

CHAPTER XVII

LANDSCAPE AND GREENBELT PROVISIONS

SECTION 17.01 INTENT

The intent of this Chapter is to assist development proposals in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas.

The objective and primary functions of landscaping are both utilitarian and aesthetic. The utilitarian aspects and effects of good landscaping design include:

- The screening of lighted areas and unattractive features.
- The prevention of glare from buildings, cars and other sources.
- The control of air pollution by the absorption of noxious gases and the release of oxygen.
- The reduction of noise and the stabilization of soils.
- Decreased wind velocity and increased surface water retention.
- The definition of access and circulation.

SECTION 17.02 LANDSCAPING - GENERAL

For all uses except single-family residential and agricultural, every site upon which a building or structure has been placed shall be landscaped in accordance with a plan and specifications approved by the Planning Commission. The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Building Inspector.

- (a) Landscaping shall be installed within one hundred eighty (180) days of completion of the building or structure, or unless permitted in writing by the Building Inspector at a later date.

- (b) All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one (1) growing season.
- (c) Landscaped areas shall be neatly maintained, including mowing, fertilizing, pruning, and watering, if necessary.
- (d) Parking and loading areas shall be landscaped and/or fenced in such a manner as to reasonably interrupt or screen the areas from view.
- (e) For the purpose of this chapter, a corner lot is considered as having two (2) front yards, and the appropriate landscaping shall be provided for both.
- (f) The extensive use of cobble stones, crushed stones or other non-living material as a ground cover is discouraged.
- (g) Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

SECTION 17.03 REQUIRED LANDSCAPING - GREENSTRIPS

In all non-residential and PUD districts and for permitted non-residential uses in the residential districts, required greenstrips shall be landscaped according to the following guidelines and in accordance with Sections 3.27 and 3.28.

- (a) For each required greenstrip with a width of twenty (20) feet or less;
 - 1. One (1) tree for each fifty (50) feet of length of the greenstrip.
 - 2. Shrubs at a rate of one (1) per each tree required.
- (b) For each required greenstrip with a width of greater than twenty (20) feet;

1. A minimum of two (2) trees plus one (1) additional tree for each fifty (50) feet in length of the greenstrip.
 2. Shrubs at a rate of two (2) per each tree required.
- (c) Where appropriate, plantings should be grouped or clustered to provide maximum visual effect.
- (d) Tree Size: All trees credited in any required greenstrip shall have a minimum caliper of one and three-fourths (1 3/4) inches and shall have an expected height at maturity of at least twenty (20) feet. Trees shall be provided at a ratio of approximately two (2) understory trees for each one (1) canopy tree.
- (e) Accessways. Necessary accessways through required greenstrips are permitted but shall be included in the dimensions used to determine required plantings.
- (f) Berms. Undulating earthen berms not exceeding six (6) feet in height and 3:1 slopes may be permitted within a required greenstrip. Credit of up to twenty-five (25) percent may be received against providing the required plantings through the use of berms three (3) feet in height or greater.

SECTION 17.04 GREENBELTS REQUIRED

Where required, greenbelts shall be provided and maintained in accordance with the following guidelines and in accordance with Sections 3.27 and 3.28.

- (a) Width: Required greenbelts shall have a minimum width of ten (10) feet.
- (b) For each twenty-five (25) feet of length or portion thereof of greenbelt, desired plantings shall consist of:
1. One (1) deciduous canopy tree
 2. Two (2) deciduous understory trees

SECTION 17.06

REQUIRED GREENSTRIPS AND GREENBELTS -
REDUCTIONS AND SUBSTITUTIONS OF PLANTINGS

Where, in certain situations, a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Planning Commission may approve modifications only to the planting requirements of Sections 17.03 and 17.04 and Sections 3.27 and 3.28. In approving modifications due to physical hardship, the Planning Commission may require such alternate plantings and visual screens or hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

SECTION 17.07

GREENSPACE WITHIN THE PUBLIC RIGHT-OF-
WAY AND PRIVATE EASEMENTS

For the land area lying between the required greenstrip in the front yard of properties and the edge of pavement of a public or private street, the following standards shall apply:

- (a) As a minimum, grass or other living ground cover shall be neatly maintained and kept weed free by the owners of property abutting the public right-of-way or private easement.
- (b) Trees within a public right-of-way shall not be planted without the written consent of the Bay County Road Commission or the Michigan Department of Transportation.

