

HOWELL TOWNSHIP

ORDINANCE NO. 785

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HOWELL TOWNSHIP TO AMEND THE TEXT OF ARTICLE II, SECTION 2.02; ARTICLE III, SECTION 3.17; ARTICLE X, SECTION 10.02.B; ARTICLE XI SECTION 11.03; ARTICLE XII, SECTION 12.01, 12.02, 12.03, 12.04, 12.05 AND 12.06; AND ARTICLE XVI SECTION 16.18; AND TO CREATE ATRICLE XIV, SECTION 14.45; AND ARTICLE XVI SECTION 16.20, SECTION 16.21, SECTION 16.22, OF HOWELL TOWNSHIP; AND TO PROVIDE FOR REPEALER OF ANY ORDINANCES INCONSISTENT HEREWITH.

HOWELL TOWNSHIP ORDAINS AS FOLLOWS:

Section 1. Section of the Howell Township, Zoning Ordinance, shall be amended as follows:

Modify Article II. Definitions.

Sec. 2.02. DEFINITIONS.

Add the following definition, "Cafeteria" to read as the following:

*Cafeteria:* A dining facility typically located within an office or educational facility that does not offer its services to the public, where there is little to no waitstaff service, and food, either brought from home or purchased at a counter, may be eaten. A Cafeteria is not to be used synonymously as a restaurant or café.

Add the following definition, "Indoor recreation facilities" to read as the following:

*Indoor recreation facilities:* Facilities for recreation activities conducted entirely within a building, which typically receives a fee in return for providing some recreational activity or part of a facility. Such activities and facilities include but are not limited to: indoor courts and fields for various sports, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, sport shooting ranges, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

Add the following definition, "Outdoor recreation facilities" to read as the following:

*Outdoor recreation facilities:* Facilities for recreation activities conducted outside a building, which typically receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: pools, splash pads, fields or courts for various sports, skateboard parks, shuffleboard, horseshoe

courts, archery range, sport shooting ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

**Revise Definition “Swimming Pool (Outdoor)” to be titled “Swimming Pool” and read as follows:**

*Swimming Pool:* Any permanent, non-portable structure or container, for public or private use, located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**Add the following definition, “Water Park (Public)” to read as the following:**

*Water Park (Public):* A recreational area for public use consisting of a splash pad, water playground, wave pool, lazy river, swimming pool or any other similar water feature, including area(s) for bathing or swimming, in solitude or within a group. Although a water park may include one or more swimming pools, a swimming pool by itself is not considered a water park.

**Revise Definition of Open Air Business Uses to read as the following.**

Open Air Business Uses: Display or storage of merchandise or equipment for sale or rent outside of a permanent structure. Such merchandise or equipment shall include the following:

- (a) Sports equipment, motorcycles, watercraft, snowmobiles, off road vehicles, utility truck or trailer, farm implements, construction or home equipment, and similar products.
- (b) Garages, sheds, play structures, mobile homes, swimming pools, and similar products.
- (c) Trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, and similar products.

**Revise Section 3.17 SCHEDULE OF AREA, HEIGHT, AND SETBACK REGULATIONS**

**Add Appropriate Row in the Schedule of Regulations corresponding with Industrial Flex Zone Requirements as follows:**

ZONING DISTRICT	MIN LOT SIZE/UNIT		MAXIMUM BUILDING HEIGHT		MINIMUM YARD SETBACK REQUIRED			MAXIMUM LOT COVERAGE AREA AS PERCENT OF LOT AREA	MINIMM FIRST FLOOR AREA
	AREA	WIDTH AT BLDG SITE	STORIES	FEET	FRONT YARD	SIDE YARD	REAR YARD		

IF, Industrial Flex Zone	2 acres	200 feet	--	70	35	10, minimum both side yard setbacks total of 25 ft.	10,  50 ft. abutting  AR, SFR, MFR	75%	--
	40,000 sq. ft. with public sewer/water	120 feet with public sewer/water	--						

**Replace Section 10.02.B. PERMITTED PRINCIPAL USES**

**Section 10.02 PERMITTED PRINCIPAL USES.**

- B. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in A. above, and additionally including service outlets for insurance, real estate, medical and dental clinics, veterinary clinics and hospitals, nursing and convalescent homes, theatres, assembly and concert halls, indoor recreation facilities, clubs, fraternal organizations and lodge halls, restaurants, private and business schools, churches, public and private office buildings, motels and hotels, and uses of a similar character that are normally an integral part of a regional shopping center.

