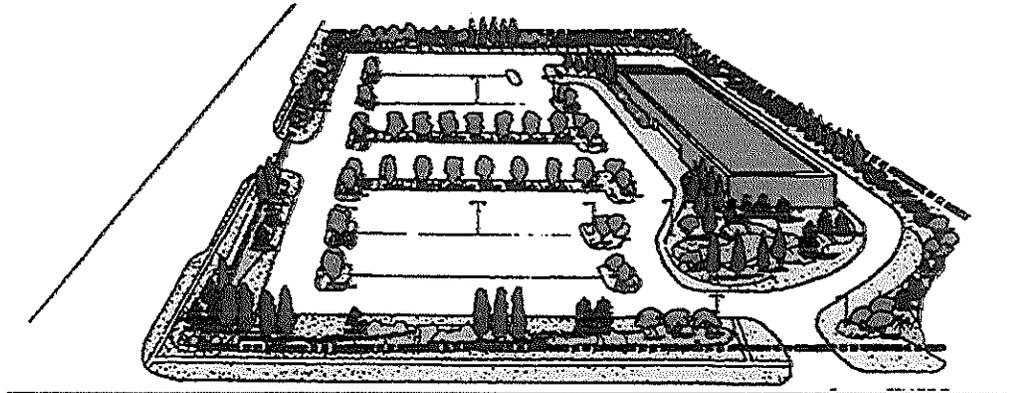
(c) Parking Lot Screening Wall. Walls shall be or maintenance free wall at least three (3) feet in height or a screen of landscaping at least two and one half (2 ½) feet in height at time of planting. If a berm is utilized, additional landscaping at least one (1) foot in height shall be planted. If a screen of living landscaped material is utilized, it shall attain opacity and a height of three (3) feet within twelve (12) months of

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~~planting under normal growing conditions, and constructed of red or brown brick or stone. One (1) tree shall be planted for each fifty (50) linear feet or fraction thereof, of frontage on a public right-of-way.~~

(2) Interior Parking Lot Landscaping. [ps209] All off-street parking areas and other paved ground surfaces used for parking shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement, improve aesthetics, and to channelize and define logical areas for pedestrian and vehicular circulation. Interior landscaping shall account for a minimum of five (5) percent (5%) of all paved parking areas, including parking and loading spaces, driveways, and aisles. Sidewalks within the right-of-way are ~~are~~ shall be excluded from the calculation of paved areas. Each separate interior landscaped area shall be a minimum of three hundred sixty (360) square feet in area and shall have a minimum width of ten (10) feet. Each interior landscape area shall contain at least one (1) deciduous tree. One (1) A deciduous tree shall be planted for each ~~one three hundred (100300) square feet [ps210]~~ of interior landscaping. All required interior parking lot landscaping shall be ~~and~~ planted within the landscaped islands or in landscaped areas within twenty (20) feet of the perimeter of the parking lot, provided that such landscaping is not also counted toward other landscape or screening requirements. Interior parking lot landscape areas shall include ground cover of grass, perennials, shrubs, and or hardwood mulch. Rock, stone, or pebbles are not permitted ground cover. All interior parking lot landscaping shall be protected from vehicular encroachment by six (6) inch high concrete curbing or wheel stops and should be raised. Landscaping dividing strips/islands with or without walkways shall be used to subdivide parking areas into parking bays with not more than forty (40) spaces, provided that no more than twenty (20) spaces shall be in an uninterrupted row. The internal landscaping shall be installed so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns, or obstruct vision for safety or ingress or egress.

Figure 8. Example of Interior Parking Lot Landscaping



~~— Loading and Display Area Landscaping (currently 4.40(3)(e) and 15.06A(b)(4)). All loading areas (including, but not limited to, truck docks, overhead doors, or trailer staging areas) and display areas with a minimum dimension of fifteen (15) feet or more, not screened by an intervening building shall be screened for a height of six (6) feet from a perpendicular view from any public streets rights-of-way or adjacent residential zoning district for the entire length except for necessary access.~~

(C) Loading Area Screening. It is the intent of this Section to screen loading areas and delivery vehicles as completely as practicable. Screening for loading areas may be accomplished by one (1) or a combination of the following:

(1) ~~a~~An opaque closed fence or wall which is at least six (6) feet high and is made of the same or compatible material, in terms of texture and quality, ~~with as~~ the material and color of the principal building. Additional evergreen planting materials shall be provided so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.