SECTION 17.08

PARKING AREAS, FRONT YARD - REQUIRED
LANDSCAPING

Parking areas located in the front yard of a site that include in excess of fifty (50) vehicle spaces or fifteen thousand (15,000) square feet of area, including parking spaces, lanes and drives outside of the required greenstrips, shall be internally landscaped at a rate of one (1) square foot of green area for each twenty-five (25) square feet of impermeable parking area surface. Landscape features installed in fulfillment of this requirement should be designed and situated to break the monotony of large expanses of parking area, to

protect lighting fixtures and fire hydrants, and to define access and circulation ways.

Such features shall be sized and planted to meet the following requirements and shall be credited as parking spaces for the purpose of meeting the minimum vehicle space requirements of this Ordinance.

- (a) Landscape Islands and Peninsulas: Such features shall be a minimum of one hundred eighty (180) square feet in size.
- (b) Raised Planting Strips: Such features used to separate the ranks of vehicle spaces shall be a minimum of four (4) feet in width.
- (c) Required Plantings: For each two hundred (200) square feet of green area required within a created island, peninsula, or raised planting strip, one (1) tree and two (2) shrubs for each tree shall be provided.
- (d) Trees shall have an expected height of at least fifteen (15) feet at maturity and be of a minimum one and three-fourths (1 3/4) inches caliper when planted. Shrubs shall be of a low growing variety and maintained below four (4) feet in height as measured from the parking surface around the base of the island. Trees shall be maintained to ensure clear vision for pedestrians and drivers.

SECTION 17.09 CREDITED SPECIES

The Building Inspector shall hold on file a suggested planting list to accommodate various site situations.

SECTION 17.10 UNCREDITED SPECIES

The following Schedule "A" enumerates species that are permitted but which will not be credited in required landscape areas due to their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, susceptibility to road salt damage and/or other undesirable characteristics.

SCHEDULE A

LIST OF UNDESIRABLE SPECIES

<u>Botanical Name</u>	<u>Common Name</u>
<u>Trees:</u>	
Acer Negundo	Box Elder
Ailantus Altissima	Tree of Heaven
Betula Spp.	Birch
Catalpa Speciosa	Catalpa
Eleagnus Augustifolia	Russian Olive
Ginkgo Biloba (Female)	Female Ginkgo
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen
Prunus Spp.	Cherry, Plum
Salix Spp.	Willow
Ulmus Spp.	Elm
Pinus Strobus	White Pine
Morus Spp.	Mulberry
Juglans Nigra	Black Walnut
Robina Spp.	Black Locust
Crataegus Spp.	Hawthorn
Aesculus Hippocastanum	Horsechestnut
Carya Spp.	Hickory
Acer Saccharinum	Silver Maple

NOTE: Any multiple stem trees.

Prohibited Shrubbery:

Rhododendron	Rhododendron
Yucca	Yucca
Ilex	Holly
Mahonia	Grape Holly
Azalea	Azalea
Arborvitae	Globe Arborvitae

CHAPTER XVIII

SIGNS

SECTION 18.01 DESCRIPTION AND PURPOSE

These regulations are intended to control and regulate the placement of signs within the various zone districts.

SECTION 18.02 EXCEPTIONS

The following types of signs are excluded from regulation by this ordinance:

- (a) Devices on the inside of a commercial structure visible through a transparent portion of the structure unless the device is both permanent and lighted.
- (b) Devices placed or erected by governmental agencies for the purpose of showing street names, traffic directions or regulations or for governmental purposes or the location of public buildings; devices erected by private parties with the written approval of the Township Building Inspector to identify geographical areas or points of historic interest, and devices erected by governmental or private parties solely for purposes of public safety.

