

ARTICLE SIXTEEN (16)

PERFORMANCE STANDARDS AND PROVISIONS

Sec. 16.01 Purpose:

This Article provides detailed regulations and restrictions to protect neighboring uses from possible adverse impacts associated with a given use and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use and prescribing other such performance criteria as may be necessary to meet the goals and objectives of this Ordinance and the Township's Master Plan.

Sec. 16.02 Definitions

Several terms are used within the text or tables of this Article that warrant clarification for the users of this document. In addition to the definitions set forth in Article 2, the following words shall have the meanings hereinafter set forth.

- a. Bufferyard: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
- b. Land Use Types: A hierarchy of certain land uses that require compliance with specific performance standards as a criteria of their approval in a given zoning district.
- c. Subdivision: The division of a lot, tract or parcel of land into five (5) or more lots, tracts or parcels of land in accordance with all standards, regulations, and permits as stipulated in the Land Division Act, P.A. 288 of 1967, as amended, for the purpose, whether immediate or future, of sale, or of building development. The meaning of the terms "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.
- d. Subdivision, Regular: A regular subdivision consists of single family dwellings on individual lots with no provisions for clustering of dwelling units, reduction of lot sizes below the specified lot area, or required community or neighborhood open space. A regular subdivision is characterized by division of the entire subject parcel into individual lots.
- e. Subdivision, Performance: Performance subdivisions permit the residential builder considerable freedom in design. It allows adjustments in lot sizes and clustering of dwelling units to better adjust to the constraints of a site or of adjoining uses. Further, it insures adequate open space for the residents of each such subdivision.

- f. Planned Unit Development (PUD): A tract of land of ten (10) acres or more in size developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.

Sec. 16.03 Bufferyards:

A bufferyard is a designated unit of yard or open area that has plant materials, berms, and/or fences. The amount of land and the type and amount of landscaping specified are designed to lessen impacts between adjoining land uses. By using both distance and landscaping, potential nuisances such as noise, glare, dirt, unsightly parking areas and so forth, will be minimized.

The bufferyard requirements must be flexible. A single standard applied to all circumstances may not function well or might impose unnecessary hardship (cost) on a developer to say nothing of promoting monotony. As expressed in the following charts, differing requirements are obviously warranted depending upon the characteristics of the uses involved. It is a further intent of one following provisions to provide flexibility to the developer or property owner through the manipulation of four basic elements -- distance, plant material type, plant material density and land forms.

- a. Location of Bufferyards: Bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way (front lot line).
- b. Determination of Bufferyard Requirements: To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:
 - 1. Identify the Land Use Type of the proposed use by referring to the Table in Sec. 16.04(a).
 - 2. Identify the Land Use Type of each adjoining use by referring to the Table in Sec. 16.04(a).
 - 3. Determine the bufferyard requirements for those side and rear lot lines or portion thereof, on the subject parcel, by referring to the tables in Sections 16.04 b and 16.04 c. Existing plant material or fences may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
 - 4. Should a developed use increase in intensity from a given land use type to a higher one (e.g., Type III to Type IV), the Planning Commission shall, during the site plan review process, determine if additional bufferyard is needed and if so to what extent and type.

Note: Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard.

c. Plant Materials

1. All plant materials required within a specified bufferyard shall be completely installed in the ground within six (6) months from date of site plan approval and shall be properly maintained thereafter.
 - (a) Dead plant material shall be replaced within one year after written notification by the Zoning Administrator.
2. Plant materials used in meeting the bufferyard requirements shall be considered hardy to survive in average minimum winter temperatures of -10° to -20°F., as documented by published landscape nursery trade literature, botanical or horticultural literature, or similarly recognized and accepted literature within the landscape architectural profession.
3. Plant materials used in meeting the bufferyard requirements shall provide for seasonal color and interest including plant flowering sequence, flower color, and summer and fall leaf color.
4. No plant materials shall be used in meeting the bufferyard requirements which are characterized by weak wood, high susceptibility to storm damage, or short life span (less than 20 years). Plant materials not acceptable include, but are not necessarily limited to, the following; Eastern Cottonwood, Lombardy Poplar, Willows, Boxelders, and Scotch Pine.
5. Plant materials used in meeting bufferyard requirements shall be installed at the following minimum sizes:

Shade Trees: 2-1/2" caliber or 12' high
Ornamental Trees: 1-1/2" caliber or 8' high
Evergreen Trees: 6' high
Shrubs: 3' high

For a more varied and healthier landscaping, no more than forty (40) percent of any one (1) type of tree shall be planted.
6. Required evergreen tree and shrub bufferyard plant material quantities may be reduced by as much as twenty (20) percent (or nearest whole number) through the provision of minimum three (3) foot high earth berms along bufferyard length, as approved the Planning Commission. Berms shall not exceed grades of twenty five (25) percent or greater. Berms shall be landscaped to prohibit erosion and maintain visual aesthetics.

