

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, July 14, 2021 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

Any person shall be permitted to address a meeting of The Planning Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Commission Rules and Procedures: a.) any person wishing to address the Commission is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioner's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time. Note: If you are here for a Public Hearing, please hold your comments until that Public Hearing time.

2. Review and approval of the Agenda – Conflict of Interest

3. Minutes – June 23, 2021

4. Correspondence

5. Reports

- a. Township Board
- b. Planning Commissioners
- c. Staff Report

6. Unfinished Business

- a. PD 2021-92 – Chelsea Park PUD Minor Amendment – Public Hearing
- b. PD 2021-94 – Kensington Park PURD Minor Amendment

7. New Business

- a. PD 2021-93 – Articles 2, 3, and 7 – Zoning Ordinance Text Amendment – Introduction

8. **Public Comment**

9. **Other Business**

10. **Items for Next Agenda – July 28, 2021**

- a. Housing Discussion – Introduction

11. **Adjournment**

**Joe Robertson, Secretary
Garfield Township Planning Commission
3848 Veterans Drive
Traverse City, MI 49684**

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620.

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
June 23, 2021**

Call Meeting to Order: Chair Racine called the June 23, 2021 Planning Commission meeting to order at 7:00 pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

Present: Joe McManus, Molly Agostinelli, Pat Cline, Chris DeGood, Robert Fudge, and John Racine

Absent and Excused: Joe Robertson

Staff Present: Deputy Planning Director Steve Hannon

1. Public Comment (7:01)

None

2. Review and Approval of the Agenda – Conflict of Interest (7:01)

Agostinelli moved and Fudge seconded to approve the agenda as presented.

Yeas: Agostinelli, Fudge, Cline, DeGood, McManus, Racine

Nays: None

3. Minutes (7:03)

a. June 9, 2021 Regular Meeting

Fudge moved and McManus seconded to approve the June 9, 2021 Regular Meeting minutes as presented.

Yeas: Fudge, McManus, Agostinelli, DeGood, Cline, Racine

Nays: None

4. Correspondence (7:03)

Larry Costantineau offered an email with follow up on the Chelsea Park PUD.

5. Reports (7:04)

Township Board Report

Agostinelli reported that the Board discussed the ordinance amendment for allowing a testing facility in the township.

Planning Commissioners

No reports

Staff Report

Hannon stated that the Planning Commission may be involved in the amendment for marihuana testing facilities. He added that the street names in the Oakleaf Village PUD were approved by the board.

6. Unfinished Business**a. PD 2021-86 – Zoning Ordinance Use Chart Project – Article 7 Proposed Changes (7:06)**

Staff offered comments on proposed changes in Article 7 including Adult Foster Care uses, Bed and Breakfast conditions and buffers, Gasoline Service Stations, Mobile Home Park, and Recreational Facilities. Some issues may be addressed later, including conditions on Wholesalers based on percentage of floor area rather than percentage of sales. Staff will prepare the proposed changes to Articles 2, 3 and 7 as a proposed text amendment.

b. PD 2021-89 – Crematorium – Proposed Definition and Conditions (7:28)

Staff suggested a definition for crematorium and one for an incinerator. Three conditions are proposed which touch on operations in a fully enclosed building, mitigation of odors, and following all federal and state licensing requirements. Crematoriums would be allowed by special use permit in the I-G and I-L zoning districts. Commissioners discussed the proposed definitions and asked questions about enforcement in the case of something going wrong. Staff will review the issue of enforcement. The definitions and conditions will be brought forth with the proposed Zoning Ordinance text amendment.

c. PD 2021-88 – Winter Igloos – Discussion (7:40)

Staff once again posed the issue of allowing the winter igloo use under a Zoning Ordinance or a Police Power Ordinance. Hannon said this type of use has similar characteristics to a corn maze or a wedding barn located in the Agricultural Zoning District. Commissioners discussed the licensing of such a use and whether it falls under the umbrella of agritourism and whether it could be a seasonal license. Commissioners were concerned with the possible enforcement of any rules or conditions and directed staff to review zoning, enforcement and licensing and a possible police power ordinance for such a use.

7. New Business

None

8. Public Comment (8:08)

Vaughn Seavolt thanked commissioners for the discussion on the Crematorium.

9. Other Business (8:08)

McManus commented on Chelsea Park West open space. Commissioners discussed open spaces in general and what has been approved in the township within various developments. Staff will research and clarify how open space in PUD's can be used as well as the ownership of open spaces.


10. Items for Next Agenda – July 14, 2021 (8:29)

- a. Chelsea Park PUD Minor Amendment – Public Hearing
- b. Kensington Park PURD Minor Amendment

11. Adjournment

Fudge moved to adjourn the meeting at 8:30pm.

Joe Robertson, Secretary
Garfield Township Planning
Commission
3848 Veterans Drive
Traverse City, MI 49684

 Charter Township of Garfield Planning Department Report No. 2021-92			
Prepared:	July 7, 2021	Pages:	4
Meeting:	July 14, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Chelsea Park West PUD Minor Amendment – Public Hearing		
File No.	SPR 2000-09-K	Parcel No.	05-021-066-00
Applicant/Owner:	Bennett Donaldson/JB Donaldson Company		
Agent:	Bill Crain/Crain Engineering LLC		

SUBJECT PROPERTY:

Located north off Hartman Road and east of US-31, the original Chelsea Park Planned Unit Development (PUD) was approved in 2000 with a total of 326 residential units. The subject area of the PUD for this application was originally approved for four 12-unit residential buildings with attached garages. These buildings were expected to be owner-occupied condominium units.

Known as Chelsea Park West, the area west of the subject area was originally approved for an apartment complex containing 172 units. In 2019, a Major Amendment to the PUD resulted in an increase of 20 apartments for a total of 192 units in Chelsea Park. In 2020, a subsequent Minor Amendment to Chelsea Park West increased the number of carports and reconfigured the maintenance building and dumpsters.

PURPOSE OF APPLICATION:

The request is to amend Chelsea Park PUD for the following changes:

- Replace the approved four (4) 12-unit residential buildings and attached garages with two 24-unit apartment buildings with no carports. These buildings will be the same apartment building type being constructed in Chelsea Park West.
- Adjust the boundaries of parent parcel by reducing to 2.32 acres and creating a remainder parcel of 5.03 acres.
- While the number of units remains the same, the proposed amendment results in a reduction of the building, parking, and overall impervious areas.

Existing Approved PUD for this Site:	
Existing Building Area (4 buildings – 12 units each = 48 units)	47,564 sq. ft.
Existing Parking Area	45,123 sq. ft.
Total Impervious Area	92,687 sq. ft.
Proposed Minor Amendment for this Site:	
Proposed Building Area (2 buildings – 24 units each = 48 units)	16,436 sq. ft.
Proposed Parking Area	42,126 sq. ft.
Total Impervious Area	58,562 sq. ft.

The application was determined to be a Minor Amendment.

MINOR AMENDMENT:

Following a determination that the review criteria of Section 423.G(4)(b) are met, the Planning Commission may authorize the following amendments to an approved development plan without a public hearing:

- Changes to the timing or phasing of the proposed development, provided that the use and overall geographic land area remains the same and that required public improvements are not delayed.
- Increases in total building height of greater than five (5) feet provided that maximum height regulations are complied with.

(c) Any other proposed amendment which is determined by the Planning Commission to have no detrimental impact on any adjacent property and is not considered or classified a Major Amendment under Section 423(6) Major Amendments.

SITE DESIGN AND ZONING COMPLIANCE OVERVIEW:

In approving any special use permit or amendment pursuant to Section 423, the Planning Commission may impose such reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in this ordinance, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:

- a) Financing;
- b) Availability of adequate public facilities or services;
- c) Dedication of land;
- d) Reservation of land;
- e) Creation of special assessment districts;
- f) Creation of restrictive covenants or easements;
- g) Special setbacks;
- h) Yard requirements;
- i) Increased screening or landscaping requirements;
- j) Area requirements;
- k) Development phasing; or
- l) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics.

SITE PLAN ELEMENTS:

Staff offers the following comments regarding site design and compliance with the Zoning Ordinance:

Proposed Parcel Split:

A split of the subject parcel is proposed whereby the boundaries of the parcel are reduced to 2.32 acres for the proposed multiple family residential development and a remainder parcel of 5.03 acres is created. The future use of the remainder parcel has been identified as “dedicated open space.” The parcel split has not been approved but may be a condition of approval for the Minor Amendment. For the purposes of the Minor Amendment review, the proposed “remainder parcel” is included in this review.

Use of Open Space:

In previous review by the Planning Commission, there has been a question regarding the access and use of open space in the PUD. According to Section 426.A(4), a “Planned Unit Development shall be designed to incorporate a minimum of 20% useable open space to supplement the residents of the PUD and/or Garfield Township. These areas are anticipated to provide recreational opportunities such as parks, trails, playgrounds, and other similar opportunities.” This provision would apply to the remainder parcel which is to be created by the proposed parcel split.

Pursuant to a letter dated June 24, 2021 from Russell Broad, the remainder parcel will be transferred to Chelsea Park II as a Master Deed Amendment at the time of transfer of the new parcel for Chelsea Park West. The remainder parcel will be used and maintained as open space with possible future plans for a pavilion and/or other activity areas.

Parking

Parking for a multiple family dwelling is a minimum requirement of 1.5 spaces per dwelling unit and a maximum permitted of 2.0 spaces per dwelling unit. With 48 proposed units, the range of required parking is from 72 to 96 spaces. 74 parking spaces are proposed.

Lighting Plan

A lighting plan has been submitted. Illumination levels at the property line shall not exceed the levels set forth in Table 5-8 of the Zoning Ordinance. The labeled foot-candle measurements appear to meet this requirement. All proposed lamps shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale. The proposed light fixtures meet this requirement.

Snow Storage

Based on the parking area, a snow storage area of 3,500 square feet is required. A snow storage area of 5,174 square feet is identified on the site plan.

Pathway and Sidewalks

One of the primary benefits of a Planned Unit Development is to provide useable open space. A pedestrian pathway from the Township's Miller Creek Nature Reserve into the Chelsea Park PUD is provided and connects the park with the sidewalk along Chelsea Lane near the entrance on Hartman Road. Sidewalks are also proposed around the proposed apartment buildings which include connections to the proposed pathway and the previously approved apartment buildings in Chelsea Park West. Staff has two recommendations:

- The pathway located along Chelsea Lane on the northern edge of the remainder parcel should be extended with a 5-foot-wide wood chip pathway to the proposed pathway in Chelsea Park II.
- A sign should be placed along the northern side of Chelsea Lane showing direction to the Miller Creek Nature Reserve.

Bicycle Parking:

Bicycle parking spaces have been noted on the site plan. All bike racks shall be set in concrete or otherwise permanently secured.

Stormwater and Utilities:

Proposed stormwater and water and sewer improvements will need to be reviewed by the Township Engineer.

DETERMINATION:

A review of the criteria in Section 423.G(4)(b) offers the following findings:

(i) No previous amendments have been granted that, together with the proposed amendment, would exceed the standards of this section;

This is the third amendment to the Chelsea Park West portion of the Chelsea Park PUD. A Chelsea Park West Major Amendment was approved on October 8, 2019. The Major Amendment altered the building type and increased the number of dwelling units from 172 to 192. A Minor Amendment approved on May 13, 2020 was to allow for the addition of carports and other minor changes. This proposed amendment does not increase the number of dwelling units, but it does provide for an expansion of the Chelsea Park West apartments in place of the previously approved condominiums.

This amendment creates a larger open space area. As currently approved, the distance between the existing condominiums in Chelsea Park I and the previously approved condominiums is 165 feet. The distance between the existing condominiums and the proposed apartments will be approximately 310 feet.

(ii) There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;

The proposed apartment buildings are the same building type as are currently being constructed in Chelsea Park West. The added distance provided by the larger open space provides a wider buffer between the proposed apartments and the existing condominiums.

(iii) Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement;

The current special use permit does not restrict or prevent the proposed building changes. The number of dwellings units will remain the same as previously approved.

(iv) The proposal conforms to this ordinance and is in keeping with the spirit and intent of the master plan; and

The proposed amendment remains consistent with the Master Plan designation for this area as high density residential and meets the requirements of the Ordinance.

(v) The amendment proposes no increase in density

The proposed building changes do not increase density of the project.

ACTION REQUESTED:

For this application for a Minor Amendment of a PUD, the Planning Commission is the final approval authority. Following an opportunity for applicant presentation and Planning Commission discussion, if the Commission is prepared to make a decision, the following separate motions in support of approval are offered for consideration:

THAT Findings of Fact for application SPR 2000-09-K, included in PD Report 2021-92 and forming part of this motion, BE APPROVED.

THAT application SPR 2000-09-K, submitted by Bennett Donaldson/JB Donaldson Company to replace four 12-unit residential buildings and attached garages with two 24-unit apartment buildings with no carports and adjust the boundaries of parcel 05-021-066-00 for the Chelsea Park West apartments, BE APPROVED, subject to the following conditions:

1. Approval of the proposed parcel split is required, with the proposed “remainder parcel” to be “dedicated open space.”
2. The pathway located along Chelsea Lane on the northern edge of the remainder parcel should be extended with a 5-foot-wide wood chip pathway to the proposed pathway in Chelsea Park II.
3. A sign should be placed along the northern side of Chelsea Lane showing direction to the Miller Creek Nature Reserve.

Any additional information the Planning Commission deems necessary should be added to this motion.

Attachments:

1. Impact Statement for Minor Amendment provided by the applicant
2. Letter dated June 24, 2021 from Russell L. Broad, Broad Condominium, LLC
3. Email dated June 21, 2021 from Larry Constantineau
4. 11” X 17” Site Plan Set provided by the applicant dated July 2, 2021

Impact Assessment For Minor Amendment

**Chelsea Park West, JB Donaldson Co.
3380 Hartman Road, Traverse City, Michigan
Garfield Township, Grand Traverse County
Property ID: 28-05-021-066-00**

1. The existing site is a parcel of land that currently is a vacant site. The site topography has a gradual slope to the North.
2. The current zoning is Agricultural District. The Proposed Minor Amendment is for residential apartments of 48 units.
3. The proposed use will have two(2) 24-unit buildings with parking and access drives to existing road system.
4. The project will be built in one(1) phase of construction. Construction planning on starting July 5, 2021. Access to site is already established with existing infrastructure.
5. Storm water control will be managed within site by way of a retention basins. The collection system will use site grading and basins.
6. The site is serviced by public sewer and water. Each building will be services by new water and sewer leads to the existing public systems.
7. The site Stormwater control measures will be handled by a retention basins located on the site.
8. Public sewer is available to the site along Chelsea Lane at the North end of the proposed project.
9. The proposed site should not create an increase of effluent discharge such as noise, dust, fumes and vibration. Exiting landscaping along the East property line will remain to screen proposed buildings from neighboring existing residential units with new landscaping along the south property line provide screening between uses. Site lighting will be provided and use LED lighting.
10. The proposed use will be approved under the Minor Amendment Permit Application process of Garfield Township under the Agricultural Zoning District.
11. Person responsible for preparation of statement:
William Crain, P.E.
Crain Engineering, LLC, 7622 Bott Road Buckley, MI 49620
12. The drainage plan meets the GTCO Soil Erosion ordinance for methods and capacities for run-off control.
13. The site will be lighted by ground mounted lights and wall mounted lights on buildings that will be the box type lamps, directed downward with cutoff optics.

Minor Amendment Existing and Proposed Site Areas:

Existing Approved PUD for this site:

Existing Building Area = 47,564 sft(4 buildings)

Existing Parking Area = 45,123 sft

Total Impervious Area = 92,687 sft

Proposed Minor Amendment:

Proposed Building Area = 16,436 sft(2 buildings)

Proposed Parking Area = 42,126 sft

Total Impervious Area = 58,562 sft

Approval Criteria

- a. Proposed use is an extension of previously approved use and falls within the master plan with High Density Residential.
- b. The proposed use will be compatible with the existing and planned character of the neighborhood.
- c. The proposed use was an originally approved overall density and use with the Chelsea Park PUD development plans.
- d. The proposed buildings and parking have adequate capacity and locations from neighboring properties with existing and proposed landscape screening.
- e. The existing site is vacant and will retain existing landscaping to the East to allow for screening.
- f. The proposed amendment will have access from existing streets, connection to existing sewer and water services and the site will maintain on-site stormwater by way of retention basins and provide access for Emergency services.
- g. The proposed project will be an expansion of an existing complex already established.
- h. The proposed amendment will provide additional housing for the area.
- i. The access to project will utilize already approved access points for vehicle and emergency services.
- j. Sidewalks and streets will be provided throughout project for pedestrian and vehicle traffic.
- k. This project will not impede surrounding properties for development and improvements within zoning district.

**Broad Condominium LLC
526 W Fourteenth St #113
Traverse City, MI 49684
231-218-4965**

June 24, 2021

Mr. John Sych, Planner
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684

RE: Chelsea Park West PUD Minor amendment

Dear John:

Per The Planning Commission meeting on June 9, 2021, below is an explanation of the proposed transfer of Chelsea Park property owned by Broad Condominium, LLC:

As part of the Land Division Process, the New Parcel (2.32 acres) will be transferred to Chelsea Park West Apartments upon approval of the Minor Amendment as proposed.

The Remainder Parcel (5.03 acres) will be transferred to Chelsea Park II as a Master Deed Amendment at the time of transfer of the New Parcel to Chelsea Park West. This Remainder Parcel will be used and maintained as open space for Chelsea Park II with possible future plans for a pavilion and/or other activity areas. The existing treed area will remain for a buffer between Chelsea Park, Chelsea Park II and Chelsea Park West.

The proposed walking path to and from Miller Creek Nature Reserve will be located along the East boundary of Chelsea Park West which allows for connection from Chelsea Ln to the Miller Creek Nature Reserve trail system. Proposed sidewalks from the buildings/parking areas to a wood chip path are shown.

If there is anything further needed, please let me know.

Sincerely,



Russell L Broad
Sole Member, Broad Condominium LLC

John Sych

From: Larry Constantineau <lacintc@aol.com>
Sent: Monday, June 21, 2021 4:31 PM
To: John Sych; Steve Hannon
Cc: Butch Broad
Subject: Chelsea Park II Support of Revised Proposal

John and Stephen,

Last Thursday evening, the residents of Chelsea Park II met for an informal annual meeting. And although we do not, as yet, have a formal HOA, as a group of interested neighbors we reviewed the most recent proposal for selling off the 2.32 Acre parcel to Donaldson for the purpose of building an additional two apartment buildings. Concurrent with that transaction, pending Planning Commission approvals, Butch Broad has agreed to deed the Remainder Parcel to CP II for our future uses.

With the relocation of the wood chip walking path onto the apartment property providing access to the Miller Creek Nature Reserve trail across the north end of the Remainder Parcel, and with the understanding that no additional housing units will be built within the CP PUD and that the construction road will serve only as an emergency, gated access at the conclusion of the construction, all of our concerns for the final development of the property have been resolved.

At the conclusion of our neighborhood meeting, there was strong agreement and support for the revised proposal among our residents. While we will attend the Public Hearing on the revised proposal on July 14th, we will be there to support the respective developers and their plans. Assuming that they proceed with the plans as soon as practical, we look forward to a successful conclusion to the development of our PUD.

If you should have any questions, please let me know. Thanks again for taking the time to discuss the revised plans in detail and answering all of our questions and concerns.

Best regards,

Larry

Larry Constantineau
lacintc@aol.com

2198 Chelsea Lane
Traverse City, MI 49685

Cell: 231-342-6856
Home: 231-252-4252

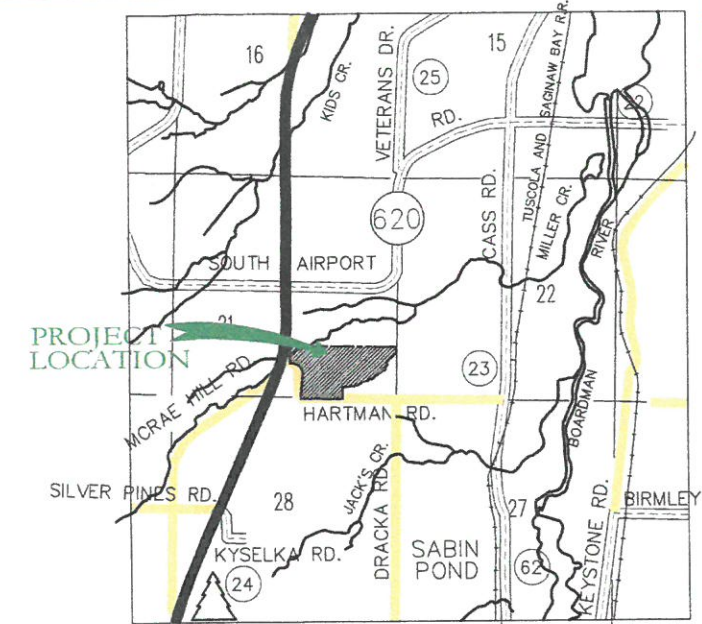
"CHELSEA PARK WEST"

GARFIELD TOWNSHIP, GRAND TRAVERSE CO. MICHIGAN

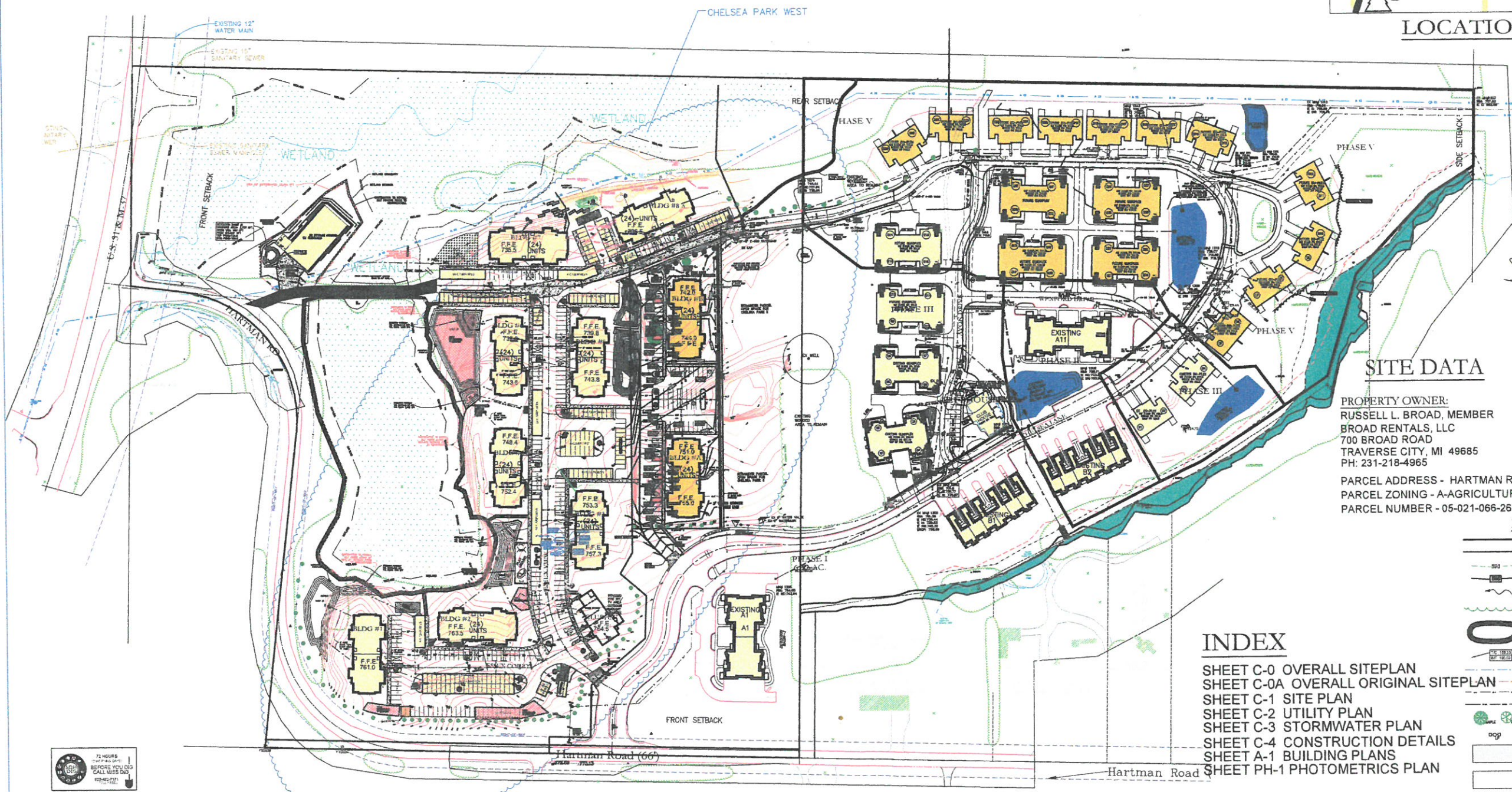
SECTION 21, TOWN 27 NORTH, RANGE 11 WEST

MINOR AMENDMENT

Crain Engineering, LLC
0 100 200 300
SCALE: 1" = 100 feet



LOCATION MAP



SITE DATA

PROPERTY OWNER:
RUSSELL L. BROAD, MEMBER
BROAD RENTALS, LLC
700 BROAD ROAD
TRAVERSE CITY, MI 49685
PH: 231-218-4965

PROPERTY APPLICANT:
BENNETT DONALDSON
JB DONALDSON
37610 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331
PH: 248-344-9045

PARCEL ADDRESS - HARTMAN ROAD, TRAVERSE CITY
PARCEL ZONING - A-AGRICULTURAL (UNDER PUD)
PARCEL NUMBER - 05-021-066-26



LEGEND

	PROPOSED LOT LINE
	PROPOSED EASEMENT LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	DRAINAGE DIRECTION ARROW
	EXISTING TREE LINE
	PROPOSED RETENTION BASIN
	PROPOSED GRADES
	PROPOSED WATER LINE
	PROPOSED SEWER LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	PROPOSED LANDSCAPING
	PROPOSED LIGHT POLE
	PROPOSED ASPHALT
	EXISTING ASPHALT

INDEX

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- SHEET C-1 SITE PLAN
- SHEET C-2 UTILITY PLAN
- SHEET C-3 STORMWATER PLAN
- SHEET C-4 CONSTRUCTION DETAILS
- SHEET A-1 BUILDING PLANS
- SHEET PH-1 PHOTOMETRICS PLAN

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email: crainengineeringllc@gmail.com