SECTION 18.03 SIGN PERMITS

No regulated sign shall be erected or altered without filing an application and receiving a sign building permit in accordance with the following:

- (a) Permanent and temporary signs - It shall be unlawful for any person, firm or corporation, by themselves or by their agents or servants, to construct, erect, install, structurally alter, or relocate any sign or advertising display without having first obtained a permit for such sign or device from the office of the Building Inspector. Application for such permit shall be filed with the Building Inspector and accompanied by the fee therefore,

and shall set forth the name of the person who is to erect or alter the sign, the plans and specifications of the sign, and the proposed method of erection or alteration, together with complete information regarding the equipment to be used for such work. If the Building Inspector, and in the case of an electrical sign, the Electrical Inspector, finds that such a sign, when constructed and erected in accordance with the plans and specifications, will comply with the provisions of this Chapter and all other Ordinances of this Township or statutes of this State, and that the equipment to be used is adequate to protect the public safety during the erection or alteration thereof, the Building Inspector shall issue a permit. Each sign shall be inspected by the Building Inspector immediately after it is erected. Each application for a permit under this Section shall state that the owner of the property on which the sign is to be situated does, upon grant of the permit by the Building Inspector, grant the Building Inspector the right thereafter to enter upon the property at reasonable times to inspect the sign for purposes of determining compliance with the provisions of this Chapter and the right of either the Building Inspector or other persons designated by the Building Inspector to enter upon said property for purposes of removal of the sign if the sign is later determined not to comply with the provisions of this Chapter. No application for a permit under this Section shall be granted until the owner of the property on which it is to be situated shall have signed the application. Permits for temporary signs shall be limited to a maximum of fifteen (15) days and no more than three (3) permits shall be issued for the location of portable signs on any parcel of land during any one (1) year. In issuing a permit for a temporary sign, the Building Inspector shall require a reasonable cash deposit to insure the removal of such sign within the time limit prescribed in the permit. If the sign is not removed within the specified time, the deposit shall be forfeited.

- (b) Political Signs - It shall be unlawful for any person, firm or corporation, by themselves or by their agents or servants, to construct, erect, install, structurally alter, or relocate any political sign within the Charter Township of Hampton without having first obtained a permit for such sign from the office of the Building Inspector. Each

application for a permit under this Section shall state that the applicant has obtained from the owner of the property upon which each sign is to be situated permission to erect a political sign on the property and also the authority to grant the township the right thereafter to enter upon the property at a reasonable time to inspect the sign for purposes of determining compliance with the provisions of this chapter and the right of either the Building Inspector or other person designated by the Building Inspector to enter upon the property for the purpose of repair or removal of the sign if the sign is later determined not to comply with the provisions of this chapter, and if the property owner and/or applicant has failed to take such corrective action after receiving notice from the Building Inspector or his delegated agent. Each application for a sign permit shall include the name, address, and telephone number of the candidate for whom the sign is to be erected; the name, address, and telephone number of the chairman of the committee for each candidate or political issue for which the sign is to be erected; and the address of each parcel of property upon which a political sign is to be erected. Before issuing a permit for the erection of political signs, the Building Inspector shall assure that the requirements set forth herein shall be satisfied.

SECTION 18.04 GENERAL PROVISIONS

(a) Permanent or Temporary Signs

1. Maintenance - All signs and advertising displays now erected and maintained or hereafter to be erected and maintained shall be erected and at all times maintained in a neat and orderly condition and with secure supports and fastenings to prevent the same from falling. Any person or firm erecting or maintaining such signs or displays shall, within forty-eight (48) hours after being notified by the Building Inspector, repair or replace supports for any sign and comply with said order in a manner satisfactory to the Building Inspector.