**Replace Section 11.03.A. PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS**

**Section 11.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.**

- A. Indoor recreation facilities Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.

**Create Section 14.45 "Performance Standards" to read as the following:**

**Section 14.45 PERFORMANCE STANDARDS**

- A. Airborne Emissions.
1. Smoke and air contaminants. It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health or safety of persons or which cause injury or damage to business or property.
  2. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

3. Gases. The escape or emission of any gas that is injurious, destructive, or harmful to persons or property or explosive shall be unlawful and shall be abated.

B. Noise.

1. General Requirements. No use, operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table 14-1 as measured at any point on property adjacent or in close proximity to the lot, parcel or other property on which the operation or activity is located.
2. Methods and Units of Measurement. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

Because sound waves having the same decibel (Db) level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.

3. Table of Maximum Noise Levels. Except as otherwise provided in this section, noise levels shall not exceed the limits set forth in the following Table 14-1:

<b>Table 14-1</b>		
Noise Level Standards		
Use	Time	Sound Level (A-Weighted) Decibels – Db(A)
Residential and Nonresidential Uses (in AR, SRF, MFR, MHD, and PUD, districts)	7:00am to 7:00pm	60
Commercial, Business, Office Uses (in OS, NSC, HSC, and RSC districts)	7:00pm to 10:00pm	55
	10:00pm to 7:00am	50
	7:00am to 7:00pm	65
	7:00pm to 7:00am	50
Industrial, Office and Research Office (uses in IF, I, and RT districts)	Anytime	70

4. Background Noise. Where existing background noise exceeds the maximum permitted levels specified in Table 14-1, the noise caused or created by a specific

operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

5. Intermittent or Other Unreasonable Sounds. Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level in Table 14-1. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:
  - a. The proximity of the sound to sleeping facilities;
  - b. The nature of the use from which the sound emanates and the area where it is received or perceived;
  - c. The time (day or night) the sound occurs; and
  - d. The duration of the sound.
6. Exemptions. Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:
  - a. Construction activity between the hours of 7:00am and sunset, Monday through Saturday and between the hours of 10:00am and 6:00pm on Sunday.
  - b. Performance of emergency work, including snow removal;
  - c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns;
  - d. Lawn care and yard maintenance that occurs between 8:00am and 9:00pm;
  - e. Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;
  - f. The operation or use of any organ, bell, chimes or other similar means of announcing religious services at a place of religious worship between the hours of 8:00am and 9:00pm, no more than five (5) times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 80Db(A) at the property line of the religious facility;
  - g. An un-amplified human voice; and
  - h. Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

C. Vibration

1. No use shall generate any ground-transmitted vibration in excess of the limits set forth in Table 14-2. Vibration shall be measured at the nearest adjacent lot line.
2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
3. The vibration maximums set forth in Table 14-2 are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

4. The following is the table of maximum ground-transmitted vibration:

<b>Table 14-2</b>	
Vibration Standards	
Particle Velocity (Inches-Per-Second)	
Along Nonresidential District Boundaries	Along Residential District Boundaries
0.10	0.02
0.20	0.02

5. The values stated in Table 14-2 may be multiplied by two (2) for impact vibrations, i.e., non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
6. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

**Replace the entire existing ARTICLE XII HC HEAVY COMMERCIAL DISTRICT with the following:**

**ARTICLE XII**

**IF - Industrial Flex Zone**

**Section 12.01 - Purpose and Intent**

The purpose of the Industrial Flex Zone Classification is to provide flexibility for land uses while being more prescriptive regarding design and quality of development. Many industrial or large format commercial uses could be compatible, because such uses often have the same or similar building and spatial requirements such as floor area and building height. The design requirements of this district are intended to allow for the mixing of certain industrial and commercial uses, and promote the reuse of buildings and sites for multiple such uses. The flexibility of this district is intended to foster economic development, create employment opportunities, and increase the tax base by promoting the development, redevelopment, or continued use of land adjacent to existing industrial and commercially developed property.