(2) ~~The screening may be accomplished with a natural~~ Evergreen plant material trees at least eight (8) feet in height and planted in a staggered double row spaced fifteen (15) feet on center which can be expected to reach six (6) feet or greater within three (3) years of planting. Any plant material used to fulfill these requirements shall be a minimum of three (3) feet in height meet or exceed the minimum size requirements of this Article when planted, and there shall be no gap greater than four (4) feet between plant materials.

(1)(D) Display Area Screening Buffering. Screening for Buffering of display areas may, at the discretion of the Planning Commission, be accomplished by ~~natural plants, closed fences, walls or earthen berms or any combination thereof to meet the requirements of this Section so long as all the minimum criteria set forth are met.~~ The Planning Commission shall base its discretion on the material being displayed and the visual impact on surrounding areas. The Planning Commission may modify or waive these requirements where outdoor display is integral to the principal use of the property (e.g., Outdoor Vehicle Sales) and the view of the outdoor display will be aesthetically pleasing to the area.

(a)(1) ~~The natural plants, solid~~ fence, walls, earthen berms or combination thereof, must provide a screen buffer no less than three (3) feet in height equal to the length of the display area, exclusive of driveways and sight lines used for safe automobile access and egress. In the case of vehicle or equipment display, the buffer must create a screen.

(b)(2) Walls which are used shall be of the same or compatible material, in terms of texture and quality, with the material and color of the principal building. Additional planting materials shall be provided so that no more than one half (½) of the surface area of the wall is visible from the street within three (3) years of erection of the structure. Forty (40) percent (40%) of this plant material may be deciduous.

(c)(3) All ~~natural~~ shrubs installed to satisfy the requirements of ~~Section 10.103(D)~~Section 10.103(C)(2) subsection (2) above shall comply with the requirements of Section 10.104 be locally adapted species expected to reach a minimum height of twenty-four (24) inches and a minimum spread of twenty-four (24) inches within three (3) years of planting. All shrubs shall be a minimum eighteen (18) inches tall when planted. Live ~~Vegetation~~ planted on berms may have a lesser mature height required by the Article provided that the combined height of the berm and the plantings after three (3) years are at least ~~twenty-four (24) inches~~three (3) feet high. ~~Forty~~Up to forty (40) percent (40%) of all shrubs may be deciduous.

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(E) Greenbelt Buffering <sup>(PS211)</sup> (currently 4.40(3)(c), (f) and (h), 8.04, 8.18, 9.03, 13.05, 14.05(4)(f), 15.06, 15.06A, 16.04, and 16.05). The intent of greenbelt buffering is to reserve an appropriate area of a lot to screen and buffer the lot and its use(s) based on its zoning district and the zoning district of the adjacent lots, regardless of whether the adjacent lots are developed. A greenbelt as specified in ~~Table 7~~ ~~Table 6~~ ~~Table 6~~ below shall be provided for all uses requiring Site Plan Review and Administrative Review (Article 12, Chapter 2).

**Table 7. Required Greenbelt Specifications**

Developing Zoning District	Adjacent To				
	AG, R-1, and R-2 Districts	RM and RMH Districts	C, C-1, C-2, FS, and OT Districts	M-1 District	MT, M-2, and AP Districts, and Railroad and Utility rights-of-way
AG, R-1, and R-2 Districts	<u>a</u>	<u>b</u>	<u>b</u>	<u>b</u>	<u>b</u>
RM and RMH Districts	<u>b</u>	<u>a</u>	<u>b</u>	<u>b</u>	<u>b</u>
C, C-1, C-2, FS, and OT Districts	<u>b</u>	<u>b</u>	<u>a</u>	<u>b</u>	<u>b</u>
M-1 District	<u>c</u>	<u>c</u>	<u>b</u>	<u>a</u>	<u>b</u>
MT, M-2, and AP Districts	<u>c</u>	<u>c</u>	<u>c</u>	<u>b</u>	<u>a</u>

a. A ten (10) foot wide buffer, with one (1) tree per thirty (30) linear feet. Agricultural lots shall be exempt from this requirement where they abut agricultural and detached single-family residential lots. For proposed single-family residential uses, the greenbelt buffering requirements shall apply only to Subdivision and Site Condominium (Article 6, Chapter 1) development, including Planned Residential Developments (Article 6, Chapter 3).