2. Traffic Hazards - It shall be unlawful for any person or firm to place a sign, advertising device, or display in a location where it will cause a hazard to vehicular or pedestrian traffic. If any such sign is determined to be a hazard by the County or State Traffic Engineers or the Township Board, notice thereof shall be given to the Building Inspector who shall thereupon notify the owner to remove same in the interest of public safety.
3. Public Nuisance - The Building Inspector shall notify the owner to alter or remove any sign, device, or display which is deemed a public nuisance by being neglected, in poor repair, hazardous to the public, or which may cause a nuisance or harassment to residents nearby, either by way of light glare or by vision interference, with radio or television reception, or by blocking the natural flow of air currents.
4. Failure to Comply - When a person or firm has been notified by the Building Inspector to remove or repair a sign and shall fail to comply within the time specified in the notice, the Building Inspector is authorized to have the sign removed by Township, County, or State employees. The cost thereof to the governmental agency performing the removal shall become a lien against the property from which the sign is removed, to the extent such costs are not covered by the bond required by this Chapter.
5. Nonconforming Signs - No person or firm shall alter, remodel, relocate or reconstruct any sign which does not conform with the provisions of this Chapter nor shall the Building Inspector issue a permit for same unless the altering, remodeling, relocation, or reconstruction includes modification or reconstruction of the sign so it will conform with this Chapter and all other Ordinances of this Township. Repainting or redecorating a sign, provided the subject matter thereon is not materially changed, shall not be considered prohibited by this Section.
6. Unauthorized Signs - The following signs are prohibited. Any sign, signal, marking, or device

which purports to be or is an imitation of or resembles an official traffic control device, or railroad sign or signal, or an emergency vehicle blinker light signal, or which attempts to direct the movement of traffic on public streets, or which obstructs or interferes with the effective operation of any traffic control device or any railroad sign or signal or the normal flow of traffic which is determined by the Township Building Inspector to cause or to be likely to cause distraction to motorists. Any sign of any kind which has been erected or installed on private property without the consent of the owner of such property. Additionally, it shall be unlawful to attempt to utilize, either as a permanent or temporary sign, a mobile home, wagon, tractor, tractor trailer, motor vehicle, or other similar type structure or vehicle for advertising purposes. Commercial motor vehicles may not be parked in the required front yard of any premise or establishment unless they are parked at the authorized loading docks for the purpose of loading or unloading said vehicle and may only be allowed to be parked at said location for the time required to accomplish the task of loading or unloading said vehicle.

7. Electrical Signs - All electrical signs shall be approved by the Township Electrical Inspector to assure that they satisfy the electrical code before a permit will be issued. No exterior sign shall be illuminated by flashing or intermittent lights of a duration of less than twenty (20) seconds. All lighting used for the illumination of signs, business buildings, or areas surrounding them shall be completely shielded from the view of vehicular traffic and adjacent parcels, except for diffused lighting within translucent signs. No illumination or sign shall be so placed or designed to be confused with or appear similar to a high sign or traffic safety device.

(b) Political Signs

1. Political signs are permitted within any zone in compliance with these regulations for a period

beginning thirty (30) days prior to a related primary or general election, and each sign shall be removed within ten (10) days after such election.

2. Maintenance - All political signs shall be erected and at all times maintained in neat and orderly condition and with secure supports and fastenings to prevent the same from falling. Any person or firm erecting or maintaining such signs shall, within forty-eight (48) hours after being notified by the Building Inspector, repair or replace supports for any sign and comply with said order in a manner satisfactory to the Building Inspector.
3. Size Limitations - The sign surface of any political sign shall not exceed twenty (20) square feet.
4. Setback Requirements - All political signs shall be located a minimum distance of twenty-five (25) feet from the front lot line, curb line, or public street right-of-way, whichever is further, and a minimum distance of fifteen (15) feet from any other property line, curb line, or public street right-of-way, whichever is further.
5. Failure to Comply - When a person or firm has been notified by the Building Inspector to remove or repair a sign and shall fail to comply within the time specified in the notice, the Building Inspector is authorized to have the sign removed by the Township, County, or State employees. The cost thereof to the governmental agency performing the removal shall become a lien against the property from which the sign is removed to the extent such costs are not covered by the bond required by this Chapter.

AMENDMENT

36A-5

EFF: 10-14-99

SECTION 18.05 USE REGULATIONS

- (a) Signs permitted in any zone district.