It is also the intent of the Industrial Flex Zone to allow development of property that eliminates blighted properties, ensures safe and complementary vehicular and pedestrian circulation patterns, improves environmental quality and remediates degraded properties, while also providing an attractive transition between residential and non-residential properties.

**Section 12.02 - Permitted Principal Uses**

The following uses are permitted within the Industrial Flex Zone District.

- A. General office buildings, public or private.
- B. Educational and training facilities.
- C. Facilities for experimental product development, business and scientific research, and testing laboratories.
- D. Photography, art and graphic art studios.
- E. Sale or leasing of new motorized passenger vehicles including cars, and trucks. Outdoor sales/display lots in connection with such use shall not require a special use permit for an open air businesses. (Subject to Section 16.22)
- F. Sale or leasing of used motorized passenger vehicles in conjunction with a new car dealership.
- G. Warehouses and distribution centers.
- H. Warehousing, wholesaling, refrigerated, and general storage conducted completely within a building, or structure.
- I. Mini-warehousing, when conducted completely within a building, or structure.

- J. Retail sales and wholesale of parts equipment, and supplies for: plumbing, electrical, building and construction, furnace and air conditions, home appliances, outdoor and indoor recreation, gardening and landscaping.
- K. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in J. above. Public and private office buildings.
- L. Contractor buildings, structures and equipment and materials storage yards for building and other types of construction such that any area used for outdoor storage is completely enclosed and screened from external visibility beyond such storage area.
- M. Woodworking or furniture making shops.
- N. Tool and die, machine shops, light assembly, injection molding.
- O. Any manufacturing plants and uses having performance characteristics similar to those listed in this district that conform with the performance standards in Section 14.45.

**Section 12.03 - Permitted Principal Special Uses with Conditions:**

The following uses are permitted as special uses in accordance with Article XVI, "Special Uses":

- A. Indoor recreation facilities (subject to Section 16.18).
- B. Outdoor recreation facilities (subject to Section 16.18).
- C. Water Parks if completely enclosed with fences, walls or berms with controlled entrances and exits.
- D. Commercial Kennels (subject to Section 14.42).
- E. Veterinary clinics and animal hospitals.
- F. Storage of recreational vehicles.
- G. Open Air Business as a Principal Use. (Subject to Section 16.22)
- H. The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from beyond the lot lines of the parcel:
  - a. Electrical machinery, equipment and supplies, electronic components and accessories.
  - b. Professional, scientific and controlling instruments, photography and optical goods.
  - c. Fabricating metal products, except heavy machinery and transportation equipment.
  - d. Contract plastic material processing, molding and extrusion.
- I. Vehicle repair facilities for automobiles, trucks, busses and trailers (subject to section 16.20).
- J. Towing facilities (subject to Section 16.21).
- K. Propane Storage/Distribution.
- L. Sale, leasing, or rental of used motorized vehicles not in conjunction with a new car dealership.



#### **Section 12.04 - Permitted Accessory Uses:**

1. All normal accessory uses to all “Permitted Principal Uses” and “Permitted Principal Special Uses” including:
  - B. Restaurants.
  - C. Cafeterias.
  - D. Medical and health care facilities.
  - E. Office facilities.
  - F. Warehouse and storage facilities.
  - G. Physical fitness facilities.
  - H. Work clothing sales and service facilities.
  - I. Banking facilities.
  - J. Education, library and training facilities.
  - K. Research and experimentation facilities.
  - L. Truck or other vehicular and equipment service maintenance, repair and storage facilities conducted completely within a building, or structure.
  - M. Indoor sales display areas.
  - N. See Section 14.34.