DRWN BY: WLC
DSGN BY: WLC
DATE: 05-05-2021
REV DATE: 09/14/2021 TWP REVIEW
07/02/2021 TWP REVIEW

OVERALL ORIGINAL APPROVED SITE PLAN
CHELSEA PARK WEST
SECTION 21 - TOWN 27 NORTH - RANGE 11 WEST
GARFIELD TWP., GRAND TRAVERSE COUNTY, MICHIGAN

JOB NUMBER:
137519
SHEET C-0

"CHELSEA PARK WEST"

GARFIELD TOWNSHIP, GRAND TRAVERSE CO. MICHIGAN

SECTION 21, TOWN 27 NORTH, RANGE 11 WEST

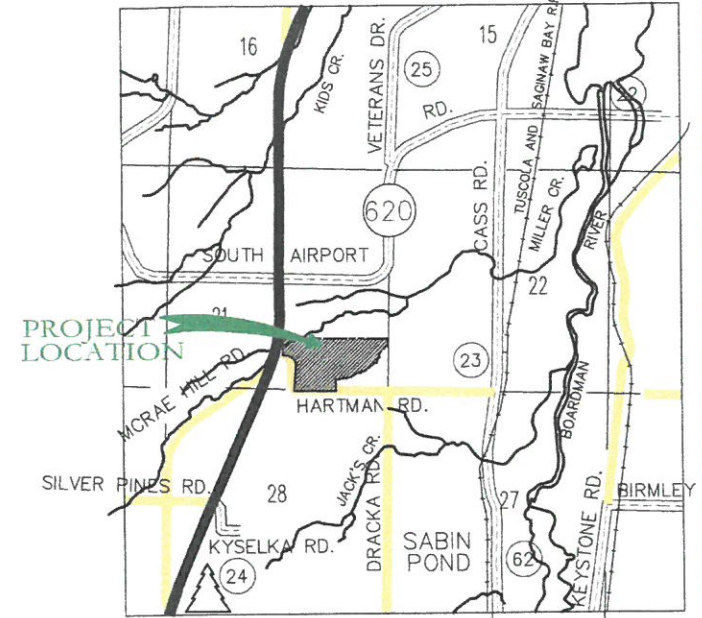
ORIGINAL APPROVED PUD PLAN



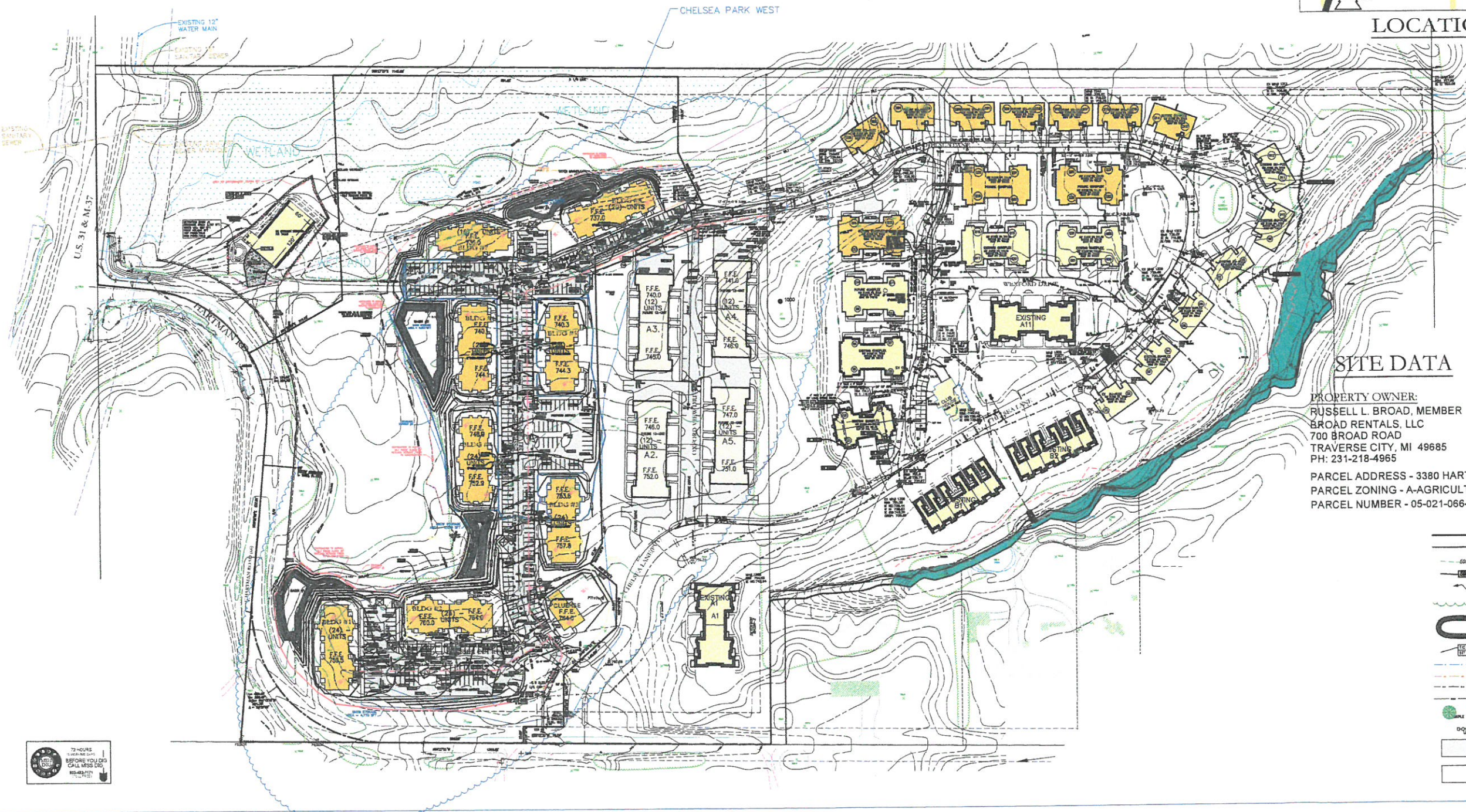
Crain Engineering, LLC



SCALE: 1" = 100 feet



LOCATION MAP



SITE DATA

PROPERTY OWNER:
RUSSELL L. BROAD, MEMBER
BROAD RENTALS, LLC
700 BROAD ROAD
TRAVERSE CITY, MI 49685
PH: 231-218-4965

PROPERTY APPLICANT:
BENNETT DONALDSON
JB DONALDSON
37610 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331
PH: 248-344-9045

PARCEL ADDRESS - 3380 HARTMAN ROAD, TRAVERSE CITY
PARCEL ZONING - A-AGRICULTURAL (UNDER PUD)
PARCEL NUMBER - 05-021-066-00

LEGEND

- PROPOSED LOT LINE
- PROPOSED EASEMENT LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- DRAINAGE DIRECTION ARROW
- EXISTING TREE LINE
- PROPOSED RETENTION BASIN
- PROPOSED GRADES
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED LANDSCAPING
- PROPOSED LIGHT POLE
- PROPOSED ASPHALT
- EXISTING ASPHALT

Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email: crainengineeringllc@gmail.com



DRAWN BY: WLC
DSGN BY: WLC
DATE: 05-05-2021
REV DATE: TWP REVIEW
07-02-2021 TWP REVIEW

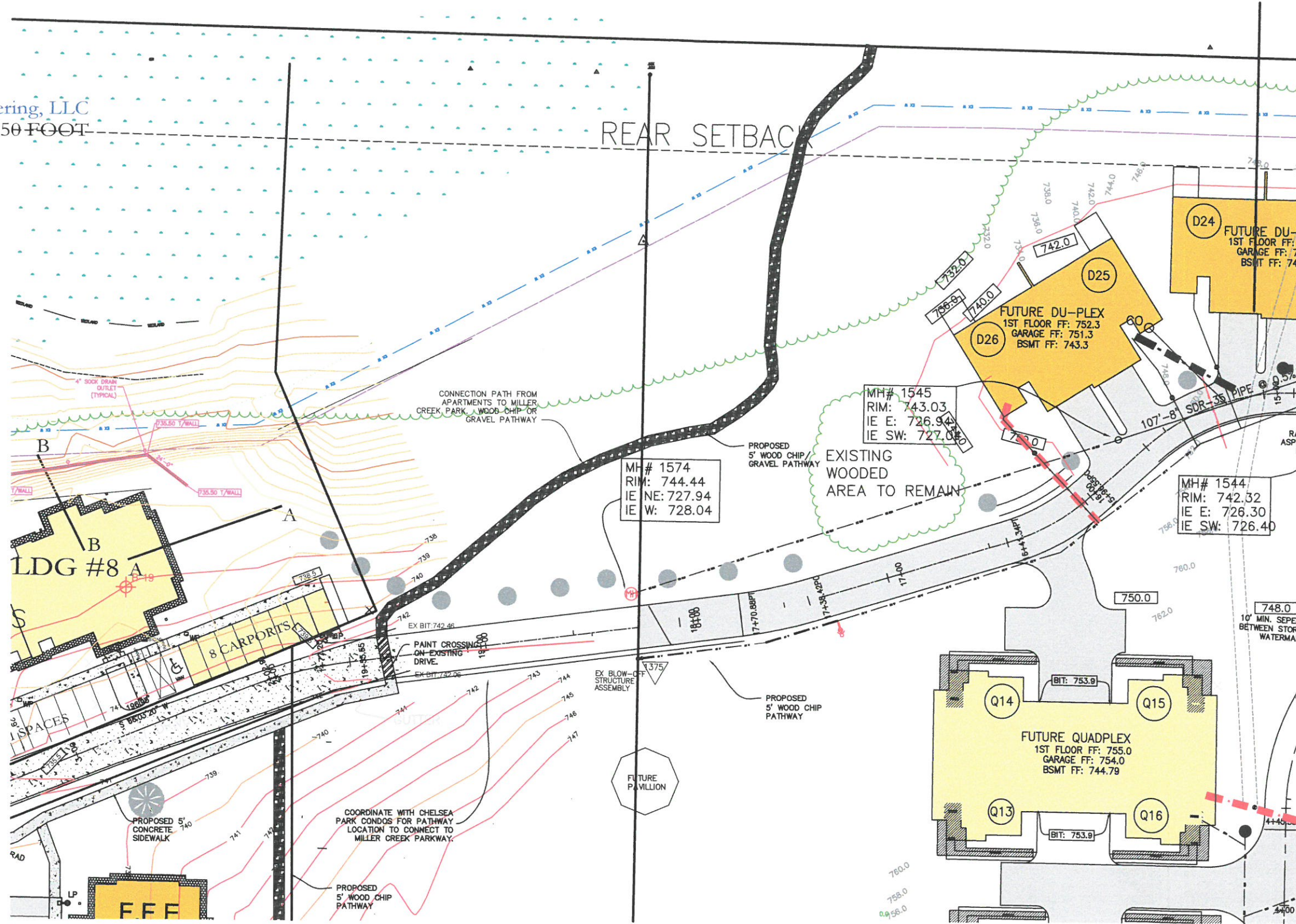
OVERALL ORIGINAL APPROVED SITE PLAN
CHELSEA PARK WEST
SECTION 21 - TOWN 27 NORTH - RANGE 11 WEST
GARFIELD TWP, GRAND TRAVERSE COUNTY, MICHIGAN

JOB NUMBER:
137519
SHEET **C-0A**





Crain Engineering, LLC
SCALE: 1" = 50 FOOT



Crain Engineering, LLC
Engineering, Consulting, & Design
7622 Bott Road
Buckley, MI 49620
Phone: (231) 947-7255
Cell: (231) 632-4207
email: crainengineeringllc@gmail.com

DRWN BY: WLC
DSGN BY: WLC
DATE: 07-02-2021
REV DATE:

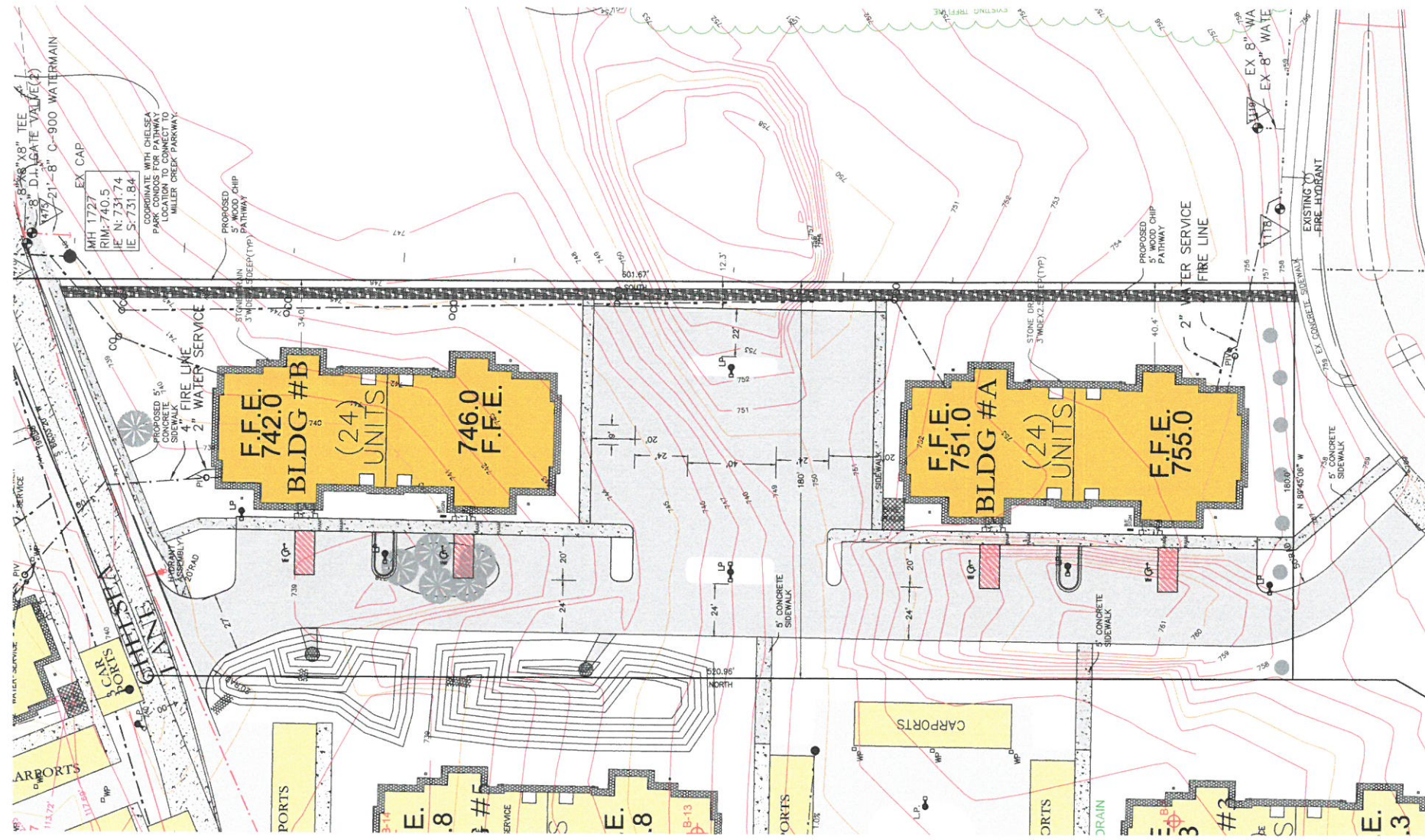
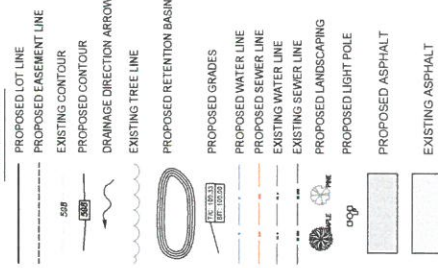
MILLER CREEK CONNECTION PATH
JB DONALDSON
GARFIELD TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN

JOB NUMBER:
137519
SHEET **C-1A**

UTILITY PLAN CHELSEA PARK WEST

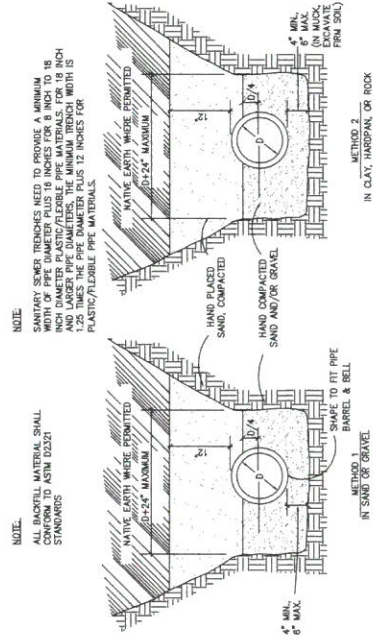


LEGEND



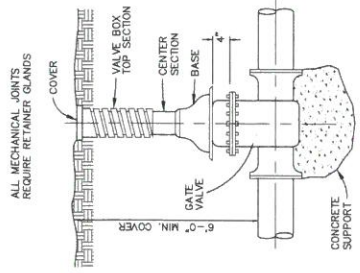
UTILITY NOTES

- CONTRACTOR TO CONTACT COUNTY D.P.W. FOR LOCATION AND APPROVAL SEWER AND WATER CONNECTIONS PRIOR TO CONSTRUCTION.
- ALL UTILITIES SHALL BE COMPLETELY TESTED AND APPROVED PRIOR TO CONNECTION TO EXISTING MAINS.
- ALL WATERMAIN SHALL HAVE A MINIMUM OF SIX FEET OF COVER BELOW FINISHED GRADE.
- WATERMAIN SHALL BE FLUSHED PER GRAND TRAVERSE COUNTY D.P.W. REQUIREMENTS.
- CONTRACTOR SHALL SUBMIT CERTIFICATION OF ALL CONSTRUCTION MATERIALS TO THE TOWNSHIP ENGINEER PRIOR TO ACCEPTANCE BY THE TOWNSHIP.
- A CONSTRUCTION SCHEDULE INCLUDING THE ESTIMATED SANITARY SEWER AND WATERMAIN INSTALLATION AND TESTING SHOULD BE SUBMITTED TO THE TOWNSHIP PRIOR TO CONSTRUCTION.
- THE TOWNSHIP AND TOWNSHIP ENGINEER SHOULD BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO THE CONSTRUCTION STARTING DATE.
- THE CONTRACTOR SHALL SUBMIT NAMES AND PHONE NUMBERS OF THEIR 24 HOUR EMERGENCY PERSONNEL PRIOR TO CONSTRUCTION.
- A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH ATTENDANCE BY THE DEVELOPER (OR THEIR REPRESENTATIVE), CONTRACTOR, TOWNSHIP ENGINEER, G.T. COUNTY DPW, AND LOCAL UTILITY COMPANIES WHICH MAY BE AFFECTED BY THE PROJECT.
- NO CONNECTION RECEIVING STORM WATER OR GROUNDWATER SHALL BE MADE TO SANITARY SEWERS.

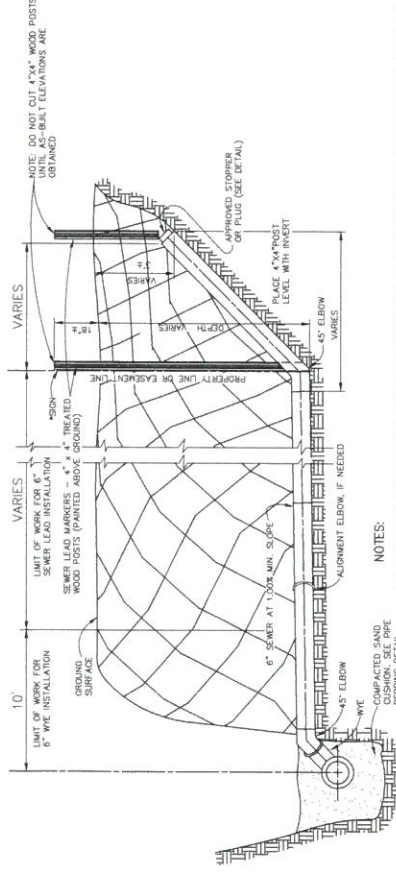


PIPE BEDDING DETAIL (CLASS A) NO SCALE

IN CLAY, SANDPAN, OR ROCK

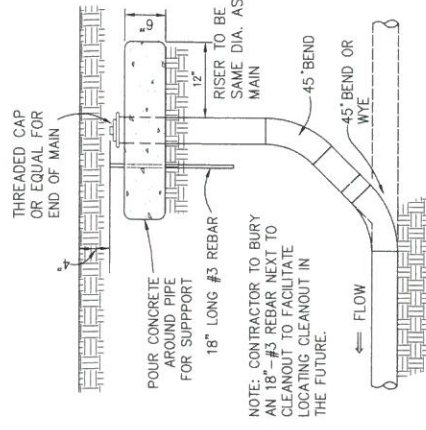


VALVE BOX INSTALLATION DETAIL NO SCALE



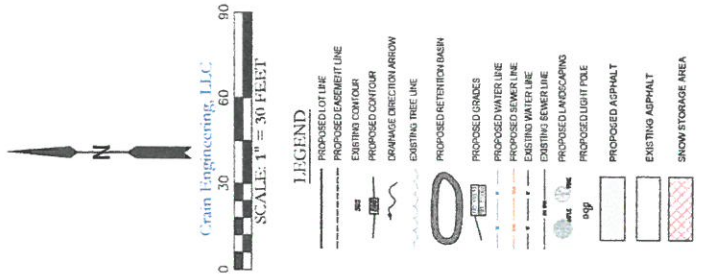
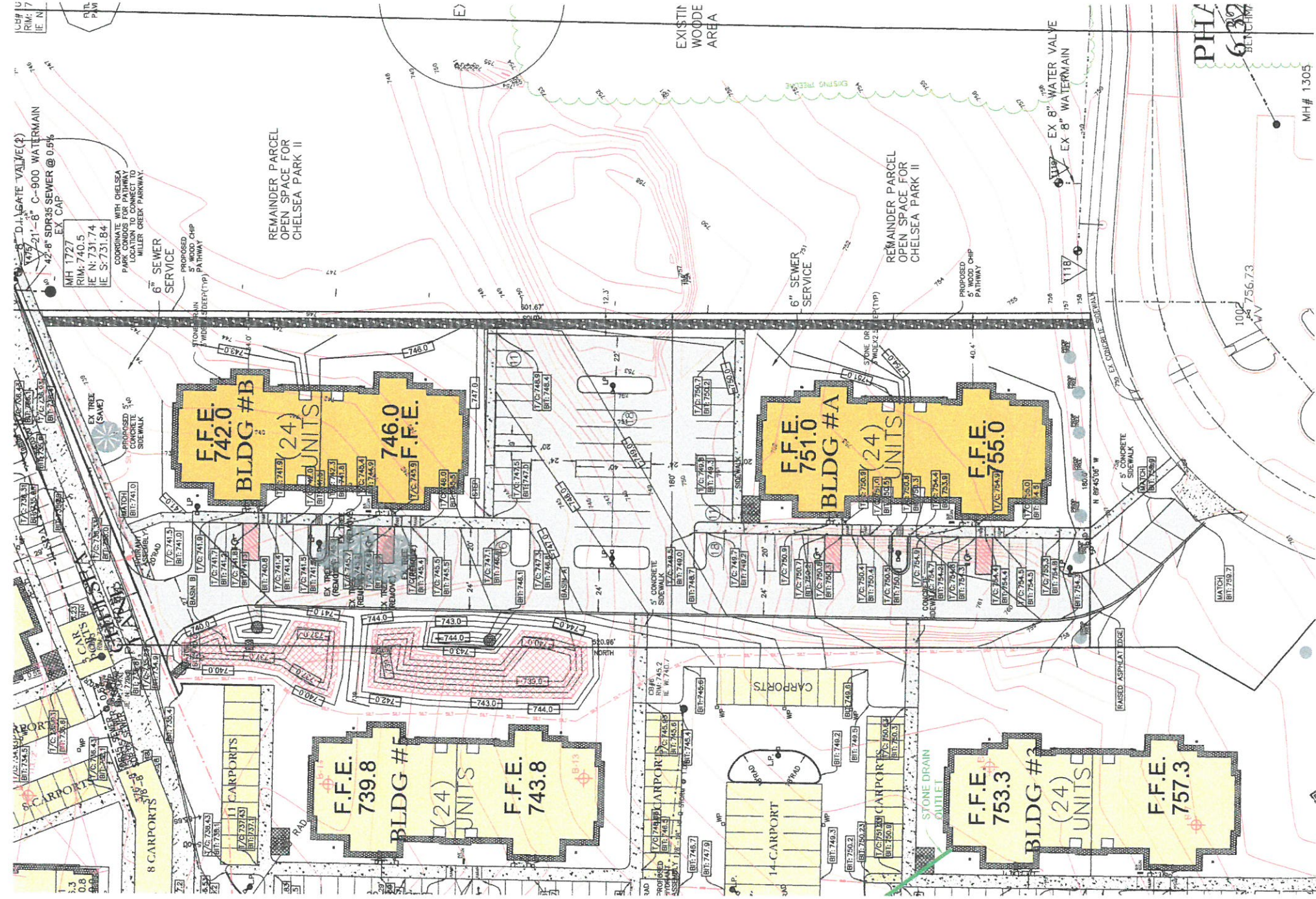
WYE AND SEWER LEAD INSTALLATION DETAIL NO SCALE

- NOTES:
- THE POSITION OF WYES SHOWN ON DRAWINGS IS APPROXIMATE AND IS INTENDED ONLY AS AN INDICATION THAT A WYE IS REQUIRED. ACTUAL POSITIONS WILL BE DETERMINED IN THE FIELD TO MOST CONVENIENTLY SERVE THE PROPERTY INTENDED AND WILL BE RECORDED ON A SET OF AS-BUILT DRAWINGS.
 - WHEN SEWER LEAD ENDS BENEATH DRIVEWAY, PARKING LOT, ETC., (GRAVEL, CONCRETE, ASPHALT) TOP OF SEWER LEAD MARKER POST SHALL BE 6" BELOW SURFACE. FASTEN 3 - 1/2" x 1/4" STEEL PLATE ON TOP OF POST SO IT CAN BE LOCATED WITH A METAL DETECTOR.