1. Signs that are excepted from regulation in Section 18.02.
2. Political signs as regulated in Sections 18.03(b) and 18.04(b).
3. One (1) nameplate on any parcel provided the sign surface does not exceed four (4) square feet.
4. One (1) identifying sign with a maximum of two (2) sign surfaces for a subdivision, apartment complex, mobile home park, or condominium project, provided that any sign surface does not exceed thirty-two (32) square feet and it is located a minimum of ~~twenty-five (25)~~ five (5) feet from any property line or street right-of-way line and fifteen (15) feet from any entrance road and, further, provided that it conforms to the requirements of Section 3.27. Provided, however, that a sign may be located within the median of a boulevard entranceway if it meets the following requirements.
 - a. The sign is less than thirty-six (36) inches in height.
 - b. The sign is a minimum of five (5) feet from the road right-of-way.
 - c. The sign is a minimum of five (5) feet from the paved surfaces of the entrance road boulevard if the boulevard has curb and a minimum of ten (10) feet from the entrance road boulevard if there is no curb provided.
5. One (1) temporary real estate sign for a subdivision, apartment complex, mobile home park, or condominium project with a maximum of two (2) sign surfaces, provided that any sign surface does not exceed seventy (70) square feet, it is located a minimum of ~~twenty-five (25)~~ five (5) feet from any property line or street right-of-way line and is located within fifty (50) feet of an entrance road. and fifteen (15) feet from any entrance road and, further, provided that it

conforms to the requirements of Section 3.27. Provided, however, that a sign may be located within the median of a boulevard entranceway if it meets the following requirements:

a. The sign is less than thirty-six (36) inches in height.

b. The sign is a minimum of five (5) feet from the road right-of-way.

c. The sign is a minimum of five (5) feet from the paved surfaces of the entrance road boulevard if the boulevard has curb and a minimum of ten (10) feet from the entrance road boulevard if there is no curb provided.

6. One (1) temporary construction sign with a maximum of two (2) sign surfaces per project denoting architects, engineers, contractors, or financial institutions associated with the project, provided that any sign surface does not exceed sixty-four (64) square feet and it is located a minimum of ~~twenty-five (25)~~ five (5) feet from any property line or street right-of-way line and fifteen (15) feet from any entrance road and, further, provided that it conforms to the requirements of Section 3.27. Provided, however, that a sign may be located within the median of a boulevard entranceway if it meets the following requirements:

a. The sign is less than thirty-six (36) inches in height.

b. The sign is a minimum of five (5) feet from the road right-of-way.

c. The sign is a minimum of five (5) feet from the paved surfaces of the entrance road boulevard if the boulevard has curb and a minimum of ten (10) feet from the entrance road boulevard if there is no curb provided.

(b) Additional signs permitted within any B-1, B-2, B-3, I-1, I-2, or PUD District.

~~1. Wall Signs - Wall signs shall be attached to a building parallel to the side on which it is attached and cannot project above the building roof line. Wall signs can be placed on two (2) sides of a building provided the total sign surfaces do not exceed one hundred and fifty (150) square feet and any sign surface does not exceed ten (10) percent of the wall area to which it is attached.~~

a. Wall signs shall be located directly on or attached to a building parallel to the side on which they are attached and cannot project above the building roof line.

b. A wall sign can be placed on two sides of a building, provided that the total sign surface does not exceed one hundred fifty (150) square feet and that any sign surface does not exceed ten (10) percent of the wall area to which it is attached.

c. In addition to the above, if there is more than one (1) independently owned and operated business within one building, each separate business may have a wall sign provided, it is located on or attached to the front wall of the building and it does not exceed a maximum of forth-eight (48) square feet.