#### **Section 12.05 - Required Conditions of All District Uses:**

1. All lots are permitted one (1) driveway unless the Planning Commission determines that any additional drives are necessary in promoting the efficient and safe use of the site due to size, layout, general circulation, or the need to separate drives for truck, or heavy equipment operations from general traffic (see subsection 3 below). The applicant shall provide all information deemed necessary to justify the necessity of any additional driveways.
2. Sites must be designed with sidewalks along building frontages where entrances are located. Such sidewalks should provide for safe and convenient access from parking lots and must connect to adjacent public or private roadways. Where sidewalks cross parking areas and drives the sidewalk material must be carried through. Color changes to highlight the crossing may be appropriate.
3. Parking lots should be designed to accommodate general vehicular and pedestrian traffic as well as employees and commercial traffic. Where heavy equipment and large trucks may be present, sites must be designed to separate such traffic from the general public. Parking areas for customers and employees must be separated physically and visually from loading areas.
4. All toxic wastes shall be disposed of in accordance with all state laws, rules and regulations governing their disposal.

5. The developer of any permitted use or special use with conditions within the IF district must demonstrate that such use will not produce any noise, smoke, fumes, glare, or odors beyond the property boundaries. The Planning Commission may request additional studies to demonstrate compliance with the requirement.

**Section 12.06 - Dimensional Requirements, Except as Otherwise Specified in this Ordinance:**

A. *Lot Area:* A minimum of two (2) acres or 40,000 square feet for sites with direct access to water, wastewater, and sewer systems on site.

B. *Lot Width:* Minimum of 200 feet at the required minimum building setback line when on-site well water supply and septic tank and field wastewater disposal systems are used or a minimum of 120 feet at the required minimum building setback line when public sewer and water systems are available and connections made to the lot or parcel.

C. *Lot Coverage:* Maximum of 75%.

D. *Yard and Setback Requirements:*

*Front yard:* Minimum of 35 feet (from the road right of way)

*Side yards:* Minimum of ten (10) feet  
Minimum total of both sides: 25 feet

*Rear yard:* Minimum of ten (10) feet, but minimum of fifty (50) feet when abutting AR, SFR, MFR property lines.

E. *Height Limitations:* Maximum of seventy (70) feet unless reduced by the maximum permitted by the Livingston County Airport Zoning Ordinance.

F. *Locational Requirements:* Any storage of materials outside of the permitted structure must be proposed and approved by the Planning Commission and be screened from public view and adjacent properties by a wall or fence of no greater than 12 feet in height unless stated otherwise in the Ordinance.

**Revise Section 16.17(B)(1): “Public and Private Educational and Training Schools and Facilities”**

**Section 16.17 PUBLIC, SEMI-PUBLIC AND PRIVATE BUILDINGS AND RELATED STRUCTURES AND OUTDOOR ACTIVITY AREAS**

B. Public and private educational and training schools and facilities

- 1) Permitted in all zoning districts which permit any type of residential use, except that professional, business, and technical training schools and facilities shall only be permitted in the RSC, I and IF zoning districts as either a principal or accessory use.

**Replace Section 16.18 Nonprofit public, semi-public and private park and recreation facilities**

**Section 16.18 Nonprofit public, semi-public and private park and indoor and outdoor recreation facilities**

A. The following public and private park and outdoor and indoor recreation facilities shall be permitted in the zoning districts indicated in Table 16-1. Their minimum land area of the parcels for each use must also conform to the requirements in Table 16-1:

Table 16-1 Minimum Parcel Sizes for Recreation Facilities		
Land Use	Zoning District/Location	Minimum Lot Area
Neighborhood parks for active and passive recreation	AR, SFR and MFR	Five (5) acres
Community parks, serving two (2) or more neighborhoods for active and passive recreation	AR, SFR and MFR	Twenty (20) acres
Playgrounds for outdoor and indoor activities	AR, SFR and MFR	Ten (10) acres, except when located in conjunction with a K - 8 school on at least five (5) acres
Tot lots serving children up to five (5) years old	All residential zoning districts	One-half (1/2) acre
Beaches	Located on parcels with the waterfront of lakes or rivers	Ten (10) acres
Indoor recreation facilities	RSC, HSC, IF, and I	Two (2) acres
Outdoor recreation facilities	RSC, HSC, IF, and I	Twenty (20) acres
Golf courses	AR, SFR, and MFR	Forty (40) acres per nine (9) holes of golf
Golf driving ranges	AR, IF	Ten (10) acres

		additional five (5) acres to the minimum acreage for a nine (9) hole golf course
Golf driving ranges as an accessory use to a golf course	AR	Five (5) acres in addition to the minimum acreage for a nine (9) hole golf course
Nature study areas	AR and SFR	Ten (10) acres
Forest and woodlot preserves	AR and SFR	Ten (10) acres
Passive recreation areas and facilities related to the natural environment	AR, SFR, and MFR	Five (5) acres

\* Where no size or district is listed, the minimum lot size for the district where a recreation use is specifically permitted through Article IV through XIII shall apply.