b. A twenty (20) foot wide buffer, with one (1) tree per twenty (20) linear feet (minimum of 50% evergreen trees). A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required trees, subject to Planning Commission review and approval.

c. A sixty (60) foot wide buffer, with a staggered double row of evergreen trees spaced fifteen (15) feet on center on a six (6) foot high berm (see Section 10.103(H)) with a flat horizontal area at the crest to be at least three (3) feet in width. The planting shall be in a manner where the evergreen trees provide eighty percent (80%) opacity within three (3) years of planting, measured from the top of the berm. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or shrubs shall be planted to achieve eighty percent (80%) opacity at the time of their planting. A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required berm and trees.

(1) Planting Setback. Plant materials (Trees and shrubs) shall not be placed closer than four (4) feet to the fence line or property line.

(2) Township Review. All greenbelt landscape plans shall be submitted to the Planning Commission for Site Plan Review approval in accordance with Article 12, Chapter 2 or, if no such site plan review is required, to the Township Building Official/Planning Director for approval as to suitability of planting materials and arrangement thereof in accordance with the provision of Article 12, Chapter 2 ~~this Section 4.33 Administrative Review.~~ The

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approving authority may modify the greenbelt buffering to allow less buffering or require additional buffering based on the proposed use's impact on adjacent lots.

(3) Timing of Greenbelt Planting. Whenever a greenbelt is required in this Ordinance, it shall be planted within six (6) months from the date of completion of the building or improvements and shall thereafter be maintained with permanent plant materials, as set forth in Section 4.41 Plant Materials, to provide a screen to abutting properties and maintained in accordance with Section 10.105. Phased installation may be required by the Township to ensure protection of adjacent uses.

(4) Greenbelt Lawn. The remainder of the greenbelt area which is not planted with the aforementioned stock shall be kept in lawn. All lawn and plant materials shall be maintained in a health growing condition and in a neat and orderly appearance as required herein in this Article.

(5) Existing Buffering. If an existing wall, fence, or vegetation exists on the site that meets the greenbelt buffering standards of this Ordinance, the approving authority may accept the existing screening or require only supplemental screening to meet the intent of this Article.

~~Section 11.104~~ ~~Open Space Landscaping (currently 16.07B(6)(e)).~~ All remaining open space on site shall be planted with one (1) deciduous or evergreen tree per three thousand (3,000) square feet of open area. A minimum of thirty five (35) percent of the required trees shall be deciduous. All remaining area shall be planted with grass or another suitable ground cover. The use of stone, rocks or pebbles shall not be permitted as a ground cover or mulch.

~~Section 11.105~~

(F) Specific Landscaping Requirements for Zoning Districts and Land Uses. In addition to other landscaping and screening requirements of this Ordinance, additional landscaping requirements for specific zoning districts and land uses are as follows:

~~Section 11.106~~

**(1) Multiple Dwelling Residential (RM) District (currently 4.40(3)(n)).** All lots or parcels proposed for multiple-family residential use in the RM District shall contain a minimum of two (2) deciduous or evergreen trees and four (4) shrubs per dwelling unit within the landscaped open space areas. These requirements will be in addition to other required landscaping as per this Ordinance.

**(2) Mobile Home Park (RMH) District (currently 4.40(3)(n)).** All lots or parcels of land proposed for mobile home uses shall meet the following landscaping requirements:

**(a)** There shall be at least one (1) deciduous or evergreen tree for each mobile home lot. Deciduous trees may be planted in a strip between a curb and a sidewalk or in any other unpaved area. Trees installed for buffer or greenbelt purposes, or that are otherwise required by this Section Article, shall not be included for purposes of complying with the requirements set forth in this subsection Sub-section.