2. Freestanding or Pylon Signs.

~~One (1) freestanding sign with a maximum of two sign surfaces is permitted along each street frontage of a parcel, provided it is not located closer than ten (10) feet to any property line, street right-of-way line or a driveway, and no sign surface area exceeds two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one (1) use on a single parcel, the~~

~~surface area requirements are increased by fifty (50) percent. No freestanding sign can exceed thirty (30) feet in height and the bottom of the sign surface shall be at least eight (8) feet above grade, except the following is permitted: No minimum height is required if a sign does not exceed five (5) feet in height; has a surface area less than eighty (80) square feet; is located within a front yard greenstrip area; is located a minimum of fifteen (15) feet from any property line, street right-of-way line, or driveway; and is a minimum distance of one hundred (100) feet from the point of intersection of two (2) street right-of-way lines.~~

- a. One freestanding sign is permitted along each public street frontage of a parcel, provided that no part of the sign structure is located closer than ten (10) feet to any property line, street right-of-way line or a driveway and provided that the entire sign, including the sign surface, is completely located on the parcel on which the sign is located.
- b. The sign surface of a freestanding sign, for an individual business, shall not exceed eighty (80) square feet for parcels having less than two hundred (200) feet of frontage along the street on which the sign is oriented. The sign surface may be increased by sixteen (16) square feet for each one hundred (100) feet of frontage, along the street on which the sign is oriented, in excess of two hundred (200) feet up to a maximum sign surface of two hundred (200) square feet as illustrated in the table below.
- c. If the sign serves more than one independently owned and operated business on a single parcel, the sign surface area provisions are increased by fifty (50) percent.
- d. No sign can exceed thirty (30) feet in height, and the bottom of the sign surface shall be a minimum of eight (8) feet above grade.

PERMITTED SURFACE AREA OF
FREESTANDING OR PYLON SIGNS

<u>STREET FRONTAGE OF A LOT IN A BUSINESS OR INDUSTRIAL DISTRICT</u>	<u>MAXIMUM SIGN SURFACE AREA</u>	
	<u>SIGN SERVING ONE BUSINESS</u>	<u>SIGN SERVING MORE THAN ONE BUSINESS</u>
<u>Less than 200'</u>	<u>80 sq. ft.</u>	<u>120 sq. ft.</u>
<u>200' - 299'</u>	<u>96 sq.ft.</u>	<u>144 sq. ft.</u>
<u>300' - 300'</u>	<u>112 sq. ft.</u>	<u>168 sq. ft.</u>
<u>400' - 499'</u>	<u>128 sq. ft.</u>	<u>192 sq. ft.</u>
<u>500' - 599'</u>	<u>144 sq. ft.</u>	<u>216 sq. ft.</u>
<u>600' - 699'</u>	<u>160 sq. ft.</u>	<u>240 sq. ft.</u>
<u>700' - 799'</u>	<u>176 sq. ft.</u>	<u>264 sq. ft.</u>
<u>800' - 899'</u>	<u>192 sq. ft.</u>	<u>288 sq. ft.</u>
<u>900' or more</u>	<u>200 sq. ft</u>	<u>300 sq. ft.</u>

3. Ground Mounted Signs.

A ~~portable~~ ground mounted sign can be used instead of a freestanding or pylon sign, provided that it satisfies all of the requirements for a freestanding sign following conditions:

a. The height of the sign shall not exceed five (5) feet.

b. The sign surface shall not exceed eighty (80) square feet.

c. The entire sign is located within a front yard greenstrip area.

d. No part of the sign shall be located closer than fifteen (15) feet from any property line, street right-of-way line or driveway.

e. No part of the sign shall be located closer than one hundred (100) feet from the point of intersection of two (2) street right-of-way lines.

4. Additional Permitted Signs

Automobile Service Stations, Automobile Repair establishments and Automobile Wash establishments may display, in addition to the foregoing signs, the following signs which are customary and necessary to their respective business:

a. Directional signs or lettering displayed over individual entrance doors or bays, each of which does not exceed five (5) square feet.

b. Customary lettering and insignia which are a structural part of a gasoline pump.

c. A sign surface including a logo or lettering placed on not more than three (3) sides of a pump island canopy, provided that no sign surface exceeds ten (10) square feet.

5. Portable Signs

A portable sign can be used instead of a freestanding sign or a ground-mounted sign provided it satisfies all of the requirements for a freestanding or ground-mounted sign.

- (c) Additional signs permitted in any I-2 District - Billboards are permitted, provided they comply with all provisions regulating billboards in the Highway Advertising Act (P.A. 106, 1972, as amended), no sign surface exceeds two hundred (200) square feet, and they are not located within three hundred (300) feet of any residential district.