- B. Recreation facilities shall at a minimum conform to the following standards in addition to any conditions placed on an individual permit by the Township Board through Section 16.01 to 16.06.
1. All outdoor recreation and sports areas shall be completely enclosed with fences, walls or berms with controlled entrances and exits.
  2. The site shall maintain free and clear access for emergency service vehicles during all activities. Site access shall be reviewed during the site plan approval/special use permit process.
  3. All activities or facilities shall be located a minimum of two hundred (200) feet from the property lines.
  4. Hours of Operation shall be limited to the hours between sunrise and sunset but not prior to 8:00 a.m. or later than 10:00 p.m. The Township Board may apply more restrictive hours where protection for nearby residential uses or property zoned for residential uses.
  5. Noise. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed seventy (70) decibels on the dB(A) scale as measured at property lines of the facility. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards

for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).

6. All off-road vehicles are prohibited, except for vehicles used for event control and administration.
7. Outdoor recreation activities shall be subject to lighting in Section 14.22 of this ordinance.
8. Parking shall be provided at a rate of one (1) parking space per two (2) participants anticipated during peak recreational activities. The Planning Commission may allow a waiver of hard surface paving and parking requirements set forth in Section 18.02 for those situations where parking is used on a periodic basis for all or part of the parking requirements.
9. All sites or facilities shall comply with food and water supply regulations, health and sanitation regulations, or other regulations necessary to protect health, safety, or welfare as established by the county health department or the appropriate state agency.
10. All sport shooting ranges shall at a minimum conform to the following standards in addition to any conditions placed on an individual permit by the Township Board through Section 16.02.
  - a. Design and Operation Standards. The design and operation of such facilities shall conform with the specifications and best practices provided by the National Rifle Association Range Source Book, the generally accepted operation practices adopted pursuant to the Michigan Sport Shooting Ranges Act, Public Act 269 of 1989, applicable Environmental Protection Agency regulations and guidelines, Occupational Safety & Health Administration regulations and guidelines, and applicable federal and state law, and local ordinances.
  - b. Safety. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.
  - c. Lead Management/Environmental. The facility shall manage lead contamination and environmental impacts consistent with applicable federal and state law, including but not limited to the Resource Recovery and Conservation Act (RCRA), the Clean Water Act (CWA), and the EPA's Best Practices for Lead at Outdoor Shooting Range.
  - d. Hours of Operation. Shooting on a range shall be limited to the hours between sunrise and sunset but not prior to 9:00 a.m. or later than 8:00 p.m. The Township

Board may apply more restrictive hours where protection for nearby residential uses or property zoned for residential uses.

- e. Facility Size. Outdoor sport shooting ranges must be located on a parcel of twenty (20) acres or more.
- f. Setbacks. Any area used for firearm shooting activities must be located at least 1,600 feet from a lot line of any property zoned for residential uses, educational institution or school, public or private park, church, and house of worship or other religious facility. Any outdoor firearm shooting activities must be located at least 100 feet from all other lot lines. The minimum distance between uses shall be measured horizontally between the nearest property lines.
- g. Security. Fencing and gates shall be provided around an outdoor sport shooting range facility to maintain a level of security with a minimum height of 8 feet. Any indoor range shall be secured so as to prevent the unauthorized access to the range. Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weather proof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print: "DANGER SHOOTING RANGE".
- h. Reclamation: A surety bond, letter of credit or equivalent financial instrument shall be posted, in an amount determined by the Township with consultation of a registered engineer licensed in Michigan, taking into account the costs to reclaim the property to its condition prior to operation of the facility as estimated 30 years in the future. This instrument is to be used in the event the facility is not voluntarily reclaimed when operations cease to mitigate environmental contaminants, parcel grading, and public health and safety concerns associated with sport shooting range facilities. The surety bond, letter of credit or equivalent financial instrument shall be in favor of the Township and shall contain a replenishment obligation. The Township reserves the right to review the decommissioning plan every 5 years and revise the requirements and amount of any such instrument as necessary.
- i. Application Requirements: In addition to all information required by Articles XVI and XX of this Ordinance, all applications for a sport shooting range shall be accompanied with the following information:
  - i. A range safety plan addressing:
    1. Firearm handling rules;
    2. Range officers;
    3. Shooting range rules;
    4. Types of firearms permitted and any applicable conditions;