**(b)** Areas between or surrounding mobile home structures and all other open areas shall be covered with grass or ground cover and landscaped with trees and shrubs.

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(3) **Local Business (C), General Business (C-1), and Extensive Highway Business (C-2) Districts (currently 11.05(d)).** Unless determined by the Planning Commission to be inappropriate for the passive use of subject site customers and pedestrians in conjunction with a proposed use, the site plan shall incorporate any combination of the following, as determined by the Planning Commission:

- (a) Contiguous outdoor space, independent of sidewalks, pedestrian circulation areas and required landscaping, in an amount not less than one (1) square foot for each twenty-five (25) square feet of principal building, ~~not including greenhouse building~~ and in no case less than two hundred fifty (250) square feet in total. Such space shall be illuminated, landscaped, visible from the building and adjacent right-of-way, separated from parking and motorized vehicular circulation, and linked to the building, sidewalks, and pedestrian circulation system by a series of walks and paths. This space shall include amenities described in Section 10.103(F)(3)(b) below.
- (b) Enhanced, upgraded and improved fixed man-made and natural site improvements, including but not limited to seating, benches, tables, decorative fences, railings, low decorative brick walls, entrance structures and landscaping, decorative building and site lighting, brick paver walkways, sidewalks within large parking lots, "wet" ponds or other water features with aerating fountains, gazebo or pavilion structures, sculpture and similar art, bicycle racks, drinking fountains, litter baskets, decorative retaining walls, low hedges, and additional planting beds and landscaped islands.

(4) **Office-Technology (OT) District (currently 14.05(4)(d)).**

(a) **Foundation Plantings.** All buildings within the OT District shall provide a foundation ~~greenbelt and~~ plantings around the perimeter of the building and shall be landscaped according to the following minimum standards:

Type of Landscaping	Required Landscaping
Ornamental (Flowering) Tree	1 per 100 linear feet of building width or fraction thereof
Evergreen or Deciduous Tree	1 per 40 linear feet of building frontage or fraction thereof
Shrubs	10 per 100 linear feet of building width or fraction thereof
Perennial Beds <del>(in groups)</del>	20% of the required frontage landscaping area [PS212]

(b) ~~Right-of-Way~~ **Interior Drive Planting.** ~~Canopy Deciduous street trees shall be installed within the right-of-way of any common access drives or internal roads, internal private or public, at a maximum interval of one (1) canopy deciduous tree, minimum 2 1/2 inches in caliper, per each forty (40) linear feet of roadway such frontage. In cases where the common drives are proposed as private, the requirement for street trees shall be required at the same interval.~~

~~(B)(G)~~ **Open Space Landscaping (currently 4.40(3)(a)(2) and 16.07B(6)(e)).** All remaining open areas on the site that are not required landscaping areas as described elsewhere in this Article

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(e.g., frontage landscaping, parking lot landscaping, loading and display area landscaping, greenbelt buffering, landscaping requirements specific to the zoning district, and stormwater basin landscaping) shall be planted with one (1) deciduous or evergreen tree per three thousand (3,000) square feet of open area. A minimum of thirty-five percent (35%) of the required open space landscaping trees shall be deciduous. All remaining open space landscaping areas shall be planted with grass or another suitable vegetative ground cover.

~~(C)~~(H) Berms (currently 4.40(3)(g)). Where required, earth berms or landscaped berms shall conform to the following standards:

- ~~(1)~~ The berm, ~~unless in connection with a display area wall,~~ shall be at least ~~three (3) feet above the grade elevation and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat area on the top~~ unless a different size is required in this Ordinance.
- ~~(2)~~ The berm ~~area~~ shall be planted with grass or other suitable ground cover to ensure that it withstands ~~wind, and weather, and erosion,~~ and retains its height and shape.