6" OR 8" CLEANOUT DETAIL NO SCALE

SESC PLAN CHELSEA PARK WEST



DRAINAGE AND GRADING NOTES

1. THE SOIL EROSION MEASURES SHOWN ARE THE MINIMUM CONTROLS TO BE USED ON THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY AND PERMANENT SOIL EROSION CONTROL MEASURES TO PROTECT THE DISTURBED AREAS AND ADJACENT PROPERTIES FROM EROSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF ANY ADDITIONAL COST TO THE OWNER.
2. ALL AREAS SHALL BE PROPOSED, SEEDER, FERTILIZER, AND MULCH AS SPECIFIED. MULCH DEBRIS SHALL BE INSTALLED IN AREAS AS DESIGNATED AND SHALL BE INCIDENTAL TO OTHER ITEMS.
3. CONTRACTOR SHALL OBTAIN SOIL EROSION PERMIT PRIOR TO ANY CONSTRUCTION.
4. ALL RETENTION BASINS SHALL HAVE 3 ON 1 SIDE SLOPES. (UNLESS NOTED OTHERWISE)
5. PARKING LOT GRADING IN BARRIER FREE AREAS SHALL NOT EXCEED 2% SLOPE.
6. ALL EXCESS TOPSOIL WILL REMAIN WITHIN THE PROPERTY OWNER'S SITE. IF ADDITIONAL TOPSOIL IS AVAILABLE AFTER THE CONSTRUCTION AREA, IT WILL BE STOCKPILED WITHIN 1000 FEET OF THE CONSTRUCTION AREA IN A DESIGNATED AREA AS DIRECTED BY THE FIELD ENGINEER.
7. THE CONTRACTOR IS RESPONSIBLE FOR ESTABLISHING GROUND COVER ON AREAS DISTURBED BY CONSTRUCTION AND SHALL REPAIR ALL WASHBOARDS AND EROSION DURING THE GUARANTEE PERIOD. THE (1) YEAR AFTER GROUND COVER IS ESTABLISHED AT NO ADDITIONAL COST TO THE OWNER.
8. THE PRESENCE OF OTHER THAN GRANULAR MATERIALS IN THE SUB-GRADE SOIL WILL REQUIRE A FULL WIDTH, FIFTEEN INCH, GRANULAR SUB-BASE, MDOT CLASS II OR EQUIVALENT.

SNOW STORAGE CALCULATIONS:
 TOTAL PARKING AREA = 34,991 SFT
 PROPOSED SNOW STORAGE AREA = 3,500 SFT
 (BASED ON 10 SFT/100 SFT PARKING AREA)
 PROVIDED SNOW STORAGE AREA = 5,174 SFT
 (MULTIPLE AREAS PROPOSED)
 SNOW STORAGE IN BASIN #A & B IS 2' DEEP

STORMWATER PLAN
JB DONALDSON COMPANY
 SECTION 21 - TOWN 27 NORTH - RANGE 11 WEST
 GARFIELD TWP., GRAND TRAVERSE COUNTY, MICHIGAN

JOB NUMBER:
137519
 SHEET **C-3**

DRWN BY: WLC
 DSGN BY: WLC
 DATE: 05-05-2021
 REV DATE:
 05-27-2021 TWP REVIEW
 07-02-2021 TWP REVIEW



Crain Engineering, LLC
 Engineering, Consulting, & Design
 7622 Bott Road
 Buckley, MI 49620

Phone: (231) 947-7255
 Cell: (231) 632-4207
 email: crainengineeringllc@gmail.com



Summary for Subcatchment A prop. DISTRICT A

Runoff = 2.88 cfs @ 12.07 hrs, Volume= 8,171 cf, Depth= 2.40"
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-72.00 hrs, dt= 0.05 hrs
 Type II 24-hr 25-Year Rainfall=3.93"

Area (sf)	CN	Description
14,525	61	>75% Grass cover, Good, HSG B
26,411	98	ASPHALT PARKING/SIDEWALKS
40,936	85	Weighted Average
14,525	35	48% Pervious Area
26,411	64	52% Impervious Area

Tc (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.0				Direct Entry.

Summary for Pond PA: BASIN A

Inflow Area = 40,936 sf, 64.52% impervious, Inflow Depth = 2.40" for 25-Year event
 Inflow = 2.88 cfs @ 12.07 hrs, Volume= 8,171 cf
 Outflow = 0.00 cfs @ 1.00 hrs, Volume= 0 cf, Atten= 100%, Lag= 0.0 min
 Primary = 0.00 cfs @ 1.00 hrs, Volume= 0 cf
 Routing by Stor-Ind method, Time Span= 1.00-72.00 hrs, dt= 0.05 hrs
 Peak Elev= 744.64 @ 24.90 hrs Surf Area= 3,891 sf Storage= 8,171 cf
 Plug-Flow detention time= (not calculated; initial storage exceeds outflow)
 Center-of-Mass det. time= (not calculated; no outflow)

Volume	Invert	Area/Storage	Storage Description
#1	741.00'	14,408 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf Area (sq-ft)	Inc. Store (cubic-feet)	Cum. Store (cubic-feet)
741.00	738	0	0
742.00	1,513	1,126	1,126
743.00	2,355	1,934	3,060
744.00	3,264	2,810	5,869
745.00	4,239	3,752	9,621
746.00	5,336	4,788	14,408

Device Routing Outlet Devices

#1 Primary 745.00' 45.0 deg x 6.0' long x 0.80' rise Sharp-Crested Vee/Trap Weir
 Cv= 2.56 (C= 3.20)

Primary Outflow Max= 0.00 cfs @ 1.00 hrs HW= 741.00' (Free Discharge)

#1=Sharp-Crested Vee/Trap Weir (Controls 0.00 cfs)

Summary for Subcatchment B prop. District B

Runoff = 0.97 cfs @ 12.07 hrs, Volume= 2,748 cf, Depth= 1.91"
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 1.00-72.00 hrs, dt= 0.05 hrs
 Type II 24-hr 25-Year Rainfall=3.93"

Area (sf)	CN	Description
8,580	98	paving/concrete
8,712	61	>75% Grass cover, Good, HSG B
17,292	79	Weighted Average
8,712	50	38% Pervious Area
8,580	49	62% Impervious Area

Tc (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.0				Direct Entry.

Summary for Pond PB: BASIN B

Inflow Area = 17,292 sf, 49.62% impervious, Inflow Depth = 1.91" for 25-Year event
 Inflow = 0.97 cfs @ 12.07 hrs, Volume= 2,748 cf
 Outflow = 0.00 cfs @ 1.00 hrs, Volume= 0 cf, Atten= 100%, Lag= 0.0 min
 Primary = 0.00 cfs @ 1.00 hrs, Volume= 0 cf
 Routing by Stor-Ind method, Time Span= 1.00-72.00 hrs, dt= 0.05 hrs
 Peak Elev= 738.64 @ 24.90 hrs Surf Area= 1,807 sf Storage= 2,748 cf
 Plug-Flow detention time= (not calculated; initial storage exceeds outflow)
 Center-of-Mass det. time= (not calculated; no outflow)

Volume	Invert	Area/Storage	Storage Description
#1	736.00'	5,825 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf Area (sq-ft)	Inc. Store (cubic-feet)	Cum. Store (cubic-feet)
736.00	354	0	0
737.00	843	599	599
738.00	1,408	1,126	1,724
739.00	2,035	1,722	3,446
740.00	2,724	2,380	5,825

Device Routing Outlet Devices

#1 Primary 739.00' 45.0 deg x 6.0' long x 0.80' rise Sharp-Crested Vee/Trap Weir
 Cv= 2.56 (C= 3.20)

Primary Outflow Max= 0.00 cfs @ 1.00 hrs HW= 736.00' (Free Discharge)

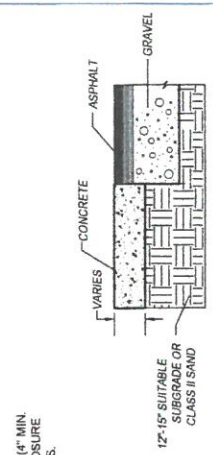
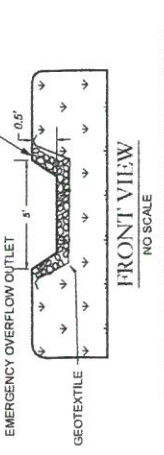
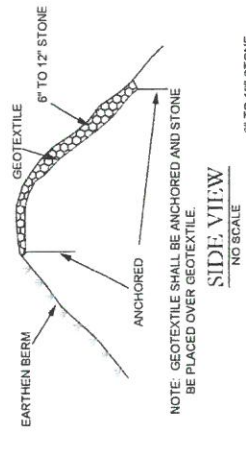
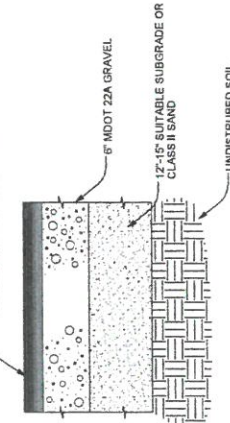
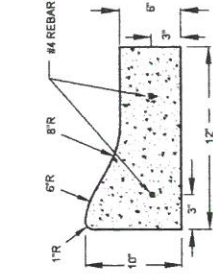
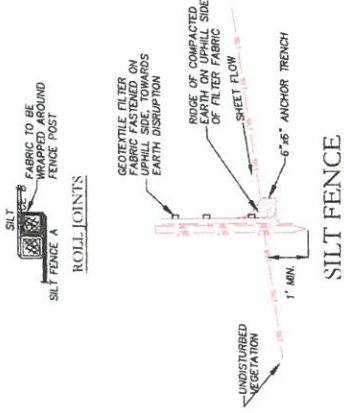
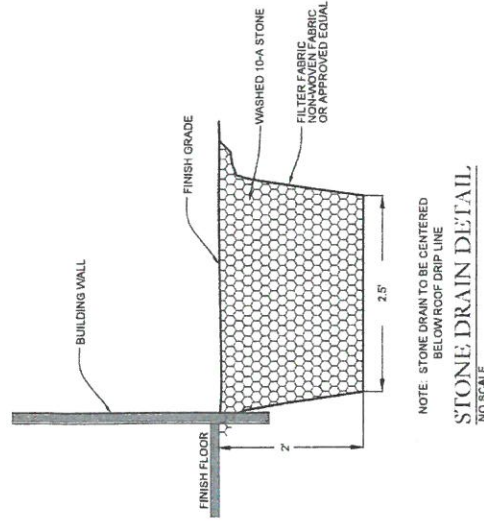
#1=Sharp-Crested Vee/Trap Weir (Controls 0.00 cfs)

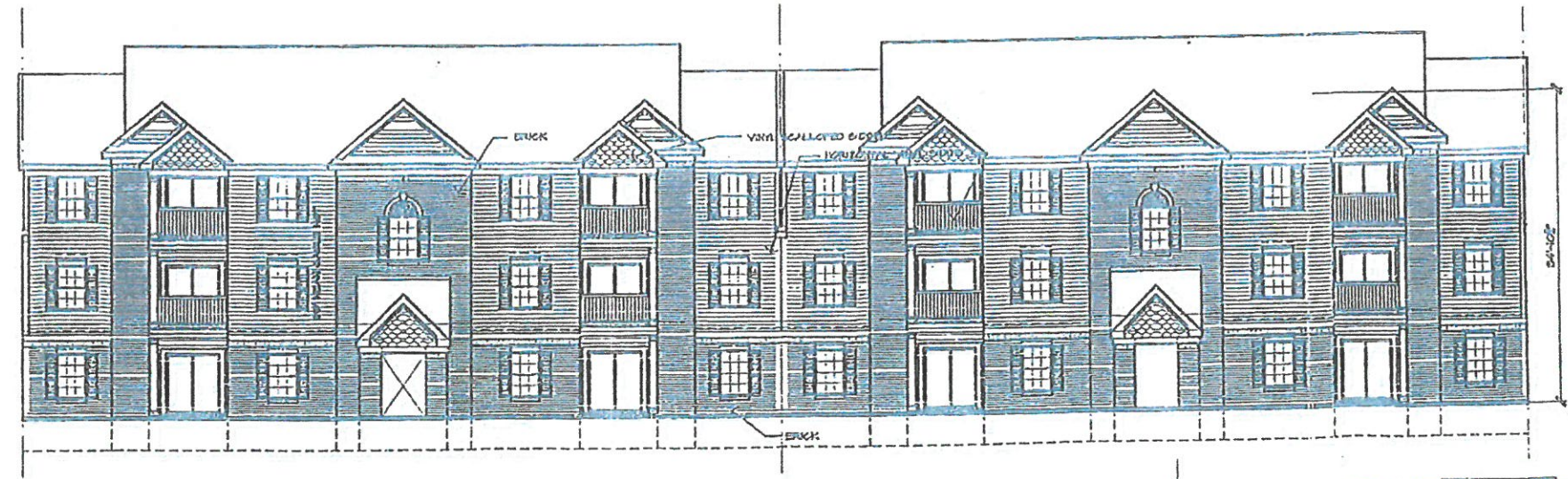
Maintenance Plan & Budget - Chelsea Park West

Annual inspection for sediment accumulation	\$ 275.00
Removal of sediment accumulation every 2 years as needed	\$ 1,500.00
Inspect for floatable and debris annually and after major storms	\$ 125.00
Re-establish permanent vegetation on eroded slopes as needed	\$ 375.00
Replacement of stone	\$ 150.00
Mowing	\$ 375.00
Inspect structural elements	\$ 150.00
Make structural adjustments as determined by inspection	\$ 275.00
Emergency inspection by Prof Engineer upon identification of severe problems	\$ 150.00
Annual Budget	\$ 4,250.00

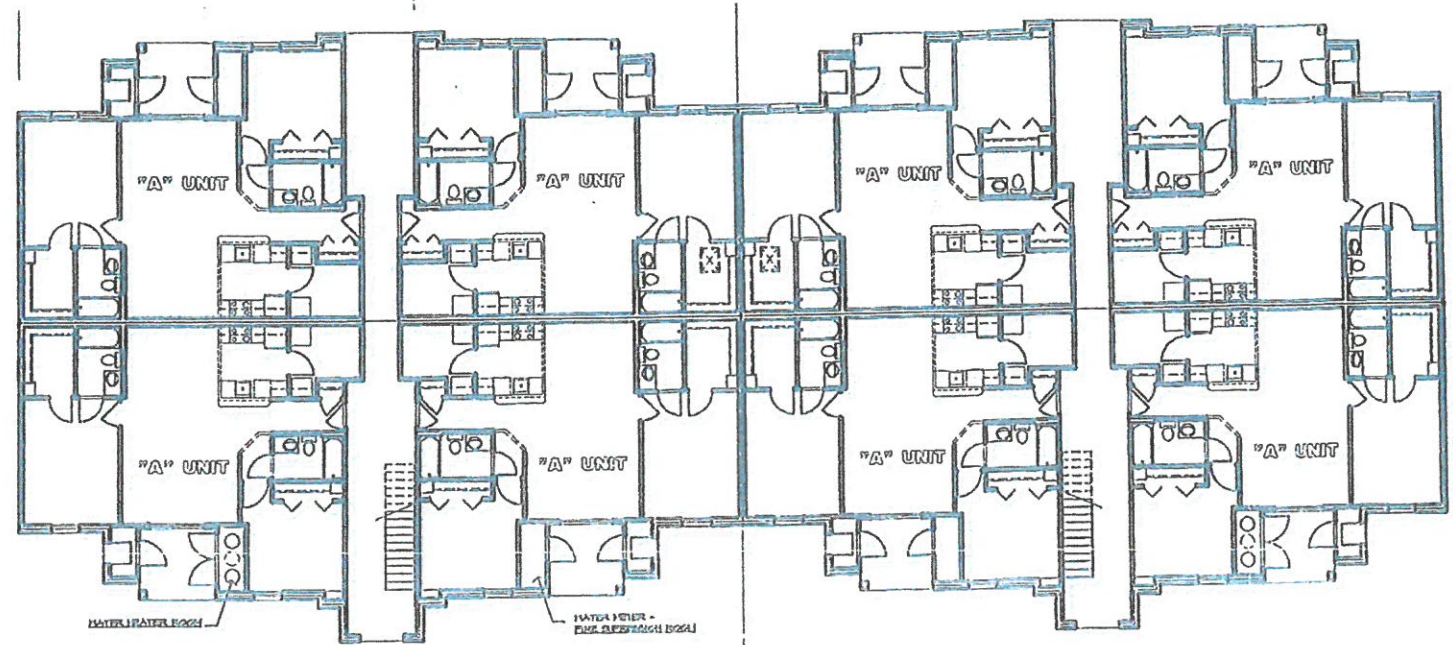
Maintenance Plan Schedule - Chelsea Park West

	storm sewer system	storm risers and control sumps	overflow filtration basin	storm detention areas	Emergency overflow	Schedule
Inspect for sedimentation accumulation	x			x		Annually
Removal of sediment accumulation	x	x		x		Every 2 years as needed
Inspect for floatable and debris			x	x		Annually
Cleaning of floatables and debris			x	x		Annually
Inspection for erosion				x	x	Annually
Re-establish permanent vegetation on eroded slopes				x	x	As needed
Replacement of stone				x		Every 3-5 years as needed
mowing				x		0-2 times per year
Inspection of structural elements	x	x	x	x	x	Annually
Make Structural adjustments determined by inspections	x	x	x	x	x	As needed






Front Elevation Concept



First Floor Plan

 Charter Township of Garfield Planning Department Report No. 2021-94			
Prepared:	July 7, 2021	Pages:	5
Meeting:	July 14, 2021 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Kensington Park PURD – Minor Amendment		
File No.	SUP 2002-06-D	Parcel No.	n/a
Applicant / Agent / Owner:		Lynne Moon	

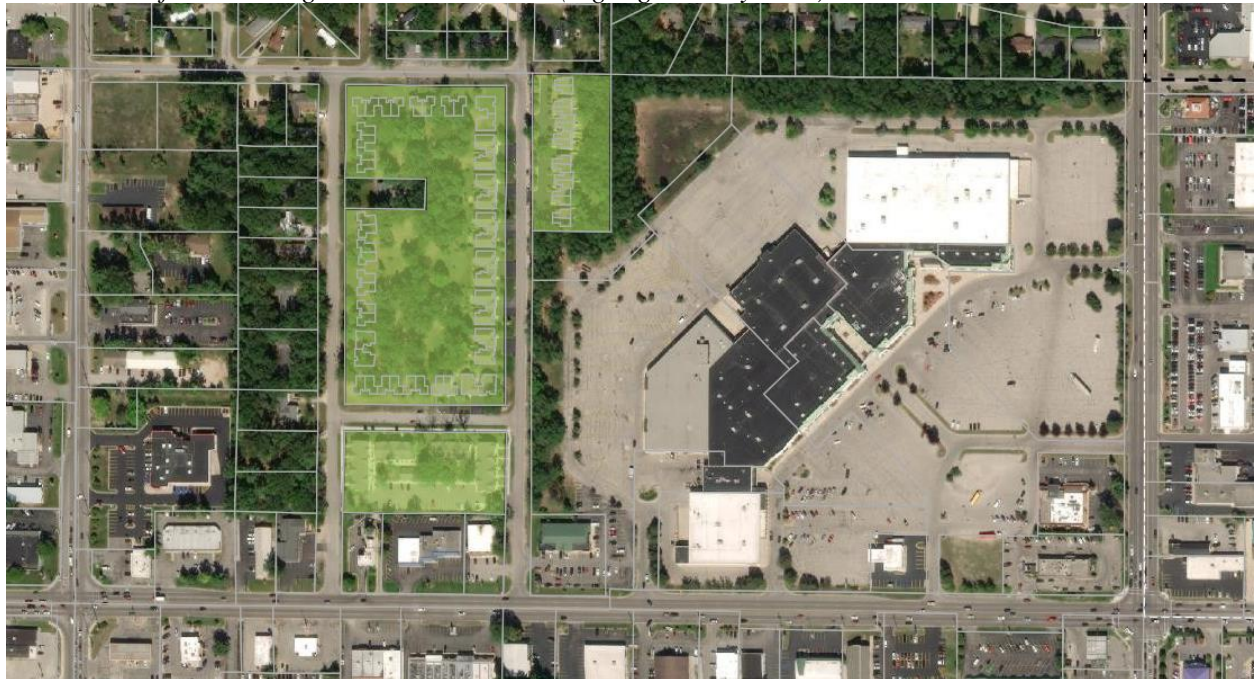
OVERVIEW:

The Kensington Park Planned Unit Residential Development (PURD) project was originally approved by the Planning Commission in June 2003 and has since been amended several times. Over the past several years, there has been great confusion over whether sidewalks are required as part of this development. The applicant has submitted this application for Minor Amendment to the PURD requesting to officially remove the requirement for sidewalk installation.

The application was first introduced at the April 14, 2021 Planning Commission meeting. The application referenced a previous Planning Commission decision in 2005 about removing the sidewalk requirement, but at the time of submittal no documentation of this decision had been identified. In researching material and background information for the application after it was submitted, Staff discovered minutes from the May 25, 2005 Planning Commission meeting which discussed this project.

Staff reviewed previous meeting minutes, application materials, correspondence, and the previous zoning ordinance regulations as part of reviewing this application. Legal review was also conducted to determine if the Planning Commission decision from May 25, 2005 was valid, with the Township Attorney providing their memorandum on May 11, 2021.

Aerial view of the Kensington Park PURD site (highlighted in yellow)



This item was originally on the agenda for the June 9, 2021 Planning Commission but was delayed at the request of the applicant. This item is placed on this meeting’s agenda to process the application requesting a PURD Minor Amendment. Staff has reviewed this request in terms of the review criteria for a PURD Minor Amendment and has included relevant background information on the Kensington Park project.

SUBJECT PROPERTY:

The Kensington Park PURD is located west of the Cherryland Center site. The main portion of the project is roughly bounded by Carson Street, Linden Avenue, Floresta Street, and Woodward Avenue. East of this portion is a second phase of the project done by Homestretch. South of the main portion is Carson Square apartments done by Goodwill Industries.

APPLICATION HISTORY:

The Kensington Park PURD was originally approved in 2003 and has been amended several times:

- April 25, 2003 – original approval (SUP 2002-06)
- March 19, 2004 – amended SUP for second phase / Homestretch project (SUP 2002-06-A)
- November 8, 2005 – amended SUP to include an additional lot in the PURD (SUP 2002-06-B)
- October 24, 2012 – amended SUP for multi-family / Carson Square project (SUP 2002-06-C)

The site plan included and recorded with the original SUP approval in 2003 and with the first amendment in 2004 depicts sidewalks around the site. These sidewalks border Carson Street, Linden Avenue, Floresta Street, and Woodward Avenue, and form a loop around this phase of the development. On May 25, 2005, the Planning Commission considered a request from the applicant team for a minor amendment to remove the condition requiring sidewalk construction and instead designate a three-foot strip of pavement along the roadway in place of the sidewalks. The Planning Commission motioned to approve this request, with the following motion:

“Brad Barnes/moved, Jack Robbins/supported, PASSED, to approve amending the Kensington Park Special Use Permit #2002-06, Item 3E, to reflect our conversation tonight, adding the three foot walkway to the road structure and removing the sidewalk as drawn on the plan.”

The Zoning Ordinance in effect in 2005 was Ordinance No. 10 (later replaced by Ordinance No. 68). The section covering minor amendments to a Special Use Permit was Section 8.1.6, originally adopted in 1998 as Amendment No. 206D to Ordinance No. 10, and which read as follows:

Section 8.1.6 Amendment: *A Special Use Permit may be amended as follows:*

- (1) Minor amendments. Minor amendments are those which will have no foreseeable affect beyond the property boundary such as minor changes in the siting of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor changes for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the Special Use Permit, reduce usable open space, or encroach on natural features proposed by the plan to be protected.*
- (2) Major amendments. Any amendment not qualifying as a minor amendment shall be considered a major amendment. Major amendments must be approved according to the procedures required for the approval of the Special Use Permit.*

At the April 14, 2021 Planning Commission meeting, Staff provided comments on several issues around the Planning Commission decision from May 25, 2005 to remove the requirement for sidewalk construction and allow the three-foot designated walking area along the roadway, including the following:

- The Planning Commission determination in 2005 that this was a minor amendment appears to be in contradiction with Zoning Ordinance regulations at the time since minor amendments were under the authority of the Zoning Administrator and not the Planning Commission. A memo from Staff at the time expressed uncertainty that this request could be considered as a minor amendment by the Planning Commission.
- The 2005 Planning Commission decision indicated there would be a three-foot walkway along the road instead of sidewalks. No such walkway has yet been designated or constructed, and this may be potentially considered a violation of the Special Use Permit for failure to meet the conditions of the Planning Commission decision. Such walkway would also be part of the road right-of-way and subject to review and approval by the Grand Traverse County Road Commission (GTCRC). There is currently no information indicating the GTCRC reviewed this walkway.

LEGAL REVIEW:

The Township Attorney conducted a legal review of this application request and provided their opinion as to “(1) whether the Planning Commission exceeded its authority by approving a “minor amendment” to the Kensington Park PURD; and (2) whether the applicant may rely on the prior approval, even if it was not authorized by the Zoning Ordinance.”

The legal review stated: “Since the prior approval that is not in conformance with the Township’s Zoning Ordinance in place at the time, it was not an authorized action by the Planning Commission and is invalid. The applicant must go through the process to properly amend the PURD for the subject property under the Township’s zoning ordinance.” The memorandum containing the legal review is attached to this report.

GRAND TRAVERSE COUNTY ROAD COMMISSION REVIEW:

Staff asked for the GTCRC to provide comments on this request and the proposed walkway along the road. In an email from May 26, 2021, GTCRC staff indicated that: “the GTCRC would not construct or permit a 3’ paved shoulder for use as a pedestrian sidewalk or for pedestrian use due to the inherent safety concerns with forcing pedestrians to share the roadway with moving vehicles.” The correspondence from GTCRC is attached to this report.

STAFF COMMENTS:

With the legal review of this request, it appears that the May 25, 2005 Planning Commission is an invalid decision, which means that the sidewalks shown in the original approval are still required. In addition, the GTCRC correspondence indicates that the three-foot walkway along the road that was proposed instead of the sidewalks would not be permitted due to safety concerns, and that sidewalks remain the solution from this perspective as well. With this information in mind, the following is an analysis of the request for PURD Minor Amendment based on the current Zoning Ordinance regulations.

MINOR AMENDMENT:

Following a determination that the review criteria of Section 423.G(4)(b) are met, the Planning Commission may authorize the following amendments to an approved development plan without a public hearing:

- (a) Changes to the timing or phasing of the proposed development, provided that the use and overall geographic land area remains the same and that required public improvements are not delayed.
- (b) Increases in total building height of greater than five (5) feet provided that maximum height regulations are complied with.

- (c) Any other proposed amendment which is determined by the Planning Commission to have no detrimental impact on any adjacent property and is not considered or classified a Major Amendment under Section 423(6) Major Amendments.