5. Types of activities permitted on the premises; and
  6. Range targets.
- ii. Shot-fall zones, backstops, berms, target locations, and relevant baffling.
  - iii. Existing and proposed structures on the site.
  - iv. Dwellings within one half (1/2) mile from the facility property lines.
  - v. A written plan outlining the facility's Best Management Practices (BMPs) program relating to lead management.
  - vi. A report of the predicted sound impact of the proposed facility shall be included with the application. The report shall demonstrate that the sound level limits required by this Ordinance are met and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). Where such standards include confidence limits or limitations of use, the report shall present them and provide an explanation of how they were addressed. It shall include:
    1. A description and map of the facility's sound producing features, including the range of decibel levels expected (to be measured in dB(A)), and the basis for the expectation.
    2. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to neighboring residents and occupants.
  - vii. At the Township's request, the applicant shall provide an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on lead contamination caused by repeated use of lead shot) as required by the Township for review by the Township regarding the area or surrounding areas where the facility will be placed. Each such study or report requested shall be provided to the Township prior to the time when the Township Board makes its final decision.

**Create Section 16.20 Vehicle Repair Facilities**

**Section 16.20 Vehicle Repair Facilities**

Vehicle repair facilities shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. All work on vehicles shall take place indoors.
- B. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed seventy (70) decibels on the dB(A) scale as measured at property lines of the facility. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). No vehicle in any state of disrepair shall be stored in front of the principle building.
- C. No outdoor storage of vehicle parts shall be permitted.

**Create Section 16.21 Tow Yards**

**Section 16.21 Tow yards**

Tow yards shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. Vehicles are stored on site temporarily, not to exceed 60 days, while waiting for repairs or transport to a junk yard or salvage yard. Such period shall be tolled during any period when local, state, or federal law and law enforcement agency requires the tow yards to hold such vehicles.
- B. Vehicle storage areas shall be design with individual stalls and accessible drive lanes consistent with the parking lot design standards in Section 18.02 with the exception that no interior landscaping or landscape islands shall be required. Storage areas shall be paved with asphalt or concrete. This requirement shall not be subject to a waiver as indicated in Section 18.02.E.3.
- C. Storage areas shall be drained to an oil and water separator.
- D. Storage areas shall be screened from the public view and adjacent properties by a screen fence, wall or other means deemed appropriate by the Planning Commission. Such screen shall be high enough to screen any storage areas but shall not exceed twelve (12) feet in height. A cyclone fence with inserts or fabric material shall not be used for screening.

**Create Section 16.22 Open Air Businesses:**

**Section 16.22 Open Air Businesses**

Open Air Businesses shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. All display areas shall meet the minimum setback requirements for the district in which they are located.



- B. Any area for the storage of rental equipment shall be screened from the public view and adjacent properties by a screen fence, wall or other means deemed appropriate by the Planning Commission. A screen fence or wall shall be high enough to screen any storage areas but shall not exceed twelve (12) feet in height. A cyclone fence with inserts or fabric material shall not be used for screening.
- C. All display or storage areas shall be paved with asphalt or concrete.

**Section 2. This Ordinance hereby repeals any ordinances in conflict herewith.**

**Section 3. Severability**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clauses is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**Section 4. Savings Clause**

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 5. Publication and Effective Date**

This Ordinance is hereby declared to have been adopted by the Howell Township Board at a meeting thereof duly called and held on the 11<sup>th</sup> of Dec, 2020, was ordered to be given publication in the manner required by law, and was ordered to be given effect as mandated by Charter and statute.

HOWELL TOWNSHIP

BY: Jean Krutem

ADOPTED: 12-14-2020

PUBLISHED: 12-28-2020

EFFECTIVE: 1-4-2021