[PS213]

- ~~(3)~~ A minimum of one (1) deciduous or evergreen tree shall be planted for each ~~thirty (30) linear feet or portion of required berm~~.
- ~~(5)~~ ~~Eight (8) shrubs per tree may be planted as substitute for trees required in item "3" above~~.
- ~~(7)~~(3) Unless a specific planting pattern is required by the Zoning Ordinance or the Planning Commission, rRequired trees and shrubs may be planted at uniform intervals, at random or in groupings.
- ~~(4)~~ For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- ~~(8)~~(5) Berm height shall be measured as elevation above grade. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

~~(D)~~(I) Garbage, and Refuse, and Recycling Collection Areas (currently 4.40(3)(I) and 14.05(8)). All garbage, refuse, and recycling collection areas (i.e., dumpsters) shall meet the requirements of Section 7.122.

~~(E)~~(J) Mechanical and Utility Equipment Screening (currently 14.05(3)(e)). [PS214] All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, incidental to any building, including ~~roof~~ roof-mounted equipment shall be totally enclosed or screened from view; ~~off-site, as to and shall~~ be an integral part of the architectural or landscape design of the building and site. This requirement shall not apply to equipment serving one (1) dwelling unit.

~~(F)~~(K) Stormwater Basin Landscaping (currently 4.40.3). The following standards shall be considered minimum requirements for the landscaping of stormwater basins:

## Article 10: Landscaping and Screening

- (1) Stormwater Basin Vegetation Requirements.** The landscape treatment for stormwater basins shall include a mixture of groundcover, wetland, and wildflower species native to Michigan. Native vegetation provides a number of benefits in stormwater basins including enhanced stormwater quality, increased habitat, passive recreational opportunities, and reduced algae growth. The combination of wetland plugs and native seed mixes will provide the optimum opportunities to achieve the benefits described above. The side slopes and the bottom of the basin shall be planted with a combination of a native seed mix and wetland plugs/bare-root stock.
- (2) Perimeter Greenbelt.**

  - (a) Basin Perimeter.** Trees and shrubs shall be planted around the basin to buffer and enhance views of the basin, and to replicate a natural environment. Deciduous shade trees shall be clustered around the sides of the basin to provide shade and minimize solar heating of the water.
  - (b) Trees.** Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions.
  - (c) Native Species.** Plants shall be species native to Michigan, in accordance with the Township's list of approved native plant species for stormwater basins.
  - (d) Screening of Mechanical Structures.** Any above ground mechanical structures necessary for basin operation shall be identified on the site and landscape plan and shall be fully screened with evergreen trees or trees and shrubs suitable for the wetness zone in which they are to be located.
- (3) Screening.** The area around the stormwater basin riser outlet structure(s) (outlet between forebay and basin and primary outlet to creek/storm sewer) shall be appropriately screened with vegetation appropriate for the applicable basin zone. The screening vegetation shall not inhibit future maintenance access to the structure.
- (4) Establishment and Maintenance.**

  - (a)** The landscape performance guarantee held by the Township for a site with a stormwater basin, shall include the stormwater basin-related plantings. The performance guarantee shall be held for two (2) years to ensure sufficient establishment of the stormwater basin plantings.
  - (b)** The homeowner association covenants and restrictions or master deed must include language for stormwater basin maintenance per the approved plans. For multiple-family residential, commercial, industrial, and non-residential sites, such maintenance shall be the responsibility of the landowner, and consistent with the approved plans.
  - (c)** Use of fertilizers along the side slopes or within the stormwater basin is prohibited.

~~(G)(L)~~ Right-of-Way and Access Easement Landscaping (currently 4.40(3)(i)). In addition to any other landscaping requirements of this Ordinance for public rights-of-way and other access easements, any ~~public right-of-way and other public open space~~ access easement areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

**Standards for Plant Materials**  
(currently 4.41 and 4.40(3)(k))

~~Section 11.107~~ Section 10.104 (A) Lawn Areas (currently 4.40(3)(k)). Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be added or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.

~~Section 11.109~~ (B) Recommended Species of Trees, Shrubs, and Perennials (currently 4.41 and 16.07B(6)(H)). The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the southeast Michigan region. The following is a list of recommended species and required minimum sizes of plant materials. Van Buren Township may permit other species that are not listed below.