AMENDMENT

36A-4

EFF: 3-18-99

(d) Signs permitted for approved special uses.

1. Signs permitted in any zone district as provided and regulated in Section 18.05(a).
2. In instances where a specific use requires the issuance of a special use permit within a particular zone district but is a use permitted by right within another district, the standards regulating signs within the district in which the use is permitted by right shall serve as the minimum standards to which any sign shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the Planning Commission. Provided further, however, upon review of an application for a special use permit, the Planning Commission may impose stricter sign standards where it is deemed necessary for the protection of adjacent and nearby property rights and values, the general welfare, and for insuring that the intent and objectives of this Ordinance are observed. In establishing these standards, the Planning Commission shall consider the type and nature of the proposed use, the size of the parcel on which the use is being located, the amount of traffic on the street on which

the property fronts, the type and nature of adjacent and nearby uses, and the size and types of signs, if any, presently located in the area.

3. If the proposed special use is not a permitted use by right within another zone district, the Planning Commission shall establish specific standards for each particular sign at each particular location based on the standards provided above in Section 18.05(d)(2).

CHAPTER XIX

SPECIAL USES

SECTION 19.01 INTENT

The provisions of this Chapter are intended to set forth the procedures and standards applicable to certain land uses, structures, or activities which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or the community as a whole.

Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining a special use permit from the Planning Commission.

SECTION 19.02 PROCEDURES

- (a) An application for a special use permit shall be submitted to the Township Clerk on a form for that purpose, together with a site plan prepared to the specifications contained in Chapter XIV of this Ordinance. Each application shall be accompanied by the payment of fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to final action on the special use.

AMENDMENT

36A-11

EFF: 9-14-06

- (b) Upon receipt of an application for a special use permit, a notice that the Planning Commission will hold a public hearing on the application shall be published in a newspaper which circulates in the Township, and sent by mail or by personal delivery to the owners of property for which approval is sought, to all persons to whom real property is assessed within three hundred (300) feet of the

boundary of the property in question, ~~is assessed,~~ and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall be given not less than ~~five (5) nor more than~~ fifteen (15) days before the date of the public hearing the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. ~~Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice on the primary entrance to the structure.~~

The notice shall:

1. Describe the nature of the special use request.
 2. Indicate the property which is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the ~~public hearing will be held~~ Special Use Permit request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- (c) The Planning Commission shall, within a reasonable time after the public hearing, deny, approve, or approve with conditions the request. The decision by the Planning

Commission shall be incorporated in a statement containing the conclusions relative to the special use under consideration, which specifies the basis for the decision and any conditions imposed.

SECTION 19.03 ZONING BOARD OF APPEALS ACTION

Owing to the discretionary nature of the decision to approve or deny a request for special use, the Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from the general standards of this chapter and the decision of the Planning Commission with respect to the approval or denial of special uses.

SECTION 19.04 SPECIAL USE APPROVAL STANDARDS - GENERAL

In formulating recommendations or approving any special use, the Planning Commission shall require that the following general standards be satisfied:

- (a) Upon review of each application there shall be a determination as to whether each use on the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
 2. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.
 3. Not create excessive additional requirements at public cost for public facilities and services.
 4. Not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
 5. Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason or noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.
- (b) All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
- (c) As a minimum, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this Ordinance. For uses permitted by right in one (1) district but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the Planning Commission.

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- (d) Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the protection of individual property rights and values, the general welfare, and for insuring that the intent and objectives of this Ordinance are observed. Said conditions and safeguards include the ability to require the posting of a bond, either in the form of cash, certified letter of credit, or surety bond, in an amount appropriate to insure the conditions of approval are completed within an appropriate time period as established by the Planning Commission and in no event more than one (1) year from the date construction is commenced. In the event the applicant fails to provide all safeguards and conditions imposed as a condition of this approval process, the bond, cash deposit, or letter of credit may be utilized by the Township to complete construction of the safeguards and conditions as soon as practical thereafter.