

Howell Township
Zoning Ordinance Text Amendments for
the Creation of the Innovation Zone

November 6, 2019

Based on the direction in the adopted Howell Township Master Plan, the innovation zone is intended to consolidate districts and provide flexibility in regulations to allow for a variety of uses that often require similar large format indoor or outdoor facilities. The following draft text amendments to the Zoning Ordinance have been prepared for the consideration of the Planning Commission.

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

ARTICLE XII
IZ – INNOVATION ZONE

Section 12.01 - Purpose and Intent

The purpose of the Innovation 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 special 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 as well as 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 or redevelopment of land adjacent to existing industrial and commercially developed property.

It is the intent of the Innovation Zone to allow development of property that eliminates blighted properties, incorporates Low Impact Design (LID) practices, 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 Innovation 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. Leasing, rental, and sale of new and used motorized vehicles including but not limited to cars, trucks, recreational vehicles, and motorcycles.
- F. Construction and farm equipment sales and service establishments.
- 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 light manufacturing plants and uses having performance characteristics similar to those listed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, and glare.

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.
- 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.

Section 12.04 - Permitted Accessory Uses:

- 1. All normal accessory uses to all "Permitted Principal Uses" and "Permitted Principal Special Uses" including:
 - A. Restaurants.
 - B. Cafeterias.
 - C. Medical and health care facilities.
 - D. Office facilities.
 - E. Warehouse and storage facilities.
 - F. Physical fitness facilities.
 - G. Work clothing sales and service facilities.
 - H. Banking facilities.

- I. Education, library and training facilities.
- J. Research and experimentation facilities.
- K. Truck or other vehicular and equipment service maintenance, repair and storage facilities conducted completely within a building, or structure.
- L. Indoor sales display areas.
- A.M. 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.
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 IZ 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 fifty 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.

In order to provide consistency and support the addition of language for the Innovation Zone District, we propose the following action items.

Revise Section 16.17(B)(1): “Public and Private Educational and Training Schools and Facilities:” to read as the following:

Section 16.17(B)(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, ~~and I~~ and IZ zoning districts as either a principal or accessory use.

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 ~~the provision of~~ 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 courts, 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.

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 "Swimming Pool (Outdoor)" to be titled "Swimming Pool" and read as follows:

Swimming Pool (Outdoor): 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.

Revise Definition of Open Air Business Uses to remove recreation activities.

Open Air Business Uses. Open air business uses operated for profit substantially in the open air shall include such uses as the following:

- (a) bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- (b) outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar products.
- (c) retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- ~~(d) tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).~~

Revise Section 10.02.B. PERMITTED PRINCIPAL USES so that the name for indoor recreation is consistent with the name in the definition.

- 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 ~~commercial~~ 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.

Add Appropriate Row in the Schedule of Regulations corresponding with Innovation 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		
IZ, Innovation Zone	2 acres	200 feet	--	70	35	10,	10,	75%	--
	40,000 sq. ft. with public sewer/water	120 feet with public sewer/water	--			minimum both side yard setbacks total of 25 ft.	50 ft. abutting AR, SFR, MFR		

Revise Definition of use identification in the HSC district to be consistent with terminology throughout the ordinance.

Section 11.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following uses are permitted as long as they are conducted completely within a building except as otherwise provided for specific uses,

and located in the District so as not to interfere with or interrupt the pattern of development of the “Permitted Principal Uses” in Section

11.02 and shall further meet the requirements of Article XVI, “Special Uses”:

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

Revise Section 16.18 to include provide additional regulations for recreation facilities to read as follows:

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 and uses~~ shall be permitted in the zoning districts ~~prescribed as follows and indicated in Table 16-1.~~ ~~†~~ Their minimum ~~size-land area of the parcels of contiguous land areas~~ for each use must also conform to the requirements in Table 16-1:

- ~~1) Neighborhood parks for active and passive recreation in the AR, SFR and MFR zoning districts on at least five (5) acres.~~
- ~~2) Community parks, serving two (2) or more neighborhoods for active and passive recreation in the AR, SFR and MFR zoning districts on at least twenty (20) acres.~~
- ~~3) Playgrounds for outdoor and indoor activities in the AR, SFR and MFR zoning districts on at least ten (10) acres, except when located in conjunction with a K-8 school on at least five (5) acres.~~
- ~~4) Tot lots serving children up to five (5) years old in all residential zoning districts on at least one-half (2) acre.~~

- 5) ~~Beaches, located in conjunction with the waterfront of lakes or rivers on at least ten (10) acres of land.~~
- 6) ~~Indoor court game and sport facilities for swimming, soccer, ice skating, handball, squash, batting cages, etc. in the RSC and I zoning districts on at least two (2) acres.~~
- 7) ~~Golf courses in the AR, SFR, and MFR zoning districts on at least forty (40) acres per nine (9) holes of golf.~~
- 8) ~~Golf driving ranges in the AR zoning district on at least ten (10) acres or as an accessory use to a golf course on at least an additional five (5) acres to the minimum acreage for a nine (9) hole golf course.~~
- 9) ~~Nature study areas, in the AR and SFR zoning districts on at least ten (10) acres.~~
- 10) ~~Wildlife refuges in the AR and SFR zoning districts on at least ten (10) acres.~~
- 11) ~~Forest and woodlot preserves in the AR and SFR zoning districts on at least ten (10) acres.~~
~~Passive recreation areas and facilities related to the natural environment in the AR, SFR, and MFR zoning districts on at least five (5) acres.~~

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

<u>Passive recreation areas and facilities related to the natural environment</u>	<u>AR, SFR, and MFR</u>	<u>Five (5) acres</u>
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* 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.

~~Areas to preserve natural open space, vistas, geological features, archeological sites and historical buildings, sites and areas in all zoning districts on sites of appropriate land area to fulfill the purpose of each of the previous. Conditions, in addition to those required by Section 16.01 to 16.06, are as follows:~~

~~Off street parking shall be determined by mutual agreement between the applicant and the Planning Commission, but parking shall not be less than two (2) off street parking.~~

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 80 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 sports 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 2100 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.