FINDINGS OF FACT:

A review of the criteria in Section 423.G(4)(b) offers the following findings:

- (i) *No previous amendments have been granted that, together with the proposed amendment, would exceed the standards of this section;*

The proposed amendment would be the fourth amendment to the Kensington Park PURD project. The first amendment was in 2004 for the second phase of the project done by Homestretch. The second amendment was in 2005 to include an additional lot in the project. The third amendment was in 2012 for the multi-family Carson Square project. The proposed removal of the sidewalk requirement is the only proposed change. No other changes such as density or number of dwelling units are proposed.

- (ii) *There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;*

Based on the information gathered in reviewing this project, this request would have detrimental impacts on adjacent property based on the following reasons:

- The request would remove the requirement to install sidewalks and instead construct a three-foot walkway along the roadway. Per the correspondence from GTCRC, this would cause detrimental impacts given the safety issues with people walking along the roadway.
- Future developments in this neighborhood will be required to install sidewalks, and other developments that have already been constructed have installed sidewalks. Having a gap in the non-motorized network would cause detrimental impacts by encouraging the people using the sidewalk to then walk along the roadway, leading to safety issues.

- (iii) *Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement;*

No changes are proposed to the density or the number of dwelling units in the project.

- (iv) *The proposal conforms to this ordinance and is in keeping with the spirit and intent of the master plan; and*

The proposed amendment does not conform to the ordinance or keep with the spirit and intent of the master plan, for the following reasons:

- Section 522 of the Zoning Ordinance states: “Public pathways shall be required for all new development, re-developments, and amendments to previously approved site development plans, including substantial additions or improvements to existing buildings with a construction cost of twenty thousand dollars (\$20,000.00) or more within a twelve month period.” Additionally, this section states: “The type of pathway required shall be determined through the adopted Garfield Township Non Motorized Plan.” The Township Non-Motorized Plan is adopted as part of the Master Plan. The Master Plan was updated in 2020 to include the Barlow Garfield Neighborhood Plan, with the updated plan adopted on June 9, 2020. The updated Non-Motorized Plan shows sidewalks along the roads in the

Kensington Park PURD project. Thus, based on the Zoning Ordinance, the sidewalks are required, and the proposed amendment does not conform to the ordinance.

- The Master Plan was updated in 2020 to include the Barlow Garfield Neighborhood Plan, which includes an updated Non-Motorized Plan showing sidewalks along these roads. The plan also asserts in the Development Guidelines, Public Infrastructure, Non-motorized network: “Sidewalks and trails should be built to expand the non-motorized network for the neighborhood and to connect with adjoining neighborhoods and areas. In addition to main corridors, interior streets and drives should also include sidewalks.” The Master Plan envisions sidewalks in this neighborhood and as part of this project. Thus, the proposed amendment does not keep with the spirit and intent of the master plan.

(v) *The amendment proposes no increase in density*

The proposed amendment does not increase the density of the project.

ACTION REQUESTED:

For this application request for a PURD Minor Amendment, the Planning Commission is the final approval authority. Following discussion, if the Planning Commission is prepared to decide, the following separate motions are offered for consideration:

THAT Findings of Fact for application SUP 2002-06-D, included in Planning Department Report 2021-82 and forming part of this motion, BE APPROVED.

THAT application SUP 2002-06-D, submitted by Lynne Moon to remove the requirement to construct sidewalks within the Kensington Park Planned Unit Residential Development (PURD), BE DENIED based on the Findings of Fact as described in Planning Department Report 2021-82.

Any additional information the Planning Commission deems necessary should be added to this motion.

Attachments:

1. Planned Development Application – Minor Amendment dated March 11, 2021.
2. Letters from Lynne Moon dated March 10, 2021 and March 11, 2021.
3. Original Kensington Park PURD site plan documents dated October 30, 2003.
4. Memorandum from Denny Habedank, Zoning Administrator to Planning Commission dated May 25, 2005.
5. Minutes from the May 25, 2005 Planning Commission meeting.
6. Memorandum from Township Attorney dated May 11, 2021.
7. Correspondence from Grand Traverse County Road Commission dated May 26, 2021.



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

PLANNED DEVELOPMENT (PD) APPLICATION

ASSISTANCE

This application must be completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays. Before submitting an application, it is recommended that you contact the Planning Department to arrange an appointment to discuss your proposed application. Time is often saved by these preliminary discussions. For additional information or assistance in completing this development application, please contact the Planning Department at (231) 941-1620.

ACTION REQUESTED

- New Planned Unit Development Application
- New Planned Unit Residential Development Application
- Major Amendment
- Minor Amendment
- Administrative Amendment

PROJECT / DEVELOPMENT NAME

Kensington West Condominium

APPLICANT INFORMATION

Name: Lynne Moon
Address: 4022 Incochee Crest Cmns
Phone Number: 231-218-6667
Email: moonu@charter.net

AGENT INFORMATION

Name: Lynne Moon
Address: 4022 Incochee Crest Cmns
Phone Number: 231-218-6667
Email: moonu@charter.net

OWNER INFORMATION

Name:	Lynne Moon
Address:	4022 Incochee Crest Cmns
Phone Number:	231-218-6667
Email:	moonu@charter.net

CONTACT PERSON

Please select one person to be contact person for all correspondence and questions:

Applicant:	Lynne Moon
Agent:	Lynne Moon
Owner:	Lynne Moon

PROPERTY INFORMATION

Property Address:	See Attached
Property Identification Number:	See Attached
Legal Description:	See Attached
Zoning District:	R1M
Master Plan Future Land Use Designation:	
Area of Property (acres or square feet):	
Existing Use(s):	Duplex condominium
Proposed Use(s):	Duplex condominium

PROJECT TIMELINE

Estimated Start Date:	
Estimated Completion Date:	

REQUIRED SUBMITTAL ITEMS

A complete application for a Planned Unit Development Application or a Planned Unit Residential Development Application consists of the following:

Application Form:

- One original signed application
- One digital copy of the application (PDF only)

Application Fee:

Fees are established by resolution of the Garfield Township Board and are set out in the current Fee Schedule as listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please make check out to Charter Township of Garfield.

- Fee \$400⁰⁰

Escrow Fee:

Additional fees may be required if a review by independent professional help is deemed necessary by the Township. If required, such additional fees must be placed in escrow by the applicant in accordance with the escrow policies of the Township and prior to any further processing of this application. Any unused escrow funds shall be returned to the applicant. Please complete an Escrow and Review (ER) Application form.

Site Plan:

- Ten complete stapled 11"x17" paper sets (Administrative Amendments require one copy)
- Two complete bound 24"x36" paper sets
- One digital set (PDF only)

Written Information:

- Ten paper copies of the Approval Criteria (Administrative Amendments require one copy)
- One digital copy of the Approval Criteria (PDF only)
- Ten paper copies of the Impact Assessment (Administrative Amendments require one copy)
- One digital copy of the Impact Assessment (PDF only)

Digital items to be delivered via email or USB flash drive

SUBMITTAL DEADLINE

Submittal deadlines are listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please note that the listed dates are the deadlines after which submittals will not be considered for the indicated meeting. Any errors or missing information on an application submitted at the deadline will result in a delay in the processing of the application. An earlier submittal is encouraged to avoid possible delays.

WAIVERS

Submittal Waiver:

At the discretion of the Director of Planning, a Site Development Plan may be waived in any of the following cases when it is determined that the submission would serve no useful purpose:

1. The erection or enlargement of an accessory structure;
2. The enlargement of a principal building by less than 20 percent of its existing gross floor area, provided such enlargement will not result in a requirement for additional off-street parking;
3. A change in principal use where such change would not result in an increase in impervious surface area, additional off-street parking, site access, other external site characteristics or a violation of this ordinance.

Data Waiver:

The Director of Planning may waive a particular element of information or data otherwise required for a Site Development Plan upon a finding that the information or data is not necessary to determine compliance with this ordinance or that such information or data would not bear on the decision of the approval authority.

SITE PLAN

Check that your site plan includes all required elements for a Site Development Plan (SDP). Please use the Required Site Plan Elements Checklist below.

APPROVAL CRITERIA

Indicate on a separate sheet of paper, how the proposed special use will comply with, meet, or facilitate each of the following Approval Criteria from § 423.E of the Zoning Ordinance. The Planning Commission must determine that each of these criteria are satisfied in order to grant approval of a Special Use Permit. A special use is permitted only if the applicant demonstrates that:

- The proposed use will be consistent with the purpose and intent of the master plan and this ordinance, including all regulations of the applicable zoning district;
- The proposed use will be designed, constructed, operated and maintained so as to be compatible, harmonious and appropriate with the existing or planned character and uses of the neighborhood, adjacent properties and the natural environment;
- The proposed use will not be detrimental, hazardous or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, dust, gas, smoke, vibration, odor, glare, visual clutter, electrical or electromagnetic interference;
- Potential adverse effects arising from the proposed use on the neighborhood and adjacent properties will be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the provision and location of screening, fencing, landscaping, buffers or setbacks;
- The proposed use will retain as many natural features of the property as practicable, particularly where the natural features assist in preserving the general character of the neighborhood;
- Adequate public and private infrastructure and services such as streets, water and sewage facilities, drainage structures, police and fire protection, and schools, already exist or will be provided without excessive additional requirements at public cost;
- The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;
- Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
- Adequate measures shall be taken to provide vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks servicing the site in a safe and convenient manner; and
- The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

IMPACT ASSESSMENT

1. Planned Unit Developments: A written impact statement of the application as it relates to 426.A and 426.E of the Zoning Ordinance.
2. Planned Unit Residential Developments: A written impact statement of the application as it relates to 427.A and 427.C of the Zoning Ordinance.

ADDITIONAL INFORMATION

If applicable, provide the following further information:

	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
A. <u>Sanitary Sewer Service</u>			
1. Does project require extension of public sewer line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will a community wastewater system be installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Will on-site disposal be used?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, is it depicted on plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. <u>Water Service</u>			
1. Does project require extension of public water main?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will a community water supply be installed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
C. <u>Public utility easements required?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, show on plan.			
D. <u>Stormwater Review/Soil Erosion</u>			
1. Soil Erosion Plans approved by Soil Erosion Office?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Stormwater Plans approved by Township Engineer?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Note: Alternate measures must be designed and sealed by a registered Engineer.			
E. <u>Roads and Circulation</u>			
1. Are interior public streets proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, has Road Commission approved (attach letter)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will public streets connect to adjoining properties or future streets?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Are private roads or interior drives proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will private drives connect to adjoining properties service roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Has the Road Commission or MDOT approved curb cuts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, attach approved permit.			

OTHER INFORMATION

If there is any other information that you think may be useful in the review of this application, please attach it to this application or explain it on a separate page.

REVIEW PROCESS - PLANNED UNIT DEVELOPMENT - NEW

Preliminary Review and Decision

1. Upon submittal of this application, Staff will review the materials submitted and will, within ten (10) working days, forward a determination of completeness to the applicant. If the submission is incomplete or noncompliant with the Zoning Ordinance, it will be returned to the applicant for revision. Once the submission is revised, Staff will again

review it for completeness and again forward a determination to the applicant within ten (10) working days. This procedure shall be repeated until a complete submission is received.

2. Once the application is deemed to be complete and submitted according to the application deadlines, it will be forwarded to the Planning Commission for review. The Planning Commission will determine if the application is complete and schedule a public hearing.
3. Upon holding a public hearing, the Planning Commission shall submit a written recommendation to the Township Board. A public hearing may be held by the Township Board.
4. The Township Board shall approve, approve with conditions, or deny the request for preliminary Planned Unit Development approval.

Final Review and Decision

5. For Final Approval, the Planning Commission shall review and submit a written recommendation to the Township Board. A public hearing shall be held by the Township Board.
6. The Township Board shall approve, approve with conditions, or deny the request for final Planned Unit Development approval.
7. If approved or approved with conditions, the decision of the Township Board shall be incorporated into a written report and decision order.

REVIEW PROCESS – PLANNED UNIT RESIDENTIAL DEVELOPMENT - NEW

Preliminary Review and Decision

1. Upon submittal of this application, Staff will review the materials submitted and will, within ten (10) working days, forward a determination of completeness to the applicant. If the submission is incomplete or noncompliant with the Zoning Ordinance, it will be returned to the applicant for revision. Once the submission is revised, Staff will again review it for completeness and again forward a determination to the applicant within ten (10) working days. This procedure shall be repeated until a complete submission is received.
2. Once the application is deemed to be complete and submitted according to the application deadlines, it will be forwarded to the Planning Commission for review. The Planning Commission will determine if the application is complete and schedule a public hearing.
3. Upon holding a public hearing, the Planning Commission shall approve, approve with conditions, or deny the request for preliminary Planned Unit Residential Development approval.

Final Review and Decision

4. Final review shall address all conditions imposed by the Planning Commission in the preliminary decision on the planned unit residential development. Submissions for final review and decision shall not be considered until all conditions have been addressed. The Director of Planning or designee shall conduct a completeness review to determine that all conditions of the preliminary decision have been addressed.
5. Once the plans and conditions are deemed substantially complete, the project shall be referred to the Planning Commission for its final review and decision. No application shall be referred to the Planning Commission until this standard has been satisfied. The Planning Commission may hold a public hearing on such application for final review and decision.
6. If approved or approved with conditions, the decision of the Planning Commission shall be incorporated into a written report and decision order.

REVIEW PROCESS – PLANNED DEVELOPMENT – MAJOR AMENDMENT

Any proposed amendment other than those provided for below are considered a major amendment and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original special use permit approval. Major amendments include but are not necessarily limited to changes that:

1. Increase the number of dwelling units, floor area, height, impervious surface development, or any additional land-use disturbance other than as provided for below;
2. Introduce different land uses than that requested in the application;
3. Request larger land area than indicated in the original application;
4. Request greater relief than that requested in the application;
5. Allow any decrease in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures;
6. Reduce or eliminate conditions attached to a legislative or quasi-judicial development order; or
7. Reduce or eliminate pedestrian circulation.

REVIEW PROCESS – PLANNED DEVELOPMENT – MINOR AMENDMENT

The Planning Commission may authorize the following amendments to an approved development plan without a public hearing:

1. Changes to the timing or phasing of the proposed development, provided that the use and overall geographic land area remains the same and that required public improvements are not delayed.
2. Increases in total building height of greater than five (5) feet provided that maximum height regulations are complied with.
3. Any other proposed amendment which is determined by the Planning Commission to have no detrimental impact on any adjacent property and is not considered or classified a Major Amendment under § 423(6) Major Amendments.

REVIEW PROCESS – PLANNED DEVELOPMENT – ADMINISTRATIVE AMENDMENT

The Director of Planning may authorize the following amendments to an approved site development plan:

1. Shifts in on-site location and changes in size, shape, or configuration of less than 15 percent, or a 15 percent or less change in either impervious surface or floor area over what was originally approved.
2. An increase in total building height of less than five (5) feet, provided that maximum height regulations of the underlying zoning district are met.
3. Minor adjustment of the location of utilities and walkways, provided however that no sidewalks or paths required by the approval authority may be eliminated.
4. The substitution of landscape material provided the substituted materials are of a similar nature and quality and will comply with the standards of § 530, Landscape Materials of Article 5, Development Standards, of this ordinance.
5. Minor revisions to an internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio.

- 6. Minor realignment of ingress and egress locations if required by the Grand Traverse County Road Commission or Michigan Department of Transportation.
- 7. A reduction in the number of proposed lots or the combination of units.

PERMISSION TO ENTER SUBJECT PROPERTY

Permission is hereby granted to Garfield Township staff and Planning Commissioners to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Owner Signature: *Lynne C. Moor*

Applicant Signature: *Lynne C. Moor*

Agent Signature:

Date: 3/11/21

OWNER'S AUTHORIZATION

If the applicant is not the registered owner of the lands that is the subject of this application, the owner(s) must complete the authorization set out below.

I/We _____ authorize to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

Owner Signature:

Date:

AFFIDAVIT

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, involved in the application and all of the information submitted in this application, including any supplemental information, is in all respects true and correct. The undersigned further acknowledges that willful misrepresentation of information will terminate this permit application and any permit associated with this document.

Owner Signature: *Lynne C. Moor*

Date: *March 11, 2021*

Applicant Signature: *Lynne C. Moor*

Date: *March 11, 2021*

March 10, 2021

Garfield Township
Traverse City, MI 49684

To Whom It May Concern,


Kensington Park PURD is a model example for a mix of affordable housing. Since Kensington Park was approved in 2005 nine lots (18 units) of affordable housing was approved and built around the common courtyard. Sixteen units of MSHDA townhouses was approved and built and 36 units of transitional Goodwill housing was approved and built.

The past 15 years of permitted activity seem to support our recollection of planning board approval of pedestrian mobility within the common courtyard and marked lanes on the street in lieu of sidewalks once the entire project was completed. Throughout construction process we were given the green light to proceed with building which we did and received Certificate of Occupancy after each lot was completed. We completed all the buildings as to the Garfield Township codes. We do not understand now why there is a change in the process which states sidewalks must be done.

If a sidewalk were built it would significantly intrude on the front yard, cars parked in the driveways would block pedestrian passage and the drainage ditches would have to be removed along with the underground irrigation system. In addition, the sidewalks do not lead anywhere.

We are asking that you search for documentation supporting the understanding that the common area would suffice in place of sidewalks. If it is not found, we request based on the existing permitted buildout that you allow our amendment to go forward to build desperately needed affordable housing without sidewalks.

Respectfully,

A handwritten signature in cursive script that reads "Lynne Moon".

Lynne Moon
Developer/Owner

March 11, 2021

To Whom It May Concern,

I am in front of the Garfield Planning Commission to request a minor amendment to our project at Kensington West. Kensington West Duplex Condominiums are located between Floresta, Carson, Woodward, and Linden Ave in Garfield Township.

We were approved by the township board back in 2005 to build forty-four units of affordable housing around a common park area. We completed 18 of those and were given Certificate of Occupancy each time a unit was completed. We would like to now continue the project but have run into a blip, which is, the township is stating we need to have sidewalks. Back in 2005 we went in front of the township and was granted an amendment that allowed us to not install sidewalks but instead when the project was completed, we as the developers would paint a white line around the streets involved within this project to take the place of sidewalks. We are requesting, that be the case now so we can continue to build and finish up this project.

We built these units as close to the lot line to give more space to the park area. If, in fact, we are now required to install sidewalks, driveways would have to be dug up, water lines rerouted and underground irrigation reconfigured, thus making this unaffordable.

In good faith we moved forward on this project knowing that we did not have to install sidewalks. We are requesting a minor amendment to remove the sidewalk requirement and complete our project.

Please grant the minor amendment.

Thank you for your time and consideration.

Sincerely,



Lynne Moon
4022 Incochee Crest Cmns.
Traverse City, MI 49684
231-218-6667

**GRAND TRAVERSE COUNTY CONDOMINIUM
SUBDIVISION PLAN NO. 231
EXHIBIT "B" TO THE MASTER DEED OF
KENSINGTON WEST CONDOMINIUM
GARFIELD TOWNSHIP,
GRAND TRAVERSE COUNTY, MICHIGAN**

DEVELOPER

CARSON GROUP, LLC,
A MICHIGAN LIMITED LIABILITY COMPANY
7748 PENINSULA DRIVE
TRAVERSE CITY, MI 49686

SURVEYOR

JOHN F. KORR JR.
PROFESSIONAL SURVEYOR
LICENSE NO. 24600
GOSLING CZUBAK ENGINEERING SCIENCES, INC.
1280 BUSINESS PARK DRIVE
TRAVERSE CITY, MICHIGAN 49686-8607

LEGAL DESCRIPTION

LOTS 31, 32, 33, 34, 35, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58 AND 60, PLAT OF THE "FIRST ADDITION TO WEDGEWOOD", AS RECORDED IN LIBER 6 OF PLATS, PAGE 26, BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 27 NORTH, RANGE 11 WEST, GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 POST OF SAID SECTION 14; THENCE ALONG THE CENTERLINE OF FLORESTA STREET EAST 1131.97 FEET TO THE EAST LINE OF WOODWARD AVENUE; THENCE ALONG SAID EAST LINE S00°21'53"E 32.91 FEET; THENCE S89°59'35"W 65.44 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID LOTS 35 AND 45 THROUGH 52 S00°20'06"E 790.20 FEET (RECORDED AS S00°21'00"E 790.75 FEET); THENCE ALONG THE SOUTH LINE OF SAID LOTS 45 AND 60 N89°57'11"W (RECORDED AS WEST) 400.00 FEET; THENCE ALONG THE WEST LINE OF SAID LOT 60 N00°18'33"W 99.74 FEET (RECORDED AS N00°21'W 100 FEET); THENCE ALONG THE NORTH LINE OF SAID LOT 60 N89°59'27"E (RECORDED AS EAST) 200.00 FEET; THENCE ALONG THE WEST LINE OF SAID LOT 46 N00°19'24"W 79.93 FEET (RECORDED AS N00°21'W 80 FEET); THENCE ALONG THE SOUTH LINE OF SAID LOT 58 N89°58'07"W (RECORDED AS WEST) 200.00 FEET; THENCE ALONG THE WEST LINE OF SAID LOTS 55 THROUGH 58 N00°18'50"W 303.84 FEET (RECORDED AS N00°21'W 304 FEET); THENCE ALONG THE NORTH LINE OF SAID LOT 55 S89°53'55"E 199.77 FEET (RECORDED AS EAST 200 FEET); THENCE ALONG THE WEST LINE OF SAID LOT 51 N00°09'37"W 75.89 FEET (RECORDED AS N00°21'W 76 FEET); THENCE ALONG THE SOUTH LINE OF SAID LOT 53 S89°59'16"W 200.21 FEET (RECORDED AS WEST 200 FEET); THENCE ALONG THE WEST LINE OF SAID LOTS 53 AND 31 N00°22'08"W 230.67 FEET (RECORDED AS N00°21'W 230.75 FEET); THENCE ALONG THE NORTH LINE OF SAID LOTS 31 THROUGH 35 N89°59'35"E 400.17 FEET (RECORDED AS EAST 400 FEET) TO THE POINT OF BEGINNING, CONTAINING 284,835 SQUARE FEET OR 6.54 ACRES OF LAND, MORE OR LESS.

NOTES:

- ENTIRE PROJECT IS EXPANDABLE, CONTRACTIBLE AND CONVERTABLE.
- ENTIRE PROJECT IS "NEED NOT BE BUILT".

ATTENTION : COUNTY REGISTER OF DEEDS
THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED
IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED
TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE,
SHEET 1 AND THE SURVEYORS CERTIFICATE, SHEET 1.

SHEET INDEX

SHEET NUMBER	SHEET TITLE
1	COVER SHEET
2	SURVEY PLAN
3	SITE PLAN
4	UTILITY PLAN
5	FLOOR PLANS - BUILDING A
6	SECTION PLANS & BASEMENT FLOOR PLAN - BUILDING A
7	MAIN FLOOR PLAN - BUILDING B
8	BASEMENT FLOOR PLAN - BUILDING B
9	SECTION PLANS - BUILDING B



SURVEYORS CERTIFICATE

I, JOHN F. KORR JR., LICENSED PROFESSIONAL SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY: THAT THE SUBDIVISION PLAN KNOWN AS GRAND TRAVERSE COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 231 AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE BEARINGS, AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

OCTOBER 30, 2003

PROPOSED DATED



John F. Korrr Jr.

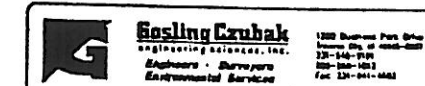
JOHN F. KORR JR.
PROFESSIONAL SURVEYOR

LICENSE NO. 24600
GOSLING CZUBAK ENGINEERING SCIENCES, INC.
1280 BUSINESS PARK DRIVE
TRAVERSE CITY, MICHIGAN 49686-8607

SHEET 1

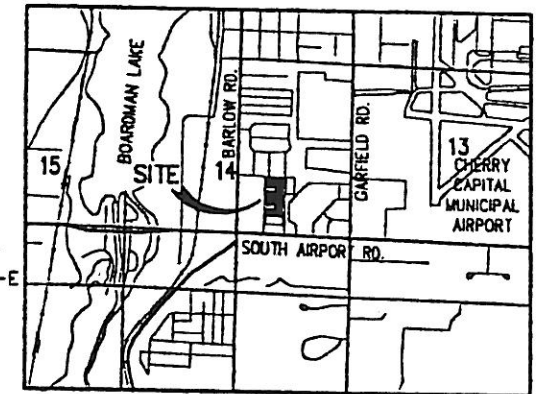
COVER SHEET

JOB NO. 2002242.03



KENSINGTON WEST CONDOMINIUM

SURVEY PLAN (NEED NOT BE BUILT)



LOCATION MAP
NO SCALE

ALLEY

WOODWARD AVENUE

PLAT OF 'LEEWALL TERRACE' LIBER 6 OF PLATS, PAGE 25

LINDEN AVENUE

BENCHMARK
BENCHMARK #3
(FND. SPIKE) NE. SIDE POWER POLE IN THE SW. CORNER OF LINDEN AND FLORESTA STREETS.
ELEV.=630.04'

PLAT OF THE 'FIRST ADDITION TO WEDGEWOOD' LIBER 6 OF PLATS, PAGE 26

BENCHMARK
BENCHMARK #1
FND. SPIKE EAST SIDE OF UTILITY POLE
ELEV = 631.71'

PLAT OF THE 'FIRST ADDITION TO WEDGEWOOD' LIBER 6 OF PLATS, PAGE 26

EXISTING BLANKET WATERMAIN EASEMENT ACROSS LOT 54 IN FAVOR OF CARSON GROUP, LLC RECORDED IN LIBER 2043, PAGE 728
EXISTING BLANKET SANITARY SEWER EASEMENT ACROSS LOT 54 IN FAVOR OF CARSON GROUP, LLC RECORDED IN LIBER 2043, PAGE 729

BENCHMARK
BENCHMARK #5 (SET SPIKE) NW. SIDE POWER POLE IN THE SE. CORNER OF CARSON AND LINDEN STREETS. ELEV.=631.04'

SURVEYOR'S CERTIFICATE

(SEE SHEET 1)

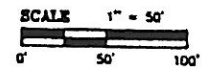
BEARING SOURCE

BEARINGS WERE DERIVED FROM RECORD PLAT DATA ALONG THE E-W 1/4 LINE.