Recommended Plant Type and Minimum Size	[PS215]
Evergreen Trees (8 feet minimum height) <sup>[PS216]</sup>	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens Trees (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Horoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous Trees (3-inch minimum caliper) <sup>[PS217]</sup>	Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam, Linden, Maple (Hard Maple), Oak, Planetree (Sycamore), and Sweet Gum
Ornamental Trees (2-inch minimum caliper) <sup>[PS218]</sup>	Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon
Deciduous Shrubs (3 feet minimum height) <sup>[PS219]</sup>	Dogwood, Euonymus, Fosythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum
Evergreen Shrubs (30 inches minimum height) <sup>[PS220]</sup>	Holly, Juniper, and Yew
Spreading Shrubs (18 inches minimum height) <sup>[PS221]</sup>	Cotoneaster and Creeping Juniper
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, Periwinkle, and

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	Purple Coneflower
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(C) Prohibited Species (currently 4.41 and 16.07B(6)(H)). Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The Planning Commission or Planning Director may prohibit other species that are not listed below.

	[PS222]
Ash	
Black Locust	
Box Elder	
Buckthorn	
Catalpa	
Cottonwood	
Elm	
Ginkgo (Female)	
Honey Locust (With Thorns)	
Horse Chestnut (Nut Bearing)	
Mulberry	
Norway Maple	
Olive	
Poplar	
Silver Maple	
Tree of Heaven	
Willow	

(D) Minimum Requirements for Plant Material.

(1) All plant material shall conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials shall be typical of their species or variety, have normal habitat of growth, well-branched and densely foliated when in leaf.

(2) Plant materials shall be chosen according to soil, climatic conditions and environmental factors for the proposed development, the location of the installation, and its desired

function.  
~~Section 11.111~~ Section 10.105

(3) Artificial plants are prohibited from satisfying landscape requirements.

**Landscape Installation and  
Maintenance (currently 4.40(3)(a)(1) and (3), 4.41, and 4.42)**

(A) Installation (currently 4.40(3)(a)(1) and (3) and 4.41).

(1) Installation Period. Whenever planting is required by this Ordinance, it shall be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting shall take place within six (6) months from the date of

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issuance of the Certificate of Occupancy and the owner shall post a performance guarantee in accordance with the provisions set forth in Section 12.211.

(2) Installation Method. All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:

- (a) Balled and Burlapped. All trees shall be balled and burlapped at the time of planting.
- (b) High Quality and Healthy Plant Material. Plant material shall be freshly dug and nursery grown. Plant material shall be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees shall have straight trunks with leaders intact, undamaged and uncut.
- (c) Mulching. Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.
- (d) Topsoil. A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, berms, and planting beds.
- (e) Plant Material Required in All Portions of Landscaped Areas. All portions of the landscaped areas shall be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.
- (f) Planting Locations. Unless a specific planting pattern is required by the Zoning Ordinance or the Planning Commission, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs. When trees are planted within five (5) feet of a permanent building, structure, or paved area, structural soil systems shall be used to direct new root growth downward. When soil structural soils are used, a minimum depth of six (6) feet of structural soil shall be provided underneath trees.
- (g) Protection of Existing Vegetation: Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.

(A)(B) Maintenance. The owner of the property shall be responsible for the regular maintenance of all diseased, dead or damaged plants and will must replenish mulch, control weeds, fertilize plants and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants shall be replaced within 30

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days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

The approved landscape plan shall be considered a permanent record and integral part of site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to or removal of, plant materials will place the parcel in nonconformity with the originally approved landscape plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of site plan approval. The Township shall ~~maintain~~ retain a portion of the performance guarantee required under ~~Section 12.211~~ Section 12.210 for twelve (12) months from the date required landscaping is completed to ensure plant materials remain in a ~~live~~ live condition.

(C) Irrigation Required ~~(ps223)~~. All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The approving authority (Planning Commission or Planning Director) may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

### Modifications (currently

~~Section 4.10.01~~ Section (10) 106

In consideration of the overall design and impact of the landscape plan, the Planning Commission may modify or adjust the requirements outlined herein in this Article for general required landscaping or for landscaping in greenbelt areas, on berms or as part of a screen, provided that any such adjustment is keeping with the intent of this Ordinance and more specifically, with the intent of ~~Section 4.10.01~~ this Article.