Sec. 16.04 **Land Use Types:**

This section classifies all land uses permitted by this Ordinance according to their type of degree of intensity, or impact they are likely to impose on adjacent land use situations. All uses within a specific class are considered to have equal impact relative to neighboring uses. The impacts of greater intensity may include, increased vehicular or pedestrian traffic and associated noise and congestion, larger signs, exterior lighting, more dominating buildings, increased stormwater runoff associated with larger roof surfaces and parking areas and other similar factors. The individual zoning district controls whether or not a specific use can develop on a lot in that district, while the land use classes are fundamental in determining the level of protection required in the all-important bufferyard.

a. Land Use Type Number and General Use Category

TYPE I

Agriculture
Open Space/Conservation Uses

TYPE II

Planned Unit Development (PUD)
Performance Subdivision and Site Condominiums
Single-Family Detached Residences (not part of a subdivision)
Non-Commercial Recreational Facilities

TYPE III

Religious Institutions
Educational Institutions
Public Buildings/Public Service Installations
Conventional Subdivision
Two-Family Dwellings
Multi-Family Dwellings (Apartments and Standard Condominiums)
Hotels, Motels, Resorts

TYPE IV

Offices
Service Establishments
Convenience Retail Establishments

TYPE V

General Retail Establishments
Other Commercial Uses
Other Office or Service Uses
Research and Development Uses
Wholesale and Warehousing
Other Industrial Uses

Junkyards
 Landfills
 Sexually Oriented Businesses

b. TABLE OF BUFFERYARD REQUIREMENTS

PROPOSED DEVELOPMENT LAND USE TYPE	ADJACENT EXISTING LAND USE TYPE				
	I	II	III	IV	V
I	*	A	C	D	E
II	A	A	B	D	D
III	C	B	A	B	C
IV	D	D	C	B	B
V	E	D	C	B	C
REDUCED BUFFERYARD CATEGORY					

* No Bufferyard Required

NOTE: If a development is being proposed on a site adjacent to undeveloped lands, the bufferyard type required shall be based upon the most intense land use allowed on the undeveloped lands according to the zoning district requirements.

c. DESCRIPTION OF BUFFERYARD CATEGORIES

BUFFERYARD CATEGORY	BUFFERYARD WIDTH	NUMBER OF PLANTS PER 100 LINEAR FOOT OF BUFFERYARD		
		EVERGREEN TREES	DECIDUOUS TREES	SHRUBS
A	25 FEET	5	5	5
B	35 FEET	7	5	6
C	45 FEET	10	7	8
D	55 FEET	12	7	10
E	75 FEET	15	9	12

Sec. 16.05

Detailed Performance Requirements:

Within this section are specified detailed regulations applicable to specific land uses. It is felt that standards, above and beyond those imposed by other sections of this ordinance, are necessary for certain uses.

- a. Performance Subdivision: A performance subdivision may contain one or more of the housing development types as specified in this subsection. All dwelling types shall be single family residences, having approved public sanitary sewer and/or water unless waived by the Planning Commission and Board of Trustees. By complying with stipulated performance criteria, flexibility in design is encouraged, thereby promoting lower land development costs, increased open space within subdivisions and protection of certain natural features.

Requirements for performance subdivision include:

1. General Standards:

- (a) For each square foot of land gained under the provisions of this Section in a performance subdivision, through the reduction in lot size below the minimum requirements for the zoning district in which it is located, equal amounts of land shall be dedicated to the common use of lot owners of the subdivision in a manner approved by the Planning Commission. Such dedicated area shall remain undeveloped.
- (b) Wherein land proposed for usage as a performance subdivision is immediately contiguous on one or more sides to an existing single family detached subdivision of ten (10) acres or larger in size, the net density per acre of the performance subdivision shall not exceed the net density per acre of said existing subdivision. Contiguity shall mean having immediate contact along a property line; properties separated by public road rights-of-way shall not be considered contiguous.