PLAT OF THE 'FIRST ADDITION TO WEDGEWOOD' LIBER 6 OF PLATS, PAGE 26

LEGEND

- ⊕ MAJOR BOUNDARY MONUMENT
- PROPERTY BOUNDARY
- P.O.B. POINT OF BEGINNING
- (M) = MEASURED
- (R) = RECORDED



COORDINATE NORTH



SHEET 2

PROPOSED DATED OCTOBER 30, 2003



John F. Korrr, Jr.
JOHN F. KORRR, JR.
PROFESSIONAL SURVEYOR
LICENSE NO. 24600
GOSLING CZUBAK ENGINEERING SCIENCES, INC.
1280 BUSINESS PARK DRIVE
TRAVERSE CITY, MICHIGAN 49686-8607

Gosling Czubak
Engineering Sciences, Inc.
Engineers - Surveyors
Environmental Services
1280 Business Park Drive
Traverse City, MI 49686-8607
313-944-1100
800-866-1662
Fax: 313-944-1662

JOB NO. 2002242.03

KENSINGTON WEST CONDOMINIUM

SITE PLAN

(NEED NOT BE BUILT)

LEGEND

- MAJOR BOUNDARY MONUMENT
- PROPERTY BOUNDARY
- GENERAL COMMON ELEMENT
- COORDINATE POINT
- P.O.B. POINT OF BEGINNING
- D DRIVEWAY (LIMITED COMMON ELEMENT)

SCALE 1" = 50'



NOTE:
SEE FLOOR PLANS FOR LOCATION AND DIMENSIONS OF LIMITED COMMON ELEMENTS: PATIOS, PORCHES AND YARD AREAS

BUILDING COORDINATES		BEARING ALONG REAR WALL	
A	N 4200.23	E 5305.84	S89°57'11"E
B	N 4195.28	E 5242.01	S89°57'11"E
C	N 4195.23	E 5051.64	S89°57'11"E
D	N 4372.33	E 5086.70	S00°18'50"E
E	N 4443.99	E 5086.31	S00°18'50"E
F	N 4515.66	E 5086.31	S00°18'50"E
G	N 4587.33	E 5085.92	S00°18'50"E
H	N 4808.06	E 5086.42	S00°20'30"E
J	N 4839.79	E 5149.15	S89°59'35"W
K	N 4839.80	E 5220.82	S89°59'35"W
L	N 4839.80	E 5292.48	S89°59'35"W
M	N 4802.52	E 5335.49	N00°20'05"W
N	N 4707.03	E 5336.05	N00°20'05"W
P	N 4611.53	E 5336.61	N00°20'05"W
O	N 4516.03	E 5337.17	N00°20'05"W
R	N 4420.53	E 5337.72	N00°20'05"W
S	N 4325.03	E 5338.28	N00°20'05"W
T	N 4229.53	E 5338.84	N00°20'05"W

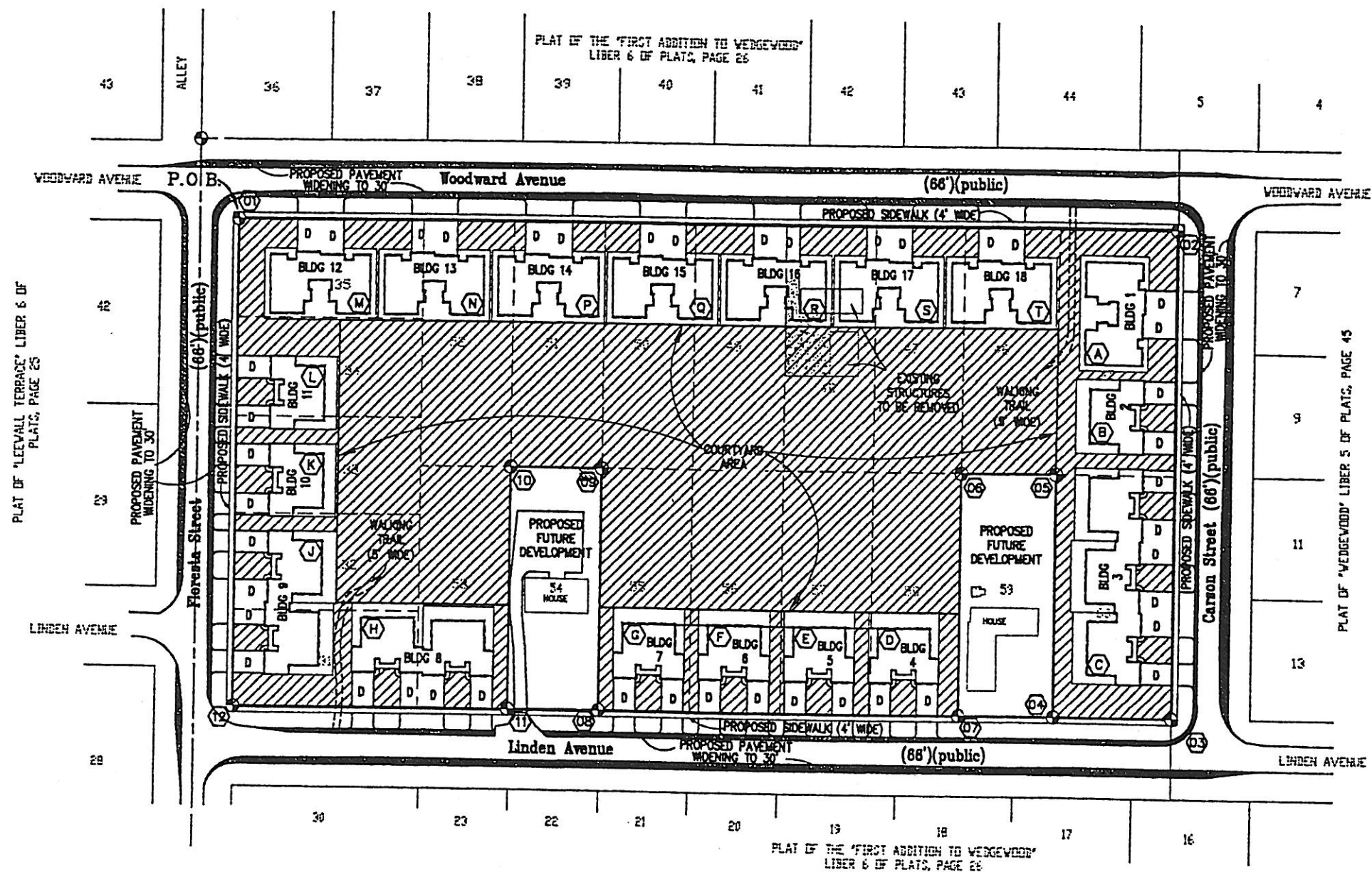
ASSUMED DATUM

COORDINATE POINT VALUES

01	N 4913.32	E 5411.65
02	N 4123.14	E 5416.46
03	N 4123.46	E 5016.47
04	N 4223.20	E 5015.92
05	N 4223.24	E 5215.94
06	N 4303.17	E 5215.48
07	N 4303.28	E 5015.47
08	N 4807.11	E 5013.81
09	N 4608.75	E 5213.58
10	N 4682.64	E 5213.37
11	N 4682.60	E 5013.16
12	N 4913.27	E 5011.68

ASSUMED DATUM

BUILDING NUMBER	CORRESPONDING UNIT NUMBERS
1	1 & 2
2	3 & 4
3	5, 6, 7, 8, 9 & 10
4	11 & 12
5	13 & 14
6	15 & 16
7	17 & 18
8	19, 20, 21 & 22
9	23, 24, 25 & 26
10	27 & 28
11	29 & 30
12	31 & 32
13	33 & 34
14	35 & 36
15	37 & 38
16	39 & 40
17	41 & 42
18	43 & 44



John F. Korr Jr.
JOHN F. KORR JR.
 PROFESSIONAL SURVEYOR
 LICENSE NO. 24600
 GOSLING CZUBAK ENGINEERING SCIENCES, INC.
 1280 BUSINESS PARK DRIVE
 TRAVERSE CITY, MICHIGAN 49686-8607

SHEET 3

PROPOSED DATED OCTOBER 30, 2003

Gosling Czubak
 engineering sciences, inc.
 Engineers • Surveyors
 Environmental Scientists

1280 Business Park Drive
 Traverse City, MI 49686-8607
 231-946-8607
 231-946-1000
 Fax: 231-946-1000

JOB NO. 2002242.03

KENSINGTON WEST CONDOMINIUM

UTILITY PLAN (NEED NOT BE BUILT)

SCALE 1" = 50'
0' 50' 100'

COORDINATE NORTH



NOTE:
SEE FLOOR PLANS FOR LOCATION AND DIMENSIONS OF LIMITED
COMMON ELEMENTS: PATIOS, PORCHES AND YARD AREAS

NOTES:
1. ALL UTILITIES SHOWN, WERE LOCATED BY FIELD OBSERVATION AND PLANS
PROVIDED BY THIS OFFICE, SBC TELEPHONE, CONSUMERS ENERGY COMPANY,
TRAVERSE CITY LIGHT & POWER AND CHARTER COMMUNICATIONS.
2. ALL METER LOCATIONS AND UTILITIES TO BE SHOWN ON AS-BUILT PLANS.

LEGEND

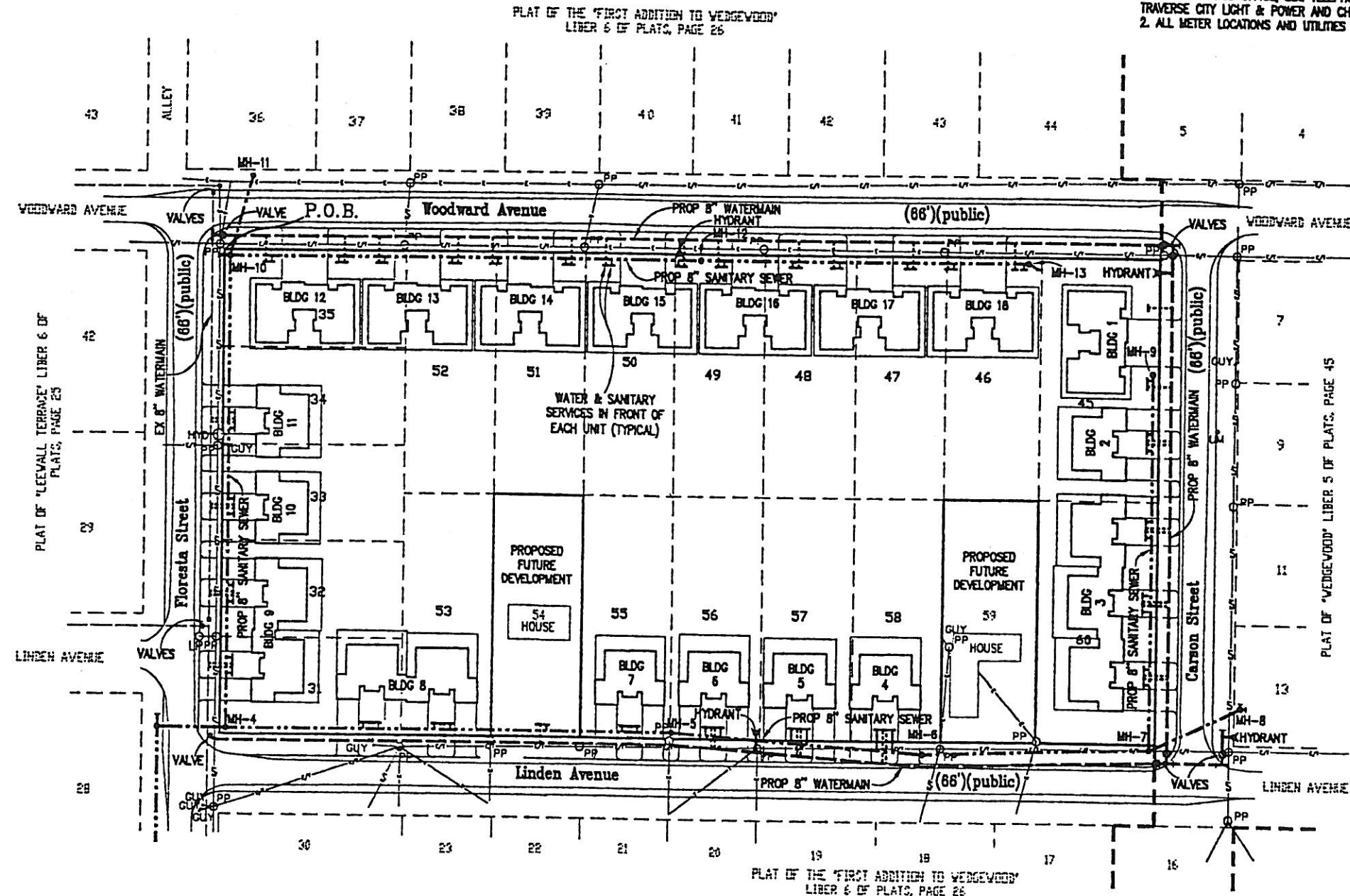
— PROPERTY BOUNDARY
— P.O.B. POINT OF BEGINNING

LEGEND

EXISTING UTILITIES

- SNS SANITARY MANHOLE
- ⊖ EHH ELECTRIC HANDHOLE
- PP POWER POLE WITH GUY
- GUY
- ⊞ ELECTRIC TRANSFORMER
- LP LIGHT POLE
- TELEPHONE PEDESTAL
- CABLE TELEVISION PEDESTAL
- WB WATER CURB STOP
- HYD HYDRANT
- UM GAS METER

BUILDING NUMBER	CORRESPONDING UNIT NUMBERS
1	1 & 2
2	3 & 4
3	5, 6, 7, 8, 9 & 10
4	11 & 12
5	13 & 14
6	15 & 16
7	17 & 18
8	19, 20, 21 & 22
9	23, 24, 25 & 26
10	27 & 28
11	29 & 30
12	31 & 32
13	33 & 34
14	35 & 36
15	37 & 38
16	39 & 40
17	41 & 42
18	43 & 44



John F. Kory Jr.
JOHN F. KORY JR.
PROFESSIONAL SURVEYOR
LICENSE NO. 24600
GOSLING CZUBAK ENGINEERING SCIENCES, INC.
1280 BUSINESS PARK DRIVE
TRAVERSE CITY, MICHIGAN 49686-8607



SHEET 4

PROPOSED DATED OCTOBER 30, 2003

Gosling Czubak
Engineering Sciences, Inc.
Engineers - Surveyors
Environmental Services
1280 Business Park Drive
Traverse City, MI 49686-8607
231-946-0991
231-946-1000
Fax 231-946-0998

JOB NO. 2002242.03

Garfield Township Zoning
3848 Veterans Drive
Traverse City, MI 49684
231-941-1620

Memorandum

To.....: Garfield Township Planning Commission

From.....: Denny Habedank, Zoning Administrator

Re.....: Kensington Park Special Use Permit #2002-06

Date.....: May 25, 2005

Commissioners:

A letter from Lynne Moon was included in your packet requesting that the Planning Commission approve a "minor amendment" for the Kensington Park Special Use Permit. As you may or may not recall, the Kensington Park Project is located north of South Airport Rd. W. and west of the Cherryland Center bounded by Woodward, Floresta, Linden and Carson Streets. The request as I understand it is to eliminate the sidewalks as shown on the approved site plan.

I am not certain that this request can be dealt with as a "minor amendment" for the following reason. The definition for Minor Amendment is found under Section 8.1.6 (1) and in part reads; Minor changes for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the Special Use Permit, reduce usable open space, or encroach on natural features proposed by the plan to be protected. The only question that came to mind after reading this definition was; DOES THE ELIMINATION OF THE SIDEWALKS REDUCE USABLE OPEN SPACE?

From the desk of Dennis Habedank, Zoning Administrator
dhabedank@garfield-twp.com

The definition of OPEN SPACE is found in Section 3.2 "Any unoccupied space open to the sky on the same lot with a building." I seem to recall discussion surrounding the construction of the sidewalks during the public hearing portion of the approval process.

Respectfully Submitted,



Dennis L. Habedank, Zoning Administrator
Garfield Charter Township

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION
MAY 25, 2005 MINUTES**

Terry Clark, Chairman, called the Garfield Township Planning Commission Meeting to order on Wednesday, May 25, 2005, at 7:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan.

Roll call of Commissioners

Present: Terry Clark, Frank McManus, Brad Barnes, Julie Arends, Jack Robbins
Absent and excused: John Racine

Review and approval of the Agenda - Conflict of Interest

Frank McManus abstains from Item 5A. *Brad Barnes/moved, Jack Robbins/supported, PASSED, to approve the Agenda as presented.*

Minutes

There were no Minutes.

Correspondence

There was no correspondence.

Reports

Council of Governments sponsored a joint planning meeting last week at the townhall. Information is being sought about the natural features of the township for the comprehensive plan. The Mixed Use Committee Meeting was held on May 17th. Work is being done on the new guidebook which should be completed by the fall of 2005. The grant for the M -72 Corridor Study will be applied for in November 2005.

Business to come before the Commission.

Kensington Park SUP #2002-06

Mary Ann Moore represented the Carson Group who developed Kensington Park and requested a minor amendment to the Kensington Park Special Use Permit, deleting the Condition E which states, "the developer shall construct sidewalks along street frontages in the project ...". Ms. Moore submitted pictures of the site together with a letter from residents of the development who asking that the sidewalk be deleted. The reasons stated for deleting the 4 foot wide sidewalks are - there is not enough room because of required ditch, the Road Commission's requirement for a walkway from

driveway to driveway between the units, and moving the houses up to the 25 foot line to save trees. The sidewalks would almost be at the front door of every house, don't continue onto any other sidewalks in the area and are not something the neighborhood is used to or has come to expect. If the sidewalks are deleted, the developer would plant more trees in the four foot strip area in front of the houses.

Brad Barnes said the biggest concern is that if the sidewalks are eliminated and when all the units have been constructed, the roads would be used for both vehicular and pedestrian traffic.

Terry Clark said the basic problem that we have in the whole township is that if we don't insist on the construction of sidewalks in new projects where they are required, we will never end up with any sidewalks. He said it may make some sense to have the developer pave a three foot strip in addition to the roadway all the way around the property so there would be a walkable area that is not part of the road.

Ms. Moore said she would be agreeable to paving a three foot strip of asphalt with a yellow line painted at the outside edge, designating the strip as a bike/walk path and installing in at the time the road is reconstructed.

A Memo was reviewed from Dennis Habedank regarding whether or not this would be a minor amendment to the Kensington Park Special Use Permit. It was the consensus of the Commission that this is a minor amendment, by creating an additional three foot strip of walkable area the sidewalk is just being moved.

Brad Barnes/moved, Jack Robbins/supported, PASSED, to approve amending the Kensington Park Special Use Permit #2002-06, Item 3E, to reflect our conversation tonight, adding the three foot walkway to the road structure and removing the sidewalk as drawn on the plan.

Robert Caldwell, Car Repairs, Inc. - Report Decision - Order for Special Use Permit #2005-08

The Report Decision-Order was submitted for Robert Caldwell, Car Repairs, Inc. Gerry Harsch pointed out the items that had been added to the Report Decision-Order as a result of discussions held at the May 11, 2005 Meeting.

After review of the Report Decision-Order, the consensus of the Commission was that Conditions E, G and H should be modified to address their concerns.

Brad Barnes/moved, Frank McManus/supported, PASSED, to approve the Report Decision-Order for Robert Caldwell, Car Repairs, Inc. Special Use Permit 2005-08, with the following modifications to the Conditions: 1) Condition E - Hours of vehicle repair operations shall be limited to 7 a.m. to 7 p.m.. 2) Condition G - Snow storage should not prohibit the clear vision when existing the driveway. 3) Addition to Condition H - The applicant shall provide to the Township written documentation of the foregoing agreement within 90 days of the issuance of this special use permit.

In the event that the applicant fails to deliver such written documentation as provided, the Planning Commission reserves the right to reconvene for purposes of imposing a supplemental special condition with respect to the same.

Discussion on trail system

Gerry Harsch had previously given the Commissioners a trail map and asked that they mark some trails that they think should be added. The Commissioners commented as follows: Terry Clark suggested an additional connection from the high school to Barnes Road or between the junior high and senior high school and/or to Wyatt Road. Meander a path from the high school to the new open space Area 5. Obtain easements to allow crossing through areas where development occurs incorporating trail connections. (More interconnection in some of these areas). Brad Barnes suggested talking to Wally Chappel at Soil Conservation about taking the trail off of John Ransom's property at the Commons. Jack Robbins said east of Consumers Substation by soccer fields is high elevated land in the pines near Diple Road, tie into county trail. John Nelson said, the Keystone-Beitner Road, if it should become an improved boulevard like Woodmere, add a paved bikepath. At Boardman if dams are removed, a walking path connection might be possible from Cass Road to Keystone Road on an improved Cass Road bridge/dam.

Gerry Harsch said the trail system map will be included in the public hearing on the comprehensive plan and will be incorporated into the plan. Basically sidewalks work when there is curb and gutter. There are some sidewalks in the township, but they are right up against the road.

The Commissioners referred the trail system map to staff for refinement to include the suggestions made at this meeting.

Stream corridor amendment

Michele Haugen reviewed her Memo regarding proposed amendment to shoreline regulations. 1) The proposed definition of lake-stream incorporates a Garfield Township Hydrology Map which graphically illustrates water bodies. 2) Revisions are proposed to supplementary shoreland regulations as follows - 7.5.4 Riparian Vegetative Buffers (description and purpose, managed buffer strip and reduction of buffer area).

There was discussion about the lake - stream definition. Terry Clark asked if a stream is not depicted on the hydrology map, can it be considered a stream. An example would be if artesian wells were found in a project or where a stream goes underground, it is shown on the map, and would the setback have to be maintained.

Michele Haugen said the map depicts the known streams, the only streams that exist are the ones on the map. In looking at the definition of artificial lake, is it going to mean any drainage way because there is a continual occurrence of flowing water. She was thinking about requiring streams on site plans. When you get to the setback section, the manmade drainage ways are excluded.

Gerry Harsch said if we had a hydrology map that we were comfortable with, that we would either rely on the map as to where the areas were regulated or, if you were going to say, or if this is happening, then why did you really need the map. The reason for map is so that everybody would know where the streams are.

Kent Gerberding said the hydrology is not like the zoning map. The creation of zoning districts aren't things that are physically on the land. The streams are something that someone else created. The hydrology map may not be a complete reflection of what's happening on the ground. The definition of natural or artificial lake contemplates that things are going to change.

Terry Clark said in summary, the definitions of lake and stream will be revised because we don't want it to be interpreted that if a lake or stream is not shown on the hydrology map that there is no way to define it as a lake or stream. The Commission wants to be able to say, we have a definition of lakes and streams, that the map is a reference and is not absolute. Kent Gerberding said the map should be a guide and the definitions should be freestanding. Cross reference the map and state these are streams or lakes irrespective of whether or not they are shown on the map.

Supplementary Shoreland Regulations

Discussion was held about the concept and language regarding buffers. How do we address the encroachment, mowing and fertilizing of the 35 foot buffer strip from a stream or creek. As a result there would be no wildlife corridors. Pruning for a filtered view would be acceptable but the base natural ground vegetation has to be maintained - not affected. Anyone in the lawn maintenance business who fertilizers would not violate the ordinance once they are made aware of it. The Commissioners asked that language be added 1) regulating fertilization in the 35 foot buffer, and 2) maintenance of the base natural vegetation, the ground cover.

Public Comment

There was no public comment.

Other Business

There was no other business.

Adjournment

The meeting was adjourned at 8:54 p.m.

Marge Johnson, Admin. Sec'y

Jack Robbins, Secretary



MEMORANDUM

To: John Sych
From: Scott Howard and Lydia Barbash-Riley
Date: May 11, 2021
Re: Kensington Park PURD

You have requested our opinion as to (1) whether the Planning Commission exceeded its authority by approving a “minor amendment” to the Kensington Park PURD; and (2) whether the applicant may rely on the prior approval, even if it was not authorized by the Zoning Ordinance.

On May 25, 2005, the Planning Commission approved a motion to remove the requirement for sidewalk construction and allow in its place a three-foot designated walking area along the road. The Zoning Ordinance in effect in 2005 contained the following language for amendments:

Section 8.1.6 Amendment: A Special Use Permit may be amended as follows:

(1) Minor amendments. Minor amendments are those which will have no foreseeable affect beyond the property boundary such as minor changes in the siting of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor changes for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the Special Use Permit, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

(2) Major amendments. Any amendment not qualifying as a minor amendment shall be considered a major amendment. Major amendments must be approved according to the procedures required for the approval of the Special Use Permit.

The 2005 PURD amendment is inconsistent with the Zoning Ordinance in place at the time for the following reasons:

1. The Zoning Ordinance stated that minor amendments shall not reduce the efficiency or number of public facilities serving the Special Use Permit. Removing the sidewalks would reduce the public facilities included as part of the Special Use Permit.
2. The 2005 amendment motion indicated there would be a three-foot walkway along the road instead of sidewalks. No such walkway has yet been designated or constructed. In addition, a three-foot walkway along the roadway would be part of the right-of-way and subject to review and approval by the Grand Traverse County Road Commission (GTCRC). There

is currently no information indicating the GTCRC reviewed this three-foot walkway along the road.

3. The Zoning Ordinance stated that minor amendments for good cause may be authorized by the Zoning Administrator and made no provision for the Planning Commission to approve minor amendments. Staff expressed uncertainty that this could be considered as a minor amendment at the time of approval.

Even though the Planning Commission approved a minor amendment in violation of the Ordinance, and development proceeded on site, the Township may still enforce its Ordinances and the conditions of the original PURD on the subject property. The applicant could raise an estoppel defense against the Township's enforcement because of the prior approval and the length of time that has passed. However, it is our view that the correct reading of Michigan case law would prevent the application of estoppel in this case.

In Michigan, a municipality generally “**cannot** be estopped by unauthorized or illegal conduct by individual officers.”¹ But a municipality **can** be estopped from enforcing its zoning ordinance when “(1) a party by representation, admissions, or silence, intentionally or negligently induces another party to believe facts; (2) the other party justifiably relies and acts on this belief; and (3) the other party will be prejudiced if the first party is permitted to deny the existence of the facts.”²

In order to demonstrate prejudice, the applicant would need to show that it “made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights which he or she ostensibly had acquired.”³ Michigan courts have also held that to show prejudice, the property owner must establish that the financial loss is so large that it practically destroys the value of the property for any permitted use.⁴ And other Michigan decisions have noted that the exception to the presumption against estopping municipalities from enforcing their zoning codes applies “where a building is created in good faith reliance on a permit issued by the [municipality], **and the only reasonable use for the property is in fact outside the regulations[.]**”⁵

¹ *Reaume v Twp of Spring Lake*, 328 Mich App 321 (2019) (emphasis added) (citing *Parker v West Bloomfield Twp*, 60 Mich App 583, 594-95; 231 NW2d 424 (1975); *Blackman Twp v Koller*, 357 Mich 186, 189, 98 NW2d 538 (1959)).

² *Lyon Charter Twp v Petty*, 317 Mich App 482, 490; 896 NW2d 477, 482 (2016) (quotation omitted).

³ *Id.* at 491.

⁴ *Id.* ((citing 83 Am. Jur. 2d, § 937, p. 894; *Carini v Zoning Bd of Appeals*, 164 Conn 169, 173, 319 A2d 390 (1972)).

⁵ *City of Holland v Manish Enterprises*, 174 Mich App 509, 514; 436 NW2d 398 (1988) (emphasis added) (citing *Fass v Highland Park*, 326 Mich 19, 28–29, 39 NW2d 336 (1949); *Pittsfield Twp v Malcolm*, 375 Mich 135, 146–147, 134 NW2d 166 (1965)).

In this situation, the applicant would still be able to make reasonable and even profitable use of the property within the bounds of the Ordinance. As such, it is our view that an estoppel defense would not be likely to succeed in this instance. Since the prior approval that is not in conformance with the Township's Zoning Ordinance in place at the time, it was not an authorized action by the Planning Commission and is invalid. The applicant must go through the process to properly amend the PURD for the subject property under the Township's zoning ordinance.

Steve Hannon

From: John Sych
Sent: Wednesday, May 26, 2021 11:25 AM
To: Steve Hannon
Subject: FW: Follow-Up to Today's Meeting
Attachments: 2005-05-25 PC Minutes with Highlighted Text.pdf

From: Ron Rohloff <RRohloff@gtcrc.org>
Sent: Wednesday, May 26, 2021 11:22 AM
To: John Sych <jsych@garfield-twp.com>
Cc: Wayne Schoonover <wschoonover@gtcrc.org>
Subject: RE: Follow-Up to Today's Meeting

John,
In response to the 2005 Garfield Twp meeting minutes, SUP#2002-06, the GTCRC would not construct or permit a 3' paved shoulder for use as a pedestrian sidewalk or for pedestrian use due to the inherent safety concerns with forcing pedestrians to share the roadway with moving vehicles.

From: John Sych <jsych@garfield-twp.com>
Sent: Tuesday, May 25, 2021 4:48 PM
To: Wayne Schoonover <wschoonover@gtcrc.org>; Ron Rohloff <RRohloff@gtcrc.org>; Steven Bye <SBye@gtcrc.org>
Cc: Steve Hannon <shannon@garfield-twp.com>; Chuck Korn <ckorn@garfield-twp.com>
Subject: Follow-Up to Today's Meeting

Gentlemen:


Thanks again for taking the time to meet with us. We will be reaching out to you as we receive new development applications. In follow-up to today's meeting, we have the following items:

- 1) Attached is the Traffic Impact Study for the BATA/TCHC project prepared by Progressive AE along with the Township review conducted by OHM.
- 2) The Kensington Park PURD located between Woodward and Linden and between Carson and Floresta was approved in 2003. In 2005, the Township Planning Commission approved a 3-foot strip of asphalt to be added to the road when it was reconstructed. See the highlighted text in the attached minutes from 2005. Recently, the Township Attorney provided an opinion that the 2005 decision by the Planning Commission was invalid. It would be helpful for us to have a letter or email from the Road Commission on whether the described walkway would be permitted by the Road Commission.
- 3) We agreed to coordinate independent review of Traffic Impact Studies. We will be in communication with the Road Commission on these reviews when we go through future development applications, including engineer selection, TIS parameters, and copies of engineer review letters.
- 4) We will email new applications to the Road Commission, Metro Fire and the Township Engineer upon receipt of an application. We may hold a preliminary review meeting depending on the application and interest from all involved entities.
- 5) We will both look for opportunities to have Access Management Plan developed for South Airport Road between Garfield and LaFranier.

Let us know if you have any questions or have any other thoughts.

John

John Sych, AICP
Planning Director
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684
jsych@garfield-twp.com
231.225.3155
Mon-Thu 7:30 AM - 6:00 PM

		Charter Township of Garfield	
		Planning Department Report No. 2021-93	
Prepared:	July 7, 2021	Pages:	2
Meeting:	July 14, 2021 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Articles 2, 3, and 7 – Zoning Ordinance Text Amendment – Introduction		

OVERVIEW:

The Planning Commission has been studying several proposed amendments to the Zoning Ordinance with the intention of creating a Use Chart, including proposed amendments in Article 2 (Definitions), Article 3 (District Regulations), and Article 7 (Supplemental Use Regulations). These changes are intended to help remove inconsistencies, streamline language, and make the Zoning Ordinance function better. This project is intended to achieve the following goals:

- Ensure that every use listed in the Zoning Ordinance has a name and definition in Article 2
- For sections in Article 3 containing regulations for each zoning district, describe all uses permitted without needing to look at regulations for another district.
- List all conditions in Article 7 as supplemental use regulations and reference these conditions each time the use is listed in the other articles.
- Organize the use chart and district regulation pages for use as handouts.

This proposed amendment encompasses several changes in Articles 2, 3, and 7, and includes removing one section within Article 6 as explained below. The proposed changes to Article 2, 3, and 7 are included as attachments to this report.

SCOPE OF PROPOSED TEXT AMENDMENT:

This proposed text amendment would encompass the following:

Article 2: Definitions

Section 200 – Rules Applying to the Text

Section 201 – General Definitions

- Repeal and replace these sections with the proposed text attached to this report. Proposed changes in these sections reflect several new definitions being included, existing definitions being clarified, and other feedback from the Planning Commission.

Article 3: Zoning

- Repeal and replace the entirety of Article 3 with the proposed text attached to this report. Changes to sections within Article 3 include those listed below.

Section 312 – Dimensional Regulations and Use Chart

- Rename section from “Dimensional Regulations” and include both the use chart and explanation of how the chart is organized. The use chart lists the uses in every row; zoning districts in every column; whether the use is permitted by right (R), by special conditions (SC), by special use permit (SUP), or not permitted (blank) in each cell, and a link to any supplemental conditions.

Section 313 – R-1 (One Family Residential) through Section 330 – P-R Park and Recreation District

- Changes to these sections clarify the uses permitted by right, uses permitted by special conditions, and uses permitted by special use permit in each zoning district. The proposed changes provide a consistent name for each use and consistent links to conditions elsewhere in the Zoning Ordinance.

Article 6: General Use Regulations

Section 616 – Limited Residential Uses in Mixed-Use Industrial and Office Districts

- Repeal Section 616. This section indicates live-work units are permitted in the I-G, I-L, and C-O districts. This information is proposed to be covered under the definitions in Article 2 and district regulations of Article 3, making Section 616 redundant.

Article 7: Supplemental Use Regulations

- Repeal and replace the entirety of Article 7 with the proposed text attached to this report. Changes in this Article are primarily focused on sections which needed to absorb language for conditions that had been described in Article 3 and other feedback from the Planning Commission.

PROCESS:

The process for approving a text amendment includes two public hearings: one at the Planning Commission and one at the Township Board. The proposed text amendment is placed on tonight's Planning Commission agenda as an introduction and to set a public hearing.

ACTION REQUESTED:

If, following the discussion, the Planning Commission is prepared to schedule the attached draft proposed Zoning Ordinance text amendment for public hearing, the following motion is suggested:

MOTION THAT the draft proposed Zoning Ordinance text amendment, as attached to Planning Department Report 2021-93, BE SCHEDULED for a public hearing for the August 11, 2021 Planning Commission Regular Meeting.

Any additional information the Planning Commission deems necessary should be added to the motion.

Attachments:

1. Proposed text amendment changes to Articles 2, 3, and 7.

ARTICLE 2 DEFINITIONS

SECTION 200 RULES APPLYING TO THE TEXT

For purposes of this Ordinance, certain rules of construction apply to the text as follows:

- (1) Words used in the present tense include the future tense; and the singular includes the plural unless the context clearly indicates the contrary.
- (2) The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
- (3) The words “used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- (4) Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

SECTION 201 GENERAL DEFINITIONS

For purposes of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Building: See “Building, Accessory”

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building, and where such accessory use is at no point more than fifty percent (50%) of the total activity on the site.

Addition: A completely new structure or new component to an existing structure.

Adequate Public Facility: A public facility or system of facilities that has sufficient available capacity to service the physical area and designated intensity and use of development at adopted specified levels of service.

Administrative Decision: A decision on a development approval application rendered by an administrative official that does not require legislative, administrative, or quasi-judicial discretion and unless specifically stated is not subject to a public hearing.

Adult Foster Care, Family Home: A state licensed private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks.

Adult Foster Care, Small Group Home: A state licensed adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks.

Adult Foster Care, Large Group Home: A state licensed adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks.

Adult Foster Care Facility: A state licensed facility which provides supervised personal care to unrelated, non-transient, adult individuals, not specified elsewhere in this Ordinance and including an adult foster care congregate facility with the approved capacity to receive more than 20 adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks, nursing home, convalescent home, home for the aged, or any similar care facility.

Agricultural Operation: See "Farm Operation"

Airport or Airfield: A facility regulated by the Federal Aviation Administration (FAA) and designed for the takeoff and landing of aircraft and any other associated activities.

Airport Critical Zone: The clear zone approach-departure clearance surface and the transitional surface.

Airport Inner Horizontal Surface Area: The area surrounding the airport for a distance of three miles, excluding the clear zone surface, transitional surface and airport approach-departure clearance surface.

Airport Outer Horizontal Surface: The airport hazard area less the critical zone area beyond a three mile distance of the Inner Horizontal Surface area to the outer boundary of the Airport Overlay Zone District.

Airport Overlay Zone District: The Airport Overlay Zone District is the airport hazard area consisting of all of the lands within Garfield Township lying beneath the approach, transitional, 149 feet horizontal conical and 500 foot horizontal surface; said land being located within a circle having a radius extending horizontally (6.32 miles) from the established center of the useable landing area of the airport.

Alley: Any dedicated public or private way, other than a street or a joint driveway, which functions primarily as a service corridor and which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration: Any modification, addition, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

Amendment: Any change to the districts of the zoning map (rezoning) or text of this ordinance, master plan, sub area plan, or similar adopted plans or development approval.

Apartment: A room or suite of rooms, including bath and kitchen facilities, located in an accessory structure or in a two-family or multiple-family dwelling intended or designed for use as a non-transient residence by a single family.

Appeal: An appeal to the Zoning Board of Appeals or designated body where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

Approval Authority: Any Board, Commission, or administrative official tasked with rendering a final decision on an application.

Assisted Living Facility: See “Adult Foster Care Facility”

Auditorium or Assembly Hall: An indoor space for large group events or meetings, including theaters.

Automobile Dealership: See “Vehicle Dealership, with Outdoor Sales” and “Vehicle Dealership, without Outdoor Sales”

Automobile Showroom: See “Vehicle Dealership, without Outdoor Sales”

Bar, Tavern, or Night Club: An establishment where alcoholic and other beverages are prepared, served, and consumed, mostly within the principal building, and which may also offer food service to customers. For purposes of this Ordinance, “Restaurant” is defined separately.

Bed and Breakfast: A private residence that offers sleeping accommodations to transient tenants, is the innkeeper’s residence in which the innkeeper resides while renting the rooms to transient tenants and serves breakfast at no extra cost to its transient tenants.

Berm: A mound of earth rising to an elevation above the ground of a parcel, which contributes to an opaque screening.

Best Management Practices: Effective integration of storm-water management systems, with appropriate combinations of landscape conservation, enhancement, structural controls, impervious cover, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that provide an optimum way to convey, store, and release run-off, in order to reduce peak discharge, remove pollutants, and enhance the environment. Best management practices may include any practices adopted by the Township, or other local, State, and Federal agencies.

Board of Appeals: Garfield Township Zoning Board of Appeals.

Boarding Residence: An owner-occupied residence where non-related individuals are provided with room and board on a long-term basis.

Boardman River Valley Environment Area: Includes those areas of the Township which because of elevation, soil, vegetation type and water table are directly influenced by any fluctuations, course changes or flooding of the river including:

1. lands below 600.0 feet above sea level, lying between the south city limits of Traverse City and the east-west half section line of Sections 22 and 23.
2. lands below 620.0 feet above sea level lying between the east-west half Section line of Sections 22 and 23 and Cass Rd, and
3. lands below 640.0 feet above sea level lying between Cass Rd and the south Township boundary.

Boat Livery: A boat livery is hereby defined and declared to be any structure, site or tract of land utilized for the storage, servicing or rental of boats which may include the sale of hunting and/or fishing tackle, equipment, boats, etc.

Bond: Any form of a surety bond in an amount and form satisfactory to the reviewing authority. Bonds may require review and approval by the Garfield Township attorney whenever a bond is required by these regulations.

Brew Pub: A facility as defined by the State of Michigan Liquor Control Code (Act 58 of 1998, MCL 436.1101 et seq.)

Buffer Yard: A greenbelt area that is long and parallel to a property line within which no structures, driveways, parking, signs, or other such uses may be located unless specifically permitted by this Ordinance. A yard area occupied by plant materials, fences, or other landscape devices designed to effectively mitigate to a substantial degree the negative impact which occurs between conflicting land uses and major thoroughfares.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether mounted on wheels or not.

Building, Accessory: A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

Building Area: The buildable area of a lot or designated building envelope and other areas of a project site which have not been designated as permanent open space, areas to be used for project infrastructure, or other site improvements, etc.

Building Elevation: The entire view of any building or other structure from any one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

Building Footprint: The horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof or parapet for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building Line: That portion of a site defined by the minimum front, side, and rear yard setbacks within which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Building, Semi-Detached: See "Dwelling, Two-Family (Duplex)"

Bus Shelter: A roofed structure with at least three walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.

Business College or Trade School: An educational institution generally focusing on instruction in vocational education, including skilled trades and manufacturing, and allowing for hands-on and direct learning opportunities.

Business Service Establishment: See "Service Establishment, Business"

Caliper: A tree's trunk or stem diameter in inches, measured according to the standards of the American Standard for Nursery Stock.

Campground or Travel Trailer Park: Any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units, including travel trailers and recreational vehicles.

Canopy Tree, Small: A deciduous tree with a mature height of no more than 30 feet at maturity.

Canopy Tree, Medium: A deciduous tree with a mature height of more than 30 feet and less than 40 feet at maturity.

Canopy Tree, Large: A deciduous tree with a mature height of more than 40 feet at maturity.

Carport: A covered space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

Car Wash: A facility designed to allow for users to clean their vehicles through either self-service or automatic options.

Catering Establishment: A commercial kitchen facility where food is cooked and prepared for people to consume at a different site.

Cemetery: Any site containing at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and nonperpetual care cemeteries.

Cellar: A story having more than one-half (½) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement in stories.

Child Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.

2. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services

Child Care, Family Home (<7): A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Child Care, Small Group Home (7-12): A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Clinic: See "Medical Office, Clinic" and "Medical Office, Surgical Center"

Cluster Zoning: A zoning technique where the maximum number of dwelling units on a site is determined by density levels instead of minimum lot size.

Commercial District Housing Development: A residential development in a commercial district which includes elements that contribute to the function of the development as a cohesive site, such as design elements and common open space, or where a livable space is incorporated into an approved commercial business or office such as an upper floor apartment.

Comprehensive Development Plan: A plan for a large development site, such as a shopping center in the C-P district or a community park in the P-R district, which describes the development patterns, features, phases, and connectivity of all facets of the development.

Common Element: Any portion of the condominium project other than the condominium units.

Common Element, General: Any element of the condominium project owned in common by all co-owners and intended for common use or necessary to the existence, upkeep, and safety of the project.

Common Element, Limited: Any common element, reserved in the master deed of a condominium project, for the exclusive use of less than all of the co-owners.

Common Land: A parcel or parcels of land together with improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Condominium Act: Public Act 59 of the Public Acts of 1978, as amended.

Condominium Document: The master deed and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the condominium documents and the condominium regulations of the Zoning Ordinance and the Condominium Act.

Condominium Project: A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

Condominium, Site: See "Site Condominium"

Condominium Subdivision Plan: Site, survey and utility plans, floor plans and sections as appropriately showing the existing and proposed structures and improvements including the location thereof on the land. The Condominium Subdivision Plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The Condominium Subdivision shall include the nature, location, and appropriate size of common elements.

Condominium Unit: That portion of the Condominium Project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Contiguous Lot: See "Lot, Contiguous"

Contractor's Establishment: A facility from which a service provider operates a business, including vehicle storage, material storage, office functions, and light manufacturing of products to be sold and used off-site (e.g. signage, lighting, etc.).

Courtyard: A multipurpose space, open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by the walls of a building.

Crematorium: A facility designed for the cremation of deceased persons or deceased household pets, through combustion or other methods. For the purposes of this Ordinance, "Incinerator" is defined separately.

Cul-de-sac: A street with only one outlet that terminates in a vehicular turnaround, having an appropriate terminal for the safe and convenient reversal of traffic movement.

Data Center and Computer Operation: A facility used to house computer systems and association components, such as telecommunications and storage systems.

Density: The number of dwelling units residing upon, or to be developed upon, a net acre of land. In the case of a PUD or similar multi-use development where various land uses are being proposed, densities shall be reviewed as an overall density and by individual use density within a lot area.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.

Drive-In Business: A business establishment that by design, physical facilities, service or by packaging procedure, encourages or allows customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles on the site of the establishment. For the purposes of this Ordinance, a drive-in theater shall be considered under the definition of "Outdoor Entertainment Center, Major."

Drive-In Restaurant: A business establishment or portion hereof where food and/or beverages are sold in a form ready for consumption outside the confines of the building, often in a motor vehicle on the site of the establishment.

Drive-Through Business: A business establishment which by design, physical facilities, service or by packaging procedures, encourages or allows customers to receive services or obtain goods while remaining in their motor vehicles for use off the site of the establishment.

Drive-Through Restaurant: A business establishment or portion thereof where food and/or beverages are sold in a form ready for consumption outside the confines of the building, off the site of the establishment.

Driveway: A means of access for vehicles from a right-of-way to private property.

Driveway, Joint: A driveway, defined herein, providing access to two or more separate parcels used or intended to be used for commercial or industrial purposes.

Drip Line, Tree: An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Dry Cleaning Plant: A facility for the cleaning of garments, fabrics, draperies, etc. with any of various chemicals rather than water, with only accessory or no direct retail customer contact.

Dwelling: Any building or structure or part thereof which contains one (1) or more dwelling units. For the purposes of this Ordinance, "Mobile Home" and "Recreational Unit" are each defined separately.

Dwelling, Single-Family: A dwelling unit designed for exclusive occupancy by a single family that is not attached to any other dwelling by any means and is surrounded by open area or yards.

Dwelling, Multiple-Family: A dwelling or group of dwellings on one lot used or designed to contain separate living units for three (3) or more families, including triplex units, apartment houses, cooperatives, garden apartments and condominiums.

Dwelling, Two-Family (Duplex): A building containing two single family dwelling units totally separated from each other by an un-pierced, above ground, wall or floor and occupied exclusively by two (2) families living independently of each other.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one (1) family and having cooking facilities.

Earth Change: Excavating, grading, re-grading, landfilling, berming, or diking of land.

Easement: Authorization by a property owner for another to use the owner's property for a specified purpose.

Environmental Impact Assessment: A process to examine the adverse on- and off-site environmental impacts to the ecosystem by a development project.

Essential Service Facility, Major: Any essential service facility as defined herein that is not a routine or minor essential service facility.

Essential Service Facility, Minor: An essential service facility as defined herein which is not typically regarded as imposing on, or detrimental to, neighboring property; including, but not limited to:

1. Underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, cable television and broadband distribution lines and associated structures, transformers, switches, and utility boxes.
2. Overhead pole-mounted electrical, telephone, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided the height above grade of such facilities does not exceed the height restriction of the district.

For purposes of this Ordinance, both “Wireless Communication Facility” and “Wind Energy Conversion System” are defined separately.

Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A legal use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of the Ordinance or any amendment thereto.

Exterior Storefront: A building wall and entryway which provides direct public access to a tenant's retail space from outside of the overall structure.

Family: (1) An individual, or two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or (2) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonable nature or for an anticipated limited duration of a school term or other similar determinable period.

Family Day Care Home: See “Child Care, Family Home”

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, as described in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.

Farm Animal: Any animal raised or kept as part of a farm operation, including but not limited to:

- Livestock such as beef and dairy cattle, goats, hogs, horses, sheep, and other fur-bearing animals
- Poultry or fish

Farm Employees House: A dwelling for farm employees associated with the principal use of the property as an agricultural operation.

Farm Equipment: Mechanical equipment commonly used for farming operations including planting, cultivation, spraying, harvesting and storage operations, HOWEVER, excluding heavy earth moving or construction equipment used for short term construction purposes.

Farm Market: A farm market operated as a part of a farm operation, selling farm products produced on and off the proprietor's farm, not including roadside stands.

Farm Operation: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, as further described in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, including but not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

Farm Product: Those plants and animals useful to man and including, but not limited to: forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

Fencing: The enclosure of an area by a structure of lumber, masonry, wire, or other material designed and marketed for constructing such an enclosure.

Financial Institution: Any federal or state- regulated business such as a bank, credit union, or savings and loan company which is designed to provide direct service to members of the public. For purposes of this Ordinance, an investment broker or investment company is included in the "Office" definition.

Financial Institution, with Drive-Through: Any financial institution located on a site with one or more drive-through lanes for servicing customers.

Financial Institution, without Drive-Through: Any financial institution located on a site without any drive-through service lanes.

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole, light pole, or similar permanent device.

Flood Plain: The land area subject to inundation by the overflow of water resulting from a 100-year flood, which is a flood with a one percent (1%) chance of occurring in any given year.

Food Truck: A kitchen in a licensed and operable motor vehicle or trailer and with a temporary location on a site involving the preparation and sale of food to be consumed either on or off the premises, but not within the motor vehicle and/or trailer.

Full cut-off (Lighting Fixture): A fixture that allows no light emission above a horizontal plane through the fixture.

Game or Hunting Preserve, Commercial: A site which allows for-profit hunting operations.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: Any area of land, including any structures thereon, that is used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. Permitted accessory uses may include any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

Glare: The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort or loss in visual performance and visibility.

Golf Course or Country Club: An outdoor recreation facility designed for enjoyment of golf, but not including stand-alone golf-driving ranges and miniature golf courses.

Grade, Finished: The completed surfaces of lawns, walks, and roads, brought to grades as shown on official plans or designs related thereto.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Greenhouse, Residential: An accessory building or structure to the principal residential use constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or cultivation of flowers, trees, shrubbery, or other vegetation and kept for personal enjoyment.

Greenhouse, Commercial: An accessory use to an approved commercial nursery or agricultural use of the property constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or cultivation of flowers, trees, shrubbery or other vegetation and kept for personal enjoyment or subsequent sale. (See Nursery, Retail)

Ground Cover: Low-growing, woody shrubs, deciduous or evergreen plants, perennial plants and/or vines, turf, shredded bark, wood chips or other similar mulch and landscaping stone.

Hazardous Substances and Polluting Material: Any substance or material in which the use, treatment, storage, and/or disposal of such material is regulated by State or Federal law, based on the capability of

such material to pose a risk to the health, safety, and welfare of the community and the environment by virtue of being toxic, hazardous, flammable, combustible, poisonous, radioactive, corrosive, or otherwise harmful. This definition shall include, but is not limited to, any substance or material which is designated as a hazardous chemical, flammable or combustible liquid, critical material, polluting material, hazardous waste product, hazardous substance, hazardous material, or other similar material by any local, State, or Federal agency.

Health Service: See “Medical Office, Clinic,” “Medical Office, Surgical Center,” and “Hospital”

High-Tech Research: See “Research and Design Facility”

Highway: See “Road, Highway”

Home Industry: A value added activity carried out as part of a farm operation located on the same property for the sale of goods in a farm market, such as small-scale canning operation for fruits or vegetables. For purposes of this Ordinance, commercial processing is not a home industry.

Home Occupation: Any non-intrusive activity of professional character carried out as an accessory use for gain by the owner or resident of the home and conducted in the residents dwelling unit. The owner or resident shall reside in the home, which is clearly for living purposes. For purposes of this Ordinance, “Bed and Breakfast” is defined separately.

Hospital: An institution which provides medical, surgical, emergency, and other health services to the public. For purposes of this Ordinance, “Medical Office, Clinic” and “Medical Office, Surgical Center” are each defined separately.

Hotel or Motel: A facility, building or group of buildings offering transient lodging accommodations to the public and which may include additional facilities and services such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

Intermittent Visual Obstruction: A screen having unobstructed openings interrupting visual contact and creating spatial separation.

Illumination: Light directed at a working surface or into a space to be illuminated.

Incinerator: A facility designed for the burning of solid waste, not including cremation of deceased persons or deceased household pets. For the purposes of this Ordinance, “Crematorium” is defined separately.

Indoor Entertainment Center: A commercial public amusement facility conducted entirely within a building, and including archery and firearms range, bowling alleys, billiard halls, laser tag, roller skating, golf range, and including their ancillary support services.

Industrial, Research, or Business Park: See “Research and Design Facility”

Interior Parking Lot Landscaping: Landscaping within a polygon having the least area, which can be drawn about a parking area or lot, exclusive of its access drives.

Institutional Use or Structure: Any land use or structure which serves the community's social, educational, and cultural needs, including but not necessarily limited to schools, libraries, places of worship, and governmental facilities, but not including health services.

Junk Yard: Any establishment or premise where worn out or discarded material is bought, kept, sold and/or stored; any premise upon which two (2) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be a "junk yard" within the meaning of this Ordinance.

Keeping of Chickens, Personal: Any raising or keeping of chickens on residential property and not including the raising or keeping of chickens as part of a farm operation.

Keeping of Farm Animals: Any raising and keeping of farm animals as part of a farm operation.

Keeping of Horses, Personal: Any non-commercial keeping of horses for the personal use of the residents on a property, not including the raising or keeping of horses as part of a farm operation.

Kennel: Any lot or premises on which dogs, cats, or other household pets are kept for any commercial purposes, including but not limited to sale, boarding, breeding, and training.

Laboratory: See "Research and Design Facility"

Lake - Stream: A natural or artificial lake, pond or impoundment, a river, stream or creek, which may or may not be serving as a drain, or any other body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. For reference purposes, the general location of existing lakes or streams are graphically depicted on the Garfield Township Hydrology Map.

Lakes: Boardman Lake and Silver Lake.

Landscaping: Some combination of planted trees, vines, ground covers, flowers, or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences, or benches.

Launching Ramp, Private: A space or structure from which a boat may be launched for use and benefit of the patrons of the waterfront marina or boat yard wherein said boats are berthed or docked.