2. Single-Family Dwelling Standards: This dwelling type consists of a standard single-family dwelling located on a privately owned lot having yard area on all four sides of the house. The following specifies the minimum standards for this traditional method of single-family housing in comparison to those standards specified in the individual zoning districts.

- (a) Minimum lot areas may be reduced by as much as 30%, but in no case shall be less than 5,000 square feet.
- (b) Minimum lot widths may be reduced by as much as 20%, but in no case shall they be less than 60 feet.
- (c) Maximum lot coverage may be increased by as much as 10% of the lot

coverage maximum specified for individual zoning districts.

- (d) Minimum front yard setbacks may be reduced by as much as 20%.
- (e) Minimum rear yard setbacks may be reduced by as much as 20%.
- (f) Minimum side yard setbacks may be reduced by as much as 20%.

3. Zero Lot Line House Standards. This dwelling type consists of a single-family residence, located on an individual lot. The dwelling, however, may abut a side lot line provided:

- (a) Exterior windows are prohibited for that portion of the structure that abuts the lot line;
- (b) A five (5) foot maintenance easement (for painting, repair, etc.) shall be provided for the property owner on the adjoining property.

Placement of the garage or other non-living space as that portion of the residence abutting the side lot line is encouraged. In addition, the following specifies the minimum standards for a lot line house:

- (a) Standards shall be the same as those specified in Section 16.05, a, 1 except as follows:

The minimum side yard requirements applied to the remaining undeveloped side lot area shall be increased to a distance of two and a half times the distance specified in Section 16.05, a,1.

4. Town House Standards. This dwelling type consists of a semi-detached single-family residence located on an individual lot. The dwelling may be attached to one or more single-family dwellings at a side lot line through the use of one or more of the following characteristics:

- (a) a common party wall through the garage portion of adjacent structures;
- (b) an architectural wall detail which does not form interior room space between any two units; and,
- (c) a common party wall that meets all fire resistance and sound transmission requirements of the Township Building Code.

The attached dwellings shall be typified insofar as possible by characteristics commonly associated with single-family dwellings in the Township, including the expression of individuality of each dwelling unit; privacy; and a sense of spaciousness.

- c. Institutional (Public or Quasi-Public) Uses or Structures: In as much as the institutional uses (schools and other public buildings) permitted in residential districts may have an adverse effect on residential properties if not properly located and designed, the following performance standards shall be met prior to development of such uses:
1. Hazardous areas shall be adequately fenced to avoid accidents; such areas include public utility substations.
 2. If possible, all permitted institutional uses shall front on a major street (minor arterial or collector).
 3. Motor vehicle entrance and exit shall be made on a major street to avoid the impact of traffic generated by the institutional use upon the residential area.
 4. Site locations shall be chosen which offer natural or manmade barriers that would lessen the effect of the intrusion of a institutional use into an established residential area.
 5. Institutional uses shall not be located so as to cause costly public improvements.
 6. Institutional structures shall be located no closer than fifty (50) feet to adjacent property lines.
- d. Two-Family and Multi-Family Dwellings: In addition to the Site Development Standards and Performance Criteria required for two-family or multi-family uses in a specific zoning district, the following standards shall be met prior to development of such uses:
1. No multiple family building designed, erected or used for ten or more families shall be located closer than fifty (50) feet to any district zone line. Where Planning Commission studies indicate adjoining property will eventually assume similar development as property in question, the Commission may waive the fifty (50) foot minimum.
 2. No single building or connected buildings may exceed two hundred (200) feet in any one dimension. All buildings shall be so arranged as to permit emergency vehicle access, by some practical means, to all sides.
 3. The distance of separation between grouped buildings shall be a minimum of twenty-five (25) feet.
 4. No entrance to a multiple family structure shall be located closer to any street intersection access road, driveway or parking area than twenty-five (25) feet.
- e. Office, Service or Convenience Commercial Structures or Uses: In addition to the Site Development Standards and Performance Criteria required for office, service or convenience commercial uses in a specific zoning district, the following standards shall be met prior to

development of such uses:

Where one or more lot lines abut a residential use, an elevation drawing of the proposed structure shall be submitted for Planning Commission review and approval. The Planning Commission may stipulate that such office or commercial structures be constructed with a residential facade and/or be a residential scale (mass) and character or suitably landscaped to blend the proposed structure into the community.

f. All Uses: In addition to the site development standards and performance criteria required, structures and uses shall meet the following standards:

1. Noise: The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following uses:

In Decibels

<u>(dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial & Other	Common Lot Line

2. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 of one inch, as measured at the property line.

3. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines is prohibited.

4. Gases: The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily cause to be abated.

5. Glare and Heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

6. Light: Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district. All outdoor lighting, whether wall mounted, post mounted, or otherwise, shall be sited and designed to minimize views of the luminaries from residents, motorists and watercraft. Due to the hazards prevalent with mercury compounds and due to their harsh glare characteristics, no mercury-vapor lights shall be permitted in Moran Township. All exterior lighting

shall conform to the standards as shown on the detail drawings following (Sections 16.05.f.6(a) and (b)).

7. 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 ordinance.

8. Smoke and Air Emissions: Discharge of emissions into the air shall be in compliance with the standards and regulations of the U.S. Clean Air Act and Michigan Air Pollution Act, P.A. 348 of 1965, as amended. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
 - (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Zoning Administrator.
 - (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.

9. Drifted and Blown Materials: The drifting or airborne transmission to areas beyond the lot line of dust, particles, or debris from any open stockpile or operation shall be unlawful and may be summarily cause to be abated.

10. Radioactive Materials: Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards and U.S. EPA, as amended from time to time. Facilities intending to produce, handle, or emit radioactive materials shall apply for and be granted a Special Use Permit by the Township Board, since the Township Board has previously passed a resolution declaring Moran Township as a Nuclear Free Zone.

11. Sewage Wastes: All industrial sewage discharges into the public sewers shall be subject to the Moran Township Sanitary Sewer Ordinance and all limitations or criteria set forth therein.

Sec. 16.06 Cluster Development:

A cluster development is a type of development that allows for dwelling units to be grouped closer together than would normally be allowed under traditional zoning. These groupings of dwelling are to be on the most buildable portions of a site so that the remainder of the site can be preserved as open space. Cluster developments are an allowed use in more developed zoning districts and allowed by a special use permit in other zoning districts.

a. The regulations in this section are also intended to accomplish the following purposes, at a minimum:

1. Preserve the natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmental sensitive areas.
2. Achieve a higher quality of development than could be achieved under conventional zoning.
3. Promote development that is consistent with the Master Plan.
4. Preserve as much natural vegetation and terrain as possible.

b. Permitted Density.

1. The permitted density of residential uses in a cluster development shall not exceed the limits specified for the designated zoning district.
2. Modifications permitted under the Cluster Development option that result in a reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.
3. The allowable number of units shall be clustered on the site, so as to allow at least fifty (50%) percent of the site to remain as protected open space by means of a conservation easement, plat dedication, restrictive covenant or other legal means, acceptable to the Planning Commission, that will protect the open space in perpetuity.

c. Cluster Development Requirements.

Cluster developments shall provide and maintain at least fifty percent (50%) of the gross site area as usable open space that is dedicated to continued open space or agricultural uses, which shall comply with the following requirements:

1. Open spaces shall be located on the parcel to meet the following objectives:
 - a. To preserve distinctive natural features and rural characteristics.
 1. To preserve farm lands.
 2. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.
 3. To maintain open, rural character along main roads.

2. Any undeveloped land area may be included as required open space, provided such land meets the requirements defined in PA 177 of 2001. Additionally the required open space shall not include the area of any public or private road, the area of any easement providing vehicular access to the site, or the area of any required setbacks.
3. The required open space shall be set aside by the developer through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring the open space will be used according to the site plan. Such conveyance shall:
 - a. Indicate the proposed use(s) of the required open space.
 - b. Provide maintenance standards and a maintenance schedule.
 - c. Be recorded with Mackinac County Register of Deeds to provide a record of the restrictions to all persons having an interest in the property contained in the Cluster Development.

d. Building Location.

Where feasible, cluster developments shall comply with the following building location requirements. Modifications to the location requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

1. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development.
2. Buildings shall not be located on the top of ridges or in areas with slopes that exceed thirty-three percent (33%).
3. Buildings shall not be located in wetlands, floodplains, or in critical dune areas.
4. Building shall be set far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

e. Existing Structures

Adaptive reuse of existing structures for residential use or permitted accessory residential

uses shall be permitted.