Light Shield: An opaque box or other device, which eliminates or greatly diminishes glare.

Light Source: A light bulb or other source within a luminary.

Live-Work Unit: A dwelling unit which is an accessory use to a primary office, studio, or other similar commercial use, designed as an integral part of the building where the primary commercial use is at the ground floor entrance to the building, and where the occupant is either an owner or an employee of the office, studio, or other commercial use.

Livestock Auction Yard: A site where livestock animals are sold at auction.

Long-Term: In relation to the occupancy of a building or dwelling unit, any period of thirty (30) or more consecutive days.

Lot: A parcel of land defined by property lines or right-of-way lines, on which a principal use and its accessories are located or intended to be located together with any open spaces required by this Ordinance. A unit of land within a site condominium, which gives the owner exclusive rights to a building envelope where a building is placed and rights to the yard areas surrounding the building.

Lot, Contiguous: Any lots where at least one boundary line of one lot touches a boundary line or lines of another lot.

Lot, Corner: A lot, which has at least two (2) contiguous sides abutting upon two (2) or more streets at their intersection or two parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage: The percent of the lot, occupied by a building, including accessory buildings.

Lot, Depth of: The mean distances from the street line of the lot to its opposite rear line, measured in the general direction of the sidelines of the lot.

Lot, Flag: A lot that does not have the minimum width requirement of the zoning district in which it is located at the street frontage, where a narrow and unbuildable strip of land connects the buildable portion of the lot to a street or shared driveway.

Lot, Front of: The lot line, which is the front street line of the principal street or right-of-way providing access to the lot.

Lot, Interior: A lot other than a corner lot.

Lot, Line: The lines bounding a lot as hereby described.

Lot Line, (Zero): A condition requiring no (0) setback from a lot line as required for row housing, triplex and duplex structures, and other similar dwellings that are attached and situated on individual parcels for ownership purposes.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds in Grand Traverse County, or had been approved as a preliminary or final plat by the Township Board prior to the date of this Ordinance. Also, a lot described by metes and bounds, the deed or other conveyance to which has been recorded in the Office of the Register of Deeds in Grand Traverse County prior to the date of this Ordinance.

Lot, Width of: The width measured along the front lot line or street line or at the setback line of a curvilinear road or cul-de-sac.

Low Impact Design: A stormwater management practice intended to mimic a site's pre-development hydrology by using techniques which allow storm water runoff to infiltrate, filter, evaporate, and be retained close to its source in lieu of discharging to traditional large retention basins or storm sewers. Low Impact Design may be accomplished via an engineered system of bio-retention areas, rain gardens, wetlands, grass swales, permeable pavement, and similar methods. Low Impact Design standards may include standards adopted by the Township or other local, State, and Federal agencies.

Lumber Processing and Sawmill: A facility which receives and processes raw or partially finished lumber into a more finished form and including their accessory uses.

Luminaire: An outdoor lighting fixture.

Major Thoroughfare: See “Road, Major Thoroughfare”

Manufacturing: The act of processing, assembling, or fabricating raw or unfinished materials into a more complete or finished product.

Manufacturing, Light: The act of processing, assembling, or fabricating raw or unfinished materials into a more complete or finished product, and which have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

Manufacturing, Heavy: The act of processing, assembling, or fabricating raw or unfinished materials into a more complete or finished product, and which have a greater potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

Manufactured Home: See “Mobile Home”

Marina: A commercial boat basin or dock with facilities for berthing and servicing all types of watercraft, and which may include providing supplies, provisions, service and fueling facilities.

Master Deed: The condominium document recording the condominium project to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

Master Plan: A statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts, and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.

Mechanical Amusement Arcade: Any place, premises or that area occupied by or under the control of the operator of mechanical amusement devices, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For the purposes of this Ordinance, a mechanical amusement arcade shall not include the following.

1. Mechanical amusement devices located in bars, taverns, cocktail lounges, and restaurants which are properly licensed by the State of Michigan when the devices are located to be an integral part of the operation and available only to tavern and restaurant patrons.
2. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.
3. Vending machines dispensing food, drink, tobacco, toys, or written material, which material can be utilized away from the premises where the machine is located and does not require further participation by inserting the item or paying the price at the location of the machine.

4. Mechanical amusement devices located on property used solely for a residential purpose or a private club, and which device is not available for use by the general public, shall be exempt from this definition.

Mechanical Amusement Device: Any machine which upon the insertion of a coin, slug, token, plate or disk, or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including but not limited to games registering a score, electronic video games, mechanical and/or electronic devices such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables, billiard tables, and all game operations or transactions similar thereto, whether operated by hand, electric power, or combination thereof. For the purposes of this Ordinance, a mechanical amusement device shall not include the following:

1. Juke box or other similar device, which plays only music for money.
2. Full-size bowling lane or alley.
3. Movie Theater seating more than ten (10) persons.

Medical Clinic: See “Medical Office, Clinic” and “Medical Office, Surgical Center”

Medical Marihuana: Marihuana as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq. grown, used, or transferred for “medical use” as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Medical Marihuana Collective: means (a) any commercial use of property for the purpose of sale of medical marihuana for money or other consideration to registered qualifying patients or registered primary caregivers, or (b) any commercial business, commercial establishment or commercial structure that provides or rents space to multiple caregivers for storage and/or sale of Medical Marihuana. Medical Marihuana Collective includes uses commonly referred to as Medical Marihuana Dispensaries, Compassion Centers, Provisioning Centers and Medical Marihuana Cooperatives. The sale of Medical Marihuana where any other commodity, product or service is also available shall be considered a Medical Marihuana Collective.

Medical Marihuana Cultivation: A use where Medical Marihuana is grown by a primary caregiver or a qualifying patient as permitted by the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Medical Marihuana Cultivation Facility: A use where Medical Marihuana Cultivation, as defined by this ordinance, is being conducted on a lot, but shall not include a Medical Marihuana Collective.

Medical Marihuana Residential Cultivation: Medical Marihuana Cultivation undertaken by a primary caregiver, or a qualifying patient that has not specified a primary caregiver to cultivate marihuana for the qualifying patient, at the primary caregiver’s or qualifying patient’s primary place of residence.

Medical Office, Clinic: An establishment where human patients are admitted to be examined and treated by physicians, dentists, or other health care professionals and where no patients are lodged overnight.

Medical Office, Surgical Center: An establishment where human patients are for surgical procedures to be performed by physicians, dentists, or other health care professionals, with continuous medical services during surgical procedures and until the patient has recovered from the obvious effects of anesthetic and

at all other times with medical services available whenever a patient is in the facility, and which may also include the incidental overnight lodging of patients as an accessory use.

Metal Plating, Buffering, and Polishing: Any of the various industrial processes involved in improving metal products.

Micro Brewer: A person as defined and licensed by Michigan Liquor Control Code (Act 58 of 1998, MCL 436.1101 et seq.)

Microbrewery: A facility or facilities owned or controlled by a licensed Micro Brewer.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. Mobile home does not include a recreational unit.

Mobile Home Commission Act: means Act 96 of 1987, as amended.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Mobile Home Subdivision: A subdivision approved under Act 288 of the Public Acts of 1967, as amended, which by deed restrictions has been designated solely for occupancy by mobile homes.

Mortuary or Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith prior to burial or cremation.

Nonconforming Use: A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the District or zone in which it is situated.

Non-Use Variance: A dimensional variance to standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. These variances are granted based on a showing of a practical difficulty.

Normal Stream or Riverbank: The bank or steep slope, which confines waters of a stream or river during normal periods of flow.

Nursery, Retail: The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers in an indoor setting, including limited outdoor storage & sales areas when approved by the Planning Commission. (See also Greenhouse, Commercial).

N.V.G.D.: National Vertical Geodetic Datum.

Office: A room, set of rooms, or building where the business operations of a professional, commercial, medical, institutional, investment broker or investment company, industrial, or other similar organization

is conducted. For the purposes of this ordinance, “Financial Institution” is defined separately, and the term “Office” includes both principal and accessory units.

Off-Site Parking: A parking lot or structure that primarily serves the parking needs of another site.

Official Zoning Map: The map of all zoning districts and overlay districts, including but not limited to Airport overlays, that is on file with the Garfield Township clerk, and the Planning Department.

Open Space: A typically vegetative area designed, depending upon the particular situation, for environmental, scenic, or recreational enjoyment, but not including supplemental setback areas, parking areas, drainage basins, community septic systems, or areas within individual lots. Open space shall be consolidated and contiguous to the greatest extent reasonably possible to provide usable park-like areas.

Open Space Preservation: A development option intended to encourage and promote clustered development patterns in a manner that protects developable areas containing natural features and open space, in accordance with Section 506, Open Space Preservation, of the Michigan Zoning Enabling Act.

Outdoor Display: A designated outdoor area for the purpose of displaying items for sale associated with the primary use of the property.

Outdoor Entertainment Center, Major: A commercial public amusement facility conducted outside of an enclosed building and anticipated to have major impacts on surrounding properties including drive-in theaters, racetracks, driving ranges, and similar facilities.

Outdoor Entertainment Center, Minor: A commercial public amusement facility conducted outside of an enclosed building and anticipated to have minimal impacts on surrounding properties such as miniature golf courses, trampolines, or similar public amusements.

Outdoor Sales, Major: A primary land use where large items such as automobiles, trailers, boats, riding lawn mowers, tractors, off-road vehicles, other large, motorized equipment, and other similar items are sold outside of a completely enclosed building. For purposes of this Ordinance, “Sale of Prefabricated Structures” is defined separately.

Outdoor Sales, Minor: A primary land use where items such as plant material not grown on site, lawn furniture, playground equipment, garden supplies, and similar items are sold outside of a completely enclosed building.

Outdoor Sales, Temporary: An accessory event to an established business and intended to provide the business owner with the ability to sell inventory or goods outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales or mobile food sales. Common events may include sidewalk sales, Christmas tree sales lots, revival tents, or other quasi-civic activities.

Outdoor Storage: The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

Outdoor Storage, Accessory Use: Any outdoor storage that is accessory to a principal use, including the storage of a travel trailer, camper, or other recreational vehicle on a residential site.

Outdoor Storage, Primary Use: Any outdoor storage that is the primary use of the parcel.

Overlay Zoning District: A district that is superimposed over one or more zoning districts or parts of districts and which imposes specified requirements in addition to those applicable in the underlying base zoning district.

Park, Mini: A small park or public space, generally less than one (1) acre in size, providing recreational opportunities for the non-exclusive use of residents of the surrounding neighborhood generally within a quarter mile of the site. Mini parks may include, but are not limited to, amenities such as small playgrounds, small open fields, gazebos, and benches.

Park, Neighborhood: A park or public space, generally between one (1) and ten (10) acres in size, which provides active and passive recreation opportunities for the non-exclusive use of residents generally within a half mile of the site. Neighborhood parks may include, but are not limited to, amenities such as playgrounds, open fields, picnic tables, small pavilions, gazebos, and benches.

Park, Community – Low Intensity: A park or public space, generally greater than ten (10) acres in size, which provides recreation opportunities for the entire community, and which are intended primarily for natural area preservation, passive recreation, or low intensity active recreation uses. These community parks may include, but are not limited to, amenities such as playgrounds, fields, picnic tables, gazebos, benches, or other similar uses and small structures.

Park, Community – High Intensity: A park or public space, generally greater than ten (10) acres in size, which provides recreation opportunities for the entire community. These parks may include some high intensity active recreation uses such as banquet or event centers, lodges, amphitheaters, athletic fields, pavilions, dog parks, disc golf courses, and other similar uses and structures.

Passenger Terminal: A facility such as a bus station allowing for people to access mass transit or other modes of transportation from a common node.

Person: Any natural person, corporation, partnership, joint venture, association (including homeowners' or neighborhood associations), trust, or any other entity recognized by law.

Personal Service Establishment: See "Service Establishment, Personal"

Pet Grooming Establishment: A facility offering the grooming of pets as a service, but where no pet sales or boarding takes place on the site.

Pet Shop: A building for the purchase of dogs, cats, birds, fish, and other small animals as pets and for pet care supplies, and where no boarding or grooming takes place on the site.

Planned Unit Development (PUD): A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.

Point of Light Source: A lighting source, direct, reflected, or refracted, which produces glare.

Pool: See "Swimming Pool"

Practical Difficulty: A situation whereby a property owner, through no fault of their own, cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owners desire to establish a use greater than the “minimum practical” standard or to enhance economic gain greater than associated with a “minimum practical” standard or created by an owner subsequent to the adoption date of this Ordinance is not a practical difficulty.

Principal Use: The primary or main use of land or structures, as distinguished from a secondary or accessory use.

Printing or Publishing Enterprise: Any business involving industrial production activities in printing, publishing, newspaper or print media production, photographic reproduction, blueprinting, and related trades and arts.

Processing Operation: Any variety of operations not otherwise identified within this Ordinance which result in material being made more useable in some form. For the purposes of the Zoning Ordinance, the term “processing” includes but is not necessarily limited to the physical manipulation of chemicals, food, liquids, metals, plastics, and textiles.

Professional Showroom: A facility intended to showcase examples of work in interior decorating, design, architecture, and similar fields without including retail operations at the facility.

Professional Studio: Performing arts, including sculpture, photo, music, painting, drama, dance, and similar pursuits.

Property Owner: An owner of any of the following:

- (i) A metes and bounds described parcel(s)
- (ii) A lot(s) in a platted subdivision, duly established under the provisions of the Land Division Act (MCL 560.101, et seq.)
- (iii) A condominium unit(s) in a condominium project duly established under the provisions of the Condominium Act (MCL 559.101, et seq.), or
- (iv) The holder of a lessee’s interest in any one of the foregoing which exceeds three (3) years in duration. In the event an owner’s interest as defined in (i), (ii) or (iii) above is subject to a lease term exceeding three (3) years as provided in (iv) above, the holder of such lessee’s interest shall have the same rights and duties of the property owner for purposes of this section (which shall supersede and replace the owner/lessor’s interest for purposes of this section).

Protected Root Zone: An area surrounding the tree by 1 ½ feet in radius for every inch of the tree caliper.

Public Service Utility or Installation: See “Essential Service Facility”

Recreational Facility: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

Recreational Field Complex: A facility with one or more outdoor athletic fields and which may include ancillary uses such as parking lots, fencing, lighting, restrooms, playgrounds, or weather shelters.

Recreational Unit: A tent, or vehicular-type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles or ropes and used for camping outdoors. Recreational unit shall include travel trailer, camping trailers, motor home, truck camper, slide-in-camper, and chassis-mount camper, camping cabins, watercrafts, snowmobiles, special terrain vehicles, and utility trailers.

Recycling Facility: A facility designed for conducting a recycling operation.

Recycling Operation: The recovery and processing of recyclable materials for reuse.

Rehabilitation Center: A facility offering substance abuse treatment and rehabilitation services.

Research and Design Facility: Any facility, including a laboratory, used for scientific research, product design, testing, technology development, analysis, experimentation, consulting, business development, basic and applied learning, or other similar use, but not including manufacturing or processing. For the purposes of this ordinance, a research and design facility which is accessory to a principal use shall be reviewed according to the standards for the principal use.

Restaurant: An establishment where food and drinks are prepared, served, and consumed, mostly within the principal building such as lunch counters, dairy bars, coffee shops, and other similar establishments. For purposes of this Ordinance, "Bar, Tavern, or Night Club" is defined separately.

Restaurant, with Drive-Through: Any restaurant that includes a drive-in or drive-through as a part of its service or building design.

Restaurant, without Drive-Through: Any restaurant that does not include a drive-in or drive-through as a part of its service or building design.

Retail Fabricator: A shop or establishment which fabricates merchandise primarily for retail sale, where the retail activity occupies 50% or more of the overall floor space.

Retail, Industrial Accessory: Retail activity that is accessory to a primary industrial use, where such retail activity occupies 15% or less of the overall floor space.

Retail, Industrial Primary: Retail activity that is a primary use on a site in an industrial district. Such retail activity generally has characteristics that are different from retail in a commercial district or that would result in greater site impacts, including bulky or high-value items, outdoor display or outdoor storage, a large indoor storage area or warehouse, and low traffic volumes, including but not limited to building supply and equipment stores, equipment sales and service businesses, furniture stores, and automobile dealerships.

Retail, Low Volume: The sale or rental of goods or merchandise, including the rendering of services incidental to the sale of such goods, taking place in a building of less than five thousand (5,000) square feet. Low volume retail primarily serves residents of the surrounding neighborhood.

Retail, Medium Volume: The sale or rental of goods or merchandise, including the rendering of services incidental to the sale of such goods, taking place in a building of between five thousand (5,000) square feet and fifty thousand (50,000) square feet. Medium volume retail primarily serves residents of several nearby neighborhoods or the entire community.

Retail, High Volume: The sale or rental of goods or merchandise, including the rendering of services incidental to the sale of such goods, taking place in a building of greater than fifty thousand (50,000) square feet. High volume retail primarily serves the entire community and other nearby communities across the region.

Right-of-Way: A street, alley or other thoroughfare or easement for passage of persons or vehicles, but not including a driveway or joint driveway.

Road: See "Street"

Road, Arterial: Any road designated as an "Other Principal Arterial" or "Minor Arterial" on the National Functional Classification (NFC) system as defined by the Michigan Department of Transportation (MDOT).

Road, Collector: Any road designated as a "Major Collector" or "Minor Collector" on the National Functional Classification (NFC) system as defined by the Michigan Department of Transportation (MDOT).

Road, Highway: Any road designated as an "Interstate" or "Other Freeway" on the National Functional Classification (NFC) system as defined by the Michigan Department of Transportation (MDOT).

Road, Local: Any road designated as "Local" on the National Functional Classification (NFC) system as defined by the Michigan Department of Transportation (MDOT), including public and private roads.

Road, Major Thoroughfare: Any road designated as either an arterial road or a collector road.

Road, Primary: See "Road, Collector"

Road, Private: See "Street, Private"

Road, Public: See "Street, Public"

Road Frontage: See "Lot Width"

Roadside Stand: A structure for the display of agricultural products with no space for customers within the structure itself.

Sale of Prefabricated Structures: A business where prefabricated structures such as mobile home units or prefabricated storage sheds are displayed and sold.

Sand or Gravel Pit, Quarry: Land where sand or gravel is extracted from the ground as a key natural resource, which may include processing.

Screening: The enclosure of an area by a visual barrier, which may include a landscape buffer, fencing or other materials.

Sequential Messaging: A succession of interrelated sign messages, presented on one or more sign faces, which, when read collectively, provide a completed message, statement thought, or idea.

Service Establishment, Business: Establishments primarily engaged in providing services for businesses including photocopying, equipment rental, and other similar services.

Service Establishment, Personal: Establishments primarily engaged in providing services involving the care of a person or their goods such as beauty shops, barber shops, laundry facility, jewelry repair shops, dry cleaning establishment (pickup only), and shoe repair, excluding the processing of physical materials.

Setback: The minimum required distance between the property line and the closest point of any structure whether attached or detached.

Setback, Front: The minimum required distance between the closest point of any structure and the front property line. The front property line is determined by the location of the principal street or right-of-way providing access to a lot, except that the Zoning Administrator may determine the front yard to be on the street front that is in line with the prevailing pattern of front yards on the street in order to be consistent with the established development pattern of the street.

Setback, Rear: The minimum required distance between the closest point of any structure and the rear property line, generally considered as the opposite side of the lot from the front property line.

Setback, Side: The minimum required distance between the closest point of any structure and any property line not considered a front or rear lot line.

Shopping Center, General: A group of retail establishments, greater than ten thousand (10,000) square feet in floor area, planned and constructed on a unified site as an integrated unit for shopping and other business activity.

Shopping Center, Local: A group of retail establishments with a maximum square footage of ten thousand (10,000) square feet in floor area, planned and constructed on a unified site as an integrated unit for shopping and other business activity.

Short-Term: In relation to the occupancy of a building or dwelling unit, any period of less than thirty (30) consecutive days.

Sign: Any words, lettering, parts of letters, figures, fixtures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which communication is made or presented to identify or call attention to an individual, a firm, an association, a profession, a business, a commodity, or a product which are legible from any public roadway or private road, street, highway or other public way.

Sign Area: The entire area of a sign measured by a rectangle or square enclosing the extreme height and width limits of the sign face and sign structure, regardless of the shape of the sign face or sign structure.

Sign, Banner: A sign other than a flag, with or without characters, letters, illustrations or ornamentation applied to cloth, flexible plastic, canvas, fabric or other similar light material that can be easily folded or rolled, but not including paper or cardboard, that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Sign, Billboard – Highway Advertising: An off-premises sign owned by a person, corporation, or other legal entity that engages in the business of utilizing and/or selling the space on that sign for advertising.

Sign, Changeable Copy: Any part of a sign that is changeable either manually or electronically, including changeable message boards, digital static messages or images that change physical position or light intensity, by any movement or rotation or that gives the illusion of movement or rotation.

Sign, Community: Temporary, on or off premises signs, generally made of woven material or durable synthetic materials primarily attached to or hung from poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions, or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a legally constituted nonprofit organization.

Sign, Directional: An on-premise sign which solely directs visitors or customers to a particular land use or all or part of a development.

Sign Face: The one vertical plane surface of a sign where the message is displayed or illustrated, irrespective of the size of the associated message.

Sign, Festival Banner Flag: Any banner or flag, as defined in this Ordinance, that meets the definition of a community sign.

Sign, Freestanding: The vertical plane surface of a sign where the message is displayed or illustrated, irrespective of the size of the associated message.

Sign, Nonconforming: A sign or sign structure or portion thereof lawfully existing at the time this Ordinance became effective, which does not now conform.

Sign, Off-Premise: See “Sign, Billboard – Highway Advertising”

Sign, On-Premise: A sign which contains a message identifying a business, profession, product(s), or services conducted or available on the property upon which such sign is located.

Sign, Project Development: A sign placed on the premises of a subdivision or other real estate development to indicate the proposed start of the development project and to provide additional information about the project during the construction period. Project development signs are not to exceed forty (40) square feet on each side of a two (2) sided sign.

Sign, Real Estate Development: A sign placed on the premises of a subdivision or other real estate development to indicate the proposed start of the development project or to inform the public that property within the development is available.

Sign, Roof: A sign erected and constructed wholly on the roof of a building and supported by the roof structure. A roof signs height shall not exceed the midpoint of the roof. A sign located on a buildings flat roof parapet is not considered a roof sign.

Sign Structure: Any supports, uprights or internal framework or bracing of a sign excluding walls which are part of a building, landscape wall, or similar structure.

Sign, Wall: The area of a wall which is used to graphically communicate a message or announcement.

Site Area: The total area within the property lines excluding the street right-of-way.

Site Condominium: Any parcel of land, which may be divided as a condominium under Public Act 59 of the Public Acts of 1978, as amended, into two or more parts, including building sites or lots, for the purpose of being occupied by either separate or attached structures for the purpose of being dedicated to some common use. This definition shall be deemed not exclusive and the definition of site condominium shall include any other decision which may be statutorily or judicially required, or which may be appropriate by common usage.

Site Condominium Lot: A measured portion of a parcel or tract of land which is described and fixed as a unit within a Condominium Project.

Site Condominium Subdivision: A Condominium Project divided into site condominium lots.

Small Warehousing Establishment: A structure, series of structures, or series of interior units with totally enclosed storage, and generally intended to be sold or leased on an individual basis for self-storage purposes.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System: A system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar energy systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems. Solar energy systems shall not be considered essential services. Solar energy systems do not include a panel or panel array less than 10 square feet.

Solar Energy System, Accessory: A solar energy system that meets the following:

1. The system is an accessory use of the property.
2. The system is primarily used for generating electricity for on-site use.

Solar Energy System, Primary: A solar energy system that meets the following:

1. The system is the primary use of the property.
2. The system is primarily used for generating electricity for sale and distribution off-site.

Solar Equipment, Ancillary: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as but not limited to batteries, electric meters, converters, or water heater tanks.

Stormwater Containment, Non-Agricultural: Stormwater containment systems on split-zoned properties to support non-agricultural uses.

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: A publicly or privately owned right-of-way, easement, or general common area (in the case of a site condominium subdivision) that provides direct vehicular access to abutting properties.

Street, Minor: A public street or way, the principal use or function of which is to give access to the abutting properties.

Street, Private: A street, defined herein, which is to be privately owned and maintained and has not been accepted for jurisdiction and maintenance by the City of Traverse City, Grand Traverse County, the State of Michigan or the federal government but which meets the requirements of this Ordinance or has been approved as a private road by the Township under this Ordinance or any prior ordinance.

Street, Public: A street, defined herein, which has been dedicated to and accepted for jurisdiction and maintenance by the City of Traverse City, Grand Traverse County, the State of Michigan, or the federal government.

Structure: Any production or piece of material artificially built up and composed of parts joined together in some definite manner, any construction, including decks, dwellings, garages, buildings, mobile homes, signs and sign boards, towers, poles, antennae, landfills, walls, weirs, jetties, pipes or other like objects, but not including fences.

Survival Wind Speed: The maximum wind speed, as designated by the Wind Energy Conversion System manufacturer, at which a Wind Energy Conversion System, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural component or loss of the ability to function normally.

Swimming Pool: Any structure designed and constructed for the purpose of swimming or bathing that contains water over 24 inches deep and has over 100 square feet of surface area.

Swimming Pool, Private: A recreational swimming pool which is an accessory use to a private residential dwelling and/or a private residential development.

Temporary Infrastructure: A non-permanent site element substituted to meet a site development need until construction is complete, and existing for less than 365 calendar days.

Temporary Outdoor Sales: See "Outdoor Sales, Temporary"

Temporary School Facility: A portable classroom used to support students of public or private elementary or secondary schools on a temporary basis.

Tower Height:

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the Wind Energy Conversion System, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted Wind Energy Conversion System exceeds the structure, which support the rotor and the blades.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the Wind Energy Conversion System.

Township Board: Charter Township of Garfield Board of Trustees.

Transportation Dispatch Center: A facility designed for the operations of a transportation service entity and to house vehicles such as taxicabs in between servicing their customers.

Travel Trailer: See "Recreational Unit"

Travel Trailer Park: See "Campground or Travel Trailer Park"

Trip End: Means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Truck or Rail Freight Terminal: An industrial facility designed to receive freight at the end of a truck or rail trip and facilitate the transfer of freight between modes of transportation.

Use: The purpose for which land and/or a building is arranged, designed, or intended or for which land or a building may be occupied.

Vacation Home Rental: A commercial use of a residential dwelling where the dwelling is rented or sold for any term less than thirty (30) consecutive days.

Vehicle Dealership, with Outdoor Sales: A business which offers for sale or rent cars, boats, trailers, off-road vehicles, recreational vehicles, personal trailers, truck tractors, tractor trailers, farming equipment, or other motorized equipment, and which may include both indoor and outdoor sales.

Vehicle Dealership, without Outdoor Sales: A business which offers for sale or rent cars, boats, trailers, off-road vehicles, recreational vehicles, personal trailers, truck tractors, tractor trailers, farming equipment, or other motorized equipment, and which includes only indoor sales where the vehicles are displayed. This type of use is typically associated with walk-in or internet sales.

Vehicle Service Center, Major: A business which offers servicing of vehicles with impacts which are more significant than a minor vehicle service center, such as a mechanic, body shop, major repair and/or rebuilding of vehicles, or similar. Vehicles serviced may include automobiles, trailers, boats, and other motorized vehicles.

Vehicle Service Center, Minor: A business which offers servicing of vehicles with limited impacts on surrounding uses, such as oil changes, tire sales and service, general maintenance, or similar. Vehicles serviced may include automobiles, trailers, boats, and other motorized vehicles.

Veterinary Hospital: A building where animals are given medical care, but with no long-term boarding facilities. Any boarding of animals is limited to short-term recovery care associated with the hospital use.

- For a facility which includes long-term boarding of animals, see “Kennel”

View Corridor: Areas, usually linear or triangular, which are prevented from obscuring the view of or from particular points, via height limitations, or other development restrictions.

Warehouse or Distribution Center: A structure for storage and/or distribution of goods or material, including storage facilities for sand, gravel, stone, and contractor’s equipment.

Warehouse or Distribution Center, Hazardous Materials: A structure for storage and/or distribution of hazardous substances such as fuels, chemicals, hazardous waste, or other flammable or toxic substances.

Water Mark: The highest normal water level of the major lakes within the Township.

Water Mark, Ordinary High: A line between upland and bottomland, which persists through successive changes in water levels, below which the present action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation, as defined in Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act (Act 451) of 1994, as amended.

Water Mark, Boardman Lake: 590.0 feet above sea level.

Water Mark, Silver Lake: 862.0 feet above sea level.

Waterfront Stairway and Landing: Small structures on the waterfront of the property which provide points of access from the land to the water.

Wholesaler: A business which includes the warehousing and storage of bulk quantities of goods and the sale of goods directly to businesses. Some wholesalers may also have a portion of their operation which involves retail and the sale of goods directly to consumers, where such retail activity occupies 15% or less of the overall floor space.

Wind Energy Conversion System: Also abbreviated as WECS, a Wind Energy Conversion System shall mean a combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical power, and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wind Energy Conversion System, Interconnected: A wind energy conversion system which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

Wind Energy Conversion System, Personal: The combination of structures, mechanical equipment, and associated controllers which convert wind energy into usable electricity for use at a personal residence.

Wireless Communication Collocation: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

Wireless Communications Equipment: A set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communication Facility: All facilities, equipment, and other structures used in the provision of wireless communications services.

Wireless Communications Support Structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Wireless Communication Equipment Compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of the yard shall be construed as the minimum horizontal distance between a lot line and a building line.

Yard, Front: A yard, extending across the front of the lot between the side lot lines and measured between the front line of the lot and the building line.

Yard, Rear: An open space on the lot with a principal use, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear building line projected to the side lines of the lot.

Yard, Side: An open and unoccupied space, unless otherwise provided herein, on the lot with a principal use, situated between the building line and the side line of the lot and extending from the front yard to the rear yard. Any yard not a front yard or rear yard shall be deemed a side yard.

Zoning Permit: A type of permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.

ARTICLE 3

ZONING

SECTION 300 PURPOSE

This article establishes zoning districts and describes the use and design regulations that apply to each district. This article includes the following divisions:

- *Division 1: Introduction* establishes the regulatory authority for the Township to create zoning districts.
- *Division 2: Base Zoning Districts* establishes districts that divide the township into various agricultural, residential, commercial, and mixed-use industrial zones. Each district establishes uses that are permitted “as of right,” conditionally, and as a special land use. A use permitted as of right has been determined to be compatible with the other uses within the purpose of the district and therefore requires only administrative approval. A use permitted conditionally is permitted provided the applicable conditions are satisfied. Special land uses require a public hearing to assess whether conditions are needed in order to make the use compatible with other uses in the district.
- *Division 3: Overlay Zoning Districts* establishes districts within which the standards of both the base and overlay zoning districts apply. These districts address special situations that require additional regulations to protect the public health, safety, and general welfare.
- The “supplemental use regulations” in Article 7, Supplemental Use Regulations, of this ordinance establish regulations for some uses that are permitted in a zoning district but raise special concerns that require additional uniform regulations. The regulations set forth apply regardless of whether the use is permitted as of right, conditionally, or as a special land use within the district.

DIVISION 1: INTRODUCTION

Pursuant to the Michigan Zoning Enabling Act, the purpose of this section is to promote the public health, safety, morals, and general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance. These regulations are adopted in accordance with the master plan and are designed to:

- Lessen congestion in the streets
- Secure safety from fire, panic, and other dangers
- Promote health and general welfare
- Provide adequate light and air
- Prevent the overcrowding of land
- Avoid an undue concentration of population, or
- Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

Consistent with the goals and objectives listed in the master plan, these regulations are designed to foster the following subsidiary purposes:

- Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations
- Ensure that new development is compatible with its surroundings in use, character, and size
- Provide for land uses that serve important public needs, such as affordable housing and employment generators
- Promote mixed-use buildings and mixed-use neighborhoods
- Promote infill housing and core area retail and residential development
- Integrate civic uses into neighborhoods
- Protect natural resources, and
- Encourage retail development in urban, neighborhood, and regional centers.

SECTION 301 GENERAL REQUIREMENTS

No land shall be used or occupied and no structures shall be designed, erected, moved, altered, used, or occupied except in conformity with all of the regulations, in compliance with all of the design standards, and upon performance of all conditions attached to any approval, of this ordinance.

SECTION 302 ESTABLISHMENT OF DISTRICTS

A. Categories of Zoning Districts

The Township establishes six categories of zoning districts. Base zoning districts cover all parcels within the township and divide those parcels into distinct zoning districts. Overlay zoning districts apply to a geographically defined area and exist as an addition to the base zoning district. Conditional zoning districts apply to specific parcels or grouping of parcels, resulting from a development application under Section 422 Conditional Rezoning of this ordinance. Additional zoning districts that may be added shall be included in one of these six zoning categories.

B. Base Zoning Districts

The Township is divided into the zoning districts shown in Table 3-1.

**Table 3-1
Base Zoning Districts Correspondence**

Zoning District Name	
R-1	(ONE FAMILY RESIDENTIAL)
R-2	(TWO FAMILY RESIDENTIAL)
R-3	(MULTIPLE FAMILY RESIDENTIAL)
R-R	(RURAL RESIDENTIAL)
R-M	(MOBILE HOME RESIDENTIAL)
C-L	(LOCAL COMMERCIAL)
C-O	(OFFICE COMMERCIAL)
C-G	(GENERAL COMMERCIAL)
C-H	(HIGHWAY COMMERCIAL)
C-P	(PLANNED SHOPPING CENTER COMMERCIAL)
I-G	(GENERAL MIXED-USE INDUSTRIAL BUSINESS)
I-L	(LIMITED MIXED-USE INDUSTRIAL BUSINESS)
A	(AGRICULTURAL)
P-R	(PARK – RECREATION)
GTC	(GRAND TRAVERSE COMMONS)

C. Overlay Zoning Districts

The Township establishes the overlay zoning districts set out in Table 3-2. These impose additional requirements on certain properties within one or more underlying base or conditional zoning districts.

**Table 3-2
Overlay Zoning Districts**

Overlay District Name
Airport Overlay - § 341

D. Conditional Zoning Districts

Conditional zoning districts may only be established through application and the voluntary offer of conditions by an applicant. Conditional zoning standards apply on a site-specific basis and are not applicable to any other parcel within the township. See § 422 Conditional Rezoning. All conditional rezoning agreements shall be compiled in a separate register and maintained in and kept current by the Township.

E. Reserved

F. Zoning Districts (Additional)

Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Township Board pursuant to § 421 Zoning Ordinance Amendments in Article 4, Procedures, of this ordinance.

SECTION 303 OFFICIAL ZONING MAP

The maps delineating the boundaries of the various zoning districts, together with all matters and things shown on such maps, are adopted and approved, and collectively constitute the “Official Zoning Map.” The Official Zoning Map is incorporated by reference and made a part of this ordinance. This map is on file in the office of the Zoning Administrator and in the office of the Township Clerk. All amendments to the official zoning map shall be listed in the order adopted in a separate register maintained in and kept current by the township. The Official Zoning Map carries the zoning district designations established in this article.

SECTION 304 ZONING DISTRICT BOUNDARIES

When definite distances in feet are not shown on the zoning map, the following rules apply:

- A. Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, alleys, or easements shall be construed to follow such right-of-way or centerlines
- B. Boundaries indicated as approximately following along a section line, quarter-section line, platted lot line, property line or other survey line, shall be construed as following such lines
- C. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks

- D. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines
- E. Boundaries indicated as approximately following the shoreline of any lake, river, stream, or other body of water, shall be construed as following such shoreline and, in the event of change in a shoreline, shall be construed as following the actual shoreline
- F. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts, and
- G. Where physical or cultural features existing on the ground vary from those shown on the official zoning map, or in other circumstances where the zoning boundary is unclear, the Zoning Administrator shall interpret the district boundaries with appeal to the Zoning Board of Appeals.

SECTION 305 NEWLY ANNEXED TERRITORY

From the date of annexation until the property is zoned to a permanent zoning classification, annexed property will be zoned as an interim Agricultural district.

SECTION 306 LANDS NOT ZONED

Any lands which do not fall under a zoning district on the official zoning map, whether through error, omission, exposure of bottomlands, or otherwise, will be zoned as an interim Agricultural district.

DIVISION 2: BASE ZONING DISTRICTS

PURPOSE

The purpose of this division is to establish districts that divide the township into various agricultural, residential, commercial, and industrial zones. Each district establishes uses that are permitted “as of right,” conditionally, and as a special land use. This division also includes dimensional requirements (setback, minimum acreage, width, etc.) for each district.

SECTION 310

Reserved.

SECTION 311 USE REGULATIONS

A. Generally

No use is permitted unless it is listed as a permitted use, a conditional use, or a special land use in the respective zoning district. Additional uses permitted in some or all zoning districts are identified in Article 7, Supplemental Use Regulations. Permitted accessory uses are set forth and regulated in § 611 Accessory Uses and Structures of this ordinance.

B. Uses Not Mentioned

Except as may otherwise be permitted by interpretation under § 311.D. Interpretation—Materially Similar Uses of this division, a use not specifically mentioned or described by category in a specific zoning district or permitted by Article 7, Supplemental Use Regulations of this ordinance, is prohibited.

C. Uses Preempted by State Statute

Notwithstanding any provision of this ordinance to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is identified in any specific zoning district.

D. Interpretation—Materially Similar Uses

It is the intent of this article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a special use permit. Uses not listed as a permitted use or as a special land use are presumed to be prohibited from the applicable zoning district unless the Director of Planning shall determine that a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described.

In the event that a particular use is not listed in this ordinance, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Director of Planning shall determine in which district or districts, if any, a materially similar use exists. Should the Director of Planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Director of Planning’s decision shall be recorded in writing. Should the Director of Planning determine that a materially similar use does not exist, the matter may be referred to the Planning Commission for consideration for amendment to this ordinance to establish a specific listing for the use in question. Unless an appeal is timely filed pursuant to § 452 Interpretations by the Zoning Board of Appeals, of this ordinance, the Director of Planning’s decision is valid.

All determinations of the Director of Planning that have the effect of permitting a use not listed in this ordinance shall be recorded in writing and shall be reported to the Planning Commission at a regularly scheduled meeting. All such written determinations shall also be compiled in a separate register maintained in and kept current by the Township.

SECTION 312 DIMENSIONAL REGULATIONS AND USE CHART

The dimensional design requirements are established in each zoning district per Table 3-3, Dimensional Standards, below. Each district includes an illustration of the design regulations. To the extent that there is inconsistency between the illustration and written regulations in each district, the written regulations govern.

The uses allowed by right, by special conditions, and by special use permit are established in each zoning district per Table 3-4, Use Chart, below. Table 3-4 shows each use, its level of permission in each zoning district, and a link to any additional conditions for that specific use, if applicable. To the extent that there is inconsistency between the table and written regulations in each district, the written regulations govern.

Abbreviations used in Table 3-3 and Table 3-4 are as follows:

Zoning District Name	
R-1	(One-Family Residential)
R-2	(Two-Family Residential)
R-3	(Multiple-Family Residential)
R-R	(Rural Residential)
R-M	(Mobile Home Residential)
C-L	(Local Commercial)
C-O	(Office Commercial)
C-G	(General Commercial)
C-H	(Highway Commercial)
C-P	(Planned Shopping Center)
I-G	(General Mixed-Use Industrial Business)
I-L	(Limited Mixed-Use Industrial Business)
A	(Agricultural)
P-R	(Park – Recreation)
Level of Permission	
R	Permitted by Right
SC	Permitted by Special Conditions
SUP	Permitted by Special Use Permit
(blank)	Not Permitted

Table 3-3 Dimensional Standards	Minimum Lot or Land Use Dimensions per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setbacks (per lot in feet) Waterfront see "L" Highway Setback see "K"			Maximum Lot Coverage (All Structures)	Minimum Building Cross Section
	Zoning District	Area (in square feet)	Width (in feet)	In stories	In feet	Front	Side	Rear	Percent
R-1 (with public sewer)	15,000 (A)	100	2 ½	35	30	10	30	30%	24
R-1 (w/o public sewer)	20,000	100	2 ½	35	30	10	30	30%	24
R-2 (one family with public sewer)	12,000 (A)	80	2 ½	35	30	10	25	30%	24
R-2 (one family w/o public sewer)	15,000	100	2 ½	35	30	10	30	30%	24
R-2 (two family with public sewer)	10,000 (A)	75	2 ½	35	25	10	25	30%	24
R-2 (two family w/o public sewer)	13,500	80	2 ½	35	30	10	30	30%	24
R-3	(B)	70 (C)	3	40	25	(N)	20	35%	24
R-R	43,560	110	2 ½	35	30	15	35	20%	24
R-M	(D)								
C-L	10,000	70	2	28	25 (E)	(F)	30	-	24
C-O	10,000	70	2	22	25 (E)	20	30	-	24
C-G	15,000	100	-	35 (M)	40 (G)	(F)	(F)	-	24
C-H	10,000	100	-	35 (M)	50 (H)	20 (H)	30 (H)	-	24
C-P	(I)								
I-G	-	150	-	35 (M)	40 (E)	15	20	-	24
I-L	-	150	-	35 (M)	40 (E)	15	20	-	24
A	43,560 (J)	110	2 ½	35	30	20	35	20%	24
P-R	43,560	110	2 ½	35	30	20	35	20%	24

Table 3-3 - Notes to Dimensional Standards

- A. Lots in subdivisions having stubbed sewers shall be considered as having public sewer.
- B. The following Minimum Lot Area shall be required in the R-3 District:
 - One-Family 10,000 square feet for each dwelling unit.
 - Two-Family 6,000 square feet for each dwelling unit.
 - Multiple-Family 4,000 square feet for each dwelling unit.
- C. Lot widths shall be seventy (70) feet per dwelling unit for the first two (2) units, ten (10) additional feet for each of the next six (6) units and five (5) additional feet for each additional unit to a maximum required lot width of two hundred fifty (250) feet.
- D. Height, bulk, density, and area requirements for mobile home subdivisions are the same as those for the R-1 District. Such requirements for mobile home parks are set forth in § 317, Mobile Home Residential District.
- E. Front yards shall be appropriately landscaped and maintained and, except for necessary drives and walks, shall remain clear and not be used for storage, parking, loading or accessory structures.
- F. Side yards in the C-L District and side and rear yards in the C-G District shall be ten percent (10%) of the lot width and depth, respectively, but need not exceed twenty-five (25) feet each, provided that no setback shall be less than ten (10) feet.
- G. Front setbacks in the C-G District:
 - (1) Front yards shall be forty (40) feet, except when all frontage on one side of a street within a block is zoned C-G and when forty percent (40%) or more of a block has been developed with buildings, the average setback of said existing buildings shall apply.
 - (2) Setbacks along South Airport Road, north of South Airport Road between Barlow Road and the Cherryland Mall, shall be as required in the C-L District.
- H. There shall be included as an integral part of any site development within the C-H District, a strip of land fifty (50) feet or more in width on all sides which abut a residential or agricultural district, except on the side fronting on a major street or highway. This strip shall serve as a transition between the subject use and the adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the site functions except that thirty (30) feet thereof may be used for parking area. Further, the transition strip shall be occupied by plant materials or structural fences or walls, used separately or in combination. The plans and specifications for site development shall include the proposed arrangement for such plantings and structures.
- I. See § 322, C-P Planned Shopping Center, for standards, procedures, and requirements.
- J. Minimum lot area in the A-1 District:
 - (1) An agricultural operation which includes the raising and keeping of livestock for profit shall have a minimum lot area of ten (10) acres.
 - (2) Individual lot areas in recorded plats may be less than the required minimum provided the average lot size in the recorded plat is not less than the required minimum lot area of the A District and provided further that no individual lot size shall be less than seventy percent (70%) of the minimum required lot area. Provisions for reduced lot shall be stated on the recorded plat such that minimum average lot sizes shall be maintained in the event of any subsequent amendment(s) to the plat. Not more than ten percent (10%) of the total lots in a plat shall contain less than the required minimum lot area.
- K. A supplemental highway setback, parallel to the right-of-way of US-31, shall apply to all parcels located outside a subdivision or plat of record. Such supplemental highway setback shall be equal to one hundred (100) feet from the centerline of the right-of-way. All minimum yard requirements, established in § 312 Dimensional Regulations of this article, shall apply in addition to the supplemental highway setback.
- L. 50-foot waterfront setback for single-family residences from Boardman Lake and Silver Lake water mark. Also see § 534 and § 535.
- M. Also see § 614 Height Exceptions.
- N. The following Minimum Side Yard Setbacks for Zoning District R-3 shall be:
 - One-Family 10 feet.
 - Two-Family 15 feet.
 - Multiple-Family 20 feet.

Table 3-4 Use Chart

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Adult Foster Care, Family Home	R	R	R	R	R								R		
Adult Foster Care, Small Group Home	SUP	SUP	SUP	SUP									SUP		§ 708
Adult Foster Care, Large Group Home			SUP			R	R	R	R				SUP		§ 709
Adult Foster Care Facility			SUP			SUP	SUP	SC	SUP						§ 710
Airport or Airfield													SUP		
Auditorium or Assembly Hall								R	R	R					
Bar, Tavern, or Night Club								R	R	R					
Bed and Breakfast			SUP	SUP									SUP		§ 713
Boarding Residence			SUP												§ 714
Business College or Trade School								R			SC	SC			
Campground or Travel Trailer Park									SUP				SUP	SUP	§ 716
Car Wash								SUP			SUP	SUP			§ 717
Catering Establishment											R	R			
Cemetery	R	R	R	R									R		
Child Care, Family Home (<7)	SC	SC	SC	SC	R								SC		§ 718
Child Care, Small Group Home (7-12)	SC	SC	SC	SC									SC		§ 719
Child Care Center			SUP		SUP	SUP	SUP	SC	SUP				SUP		§ 720
Commercial District Housing Development								SUP	SUP	R					§ 725
Contractor's Establishment											R	R			
Crematorium											SUP	SUP			§ 727
Data Center and Computer Operations											R	R			
Drive-In Business								SUP	R	R					§ 730
Drive-Through Business								SUP	R	R					§ 730
Dry Cleaning Plant											SC	SC			
Dwelling, Single Family	R	R	R	R									R		
Dwelling, Two-Family		R	R												
Dwelling, Multiple Family			SUP												
Essential Service Facility, Major	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	§ 737.B
Essential Service Facility, Minor	R	R	R	R	R	R	R	R	R	R	R	R	R	R	§ 737.A
Farm Employees House													SC		
Farm Market													R		
Farm Operation													R		
Financial Institution, with Drive-Through						SUP	SUP	SC	R	R					§ 730

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Financial Institution, without Drive-Through						R	R	R	R	R					
Game or Hunting Preserve, Commercial													SUP		
Gasoline Service Station						SUP		SC	SC		SUP	SUP			§ 748
Golf Course or Country Club	SC	SC	SC	SC									SUP		§ 749
Greenhouse, Commercial													SUP		
Home Industry													R		
Home Occupation	R	R	R	R									R		§ 612
Hospital								R	R	R					
Hotel or Motel								SC	SC	R					§ 750
Incinerator												SUP	SUP		
Indoor Entertainment Center								R	SC	R	R	R			§ 751
Institutional Uses and Structures	SUP	SUP	SUP	SUP		SUP	SUP	SC	SUP		SUP	SUP	SUP		§ 752
Junk Yard												SUP			§ 753
Keeping of Chickens, Personal	SC	SC	SC	SC											§ 754.A
Keeping of Farm Animals													R		
Keeping of Horses, Personal				SC									SC		§ 754.B
Kennel								R			R		SUP		§ 755
Live-Work Unit							R			R	R	R			
Livestock Auction Yard													SUP		
Lumber Processing and Sawmill											R	R	SUP		§ 756
Manufacturing, Heavy												R			
Manufacturing, Light											R	R			
Marina						R		R							
Mechanical Amusement Arcade								R	R		SUP				
Medical Marihuana Cultivation Facility											SC	SC			§ 757
Medical Marihuana Residential Cultivation	SC	SC	SC	SC									SC		§ 758
Medical Office, Clinic						R	R	R	R	R					
Medical Office, Surgical Center							R	R	R	R					
Metal Plating, Buffering, and Polishing												SUP			
Mobile Home					R										
Mobile Home Park					SC										§ 759
Mobile Home Subdivision					SC										
Mortuary or Funeral Home			SC			SUP		SC			SUP				§ 760
Office						R	R	R	R	R	SUP				
Off-Site Parking						R	SC	R			SUP	SUP			

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Open Space Preservation	SC	SC	SC	SC											§ 428
Outdoor Entertainment Center, Major												SUP	SUP		§ 761
Outdoor Entertainment Center, Minor								R							
Outdoor Sales, Major								SC	SC		SUP				§ 762.A
Outdoor Sales, Minor								SC	SC						§ 762.B
Outdoor Sales, Temporary						SC		SC	SC						§ 762.C
Outdoor Storage, Accessory Use	SC	SC	SC	SC											§ 613.A (4)
Outdoor Storage, Primary Use											SC	SC			§ 763
Park, Mini	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Park, Neighborhood	R	R	R	R							R	R	R	R	
Park, Community - Low Intensity														R	
Park, Community - High Intensity														SUP	
Passenger Terminal								R	R		R	R			§ 764
Pet Grooming Establishment							R	R			R		R		
Pet Shop						SC		SC		R	SUP				§ 765
Printing or Publishing Enterprise											R	R			
Processing Operation											SUP	SUP			
Professional Showroom							R								
Professional Studio							R	R		R	SUP				
Recreational Facility								R	SC	R	R	R			
Recreational Field Complex	SC	SC	SC	SC									SUP		§ 767
Recycling Facility												SUP			
Rehabilitation Center							R								
Research and Design Facility							R				SC	SC			
Restaurant, with Drive-Through								SUP	R	R					§ 768; § 730
Restaurant, without Drive-Through						SC		R	R	R					§ 768
Retail Fabricator								SUP							§ 769
Retail, Industrial Accessory											R	R			§ 611
Retail, Industrial Primary											SUP				§ 770
Retail, Low Volume						R		R	R	R					
Retail, Medium Volume								R	R	R					
Retail, High Volume								SUP	R	R					
Roadside Stand													R		
Sale of Prefabricated Structures								SUP							
Sand or Gravel Pit, Quarry												SUP	SUP		§ 771
Service Establishment, Business						SC		R	R	R					§ 772
Service Establishment, Personal						R	R	R	R	R					

Use Name	R-1	R-2	R-3	R-R	R-M	C-L	C-O	C-G	C-H	C-P	I-G	I-L	A	P-R	Conditions
Sexually Oriented Businesses								SC							§ 640
Shopping Center, General								SUP							
Shopping Center, Local						SUP		SC							
Small Warehousing Establishment											R	R			
Solar Energy System, Accessory	R	R	R	R	R	R	R	R	R	R	R	R	R	R	§ 773.A
Solar Energy System, Primary	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	§ 773.B
Stormwater Containment, Non-Agricultural													SC		§ 774
Swimming Pool, Private	SC	SC	SC	SC											§ 776
Transportation Dispatch Center											R	R			
Truck or Rail Freight Terminal											SUP	SUP			
Vehicle Dealership, with Outdoor Sales								SC	SC		SUP				§ 762
Vehicle Dealership, without Outdoor Sales								R	SC		SC				
Vehicle Service Center, Major								R	R		R	R			
Vehicle Service Center, Minor								R	R		SUP	SUP			
Veterinary Hospital						SC	SC	SC	R		R		SUP		
Warehouse or Distribution Center											R	R			
Warehouse or Distribution Center, Hazardous Materials												SUP			§ 777
Waterfront Stairways and Landings	SC	SC	SC	SC											§ 778
Wholesaler								SC			R	R			§ 779
Wind Energy Conversion System						SUP		SUP			SUP	SUP	SUP		§ 780
Wind Energy Conversion System, Personal	SUP	SUP	SUP	SUP	SUP								SC		§ 781
Wireless Communication Facilities								SUP	SUP		SUP	SUP	SUP		§ 792

SECTION 313 R-1 (ONE FAMILY RESIDENTIAL)

PURPOSE – The R-1 (One Family Residential) districts provide areas for low to medium density one family residential dwelling units. The districts include areas of existing one family developments as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the township with less intensive development moving outward towards the more rural and remote areas of the township. The R-1 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and parks that will promote a sense of community and urban vitality.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Essential Service Facility, Minor – § 737.A
- (5) Home Occupation
- (6) Park, Mini
- (7) Park, Neighborhood
- (8) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Golf Course or Country Club – § 749
- (4) Keeping of Chickens, Personal – § 754.A
- (5) Medical Marihuana Residential Cultivation – § 758
- (6) Open Space Preservation – § 428
- (7) Outdoor Storage, Accessory Use – § 613.A (4)
- (8) Recreational Field Complex – § 767
- (9) Swimming Pool, Private – § 776
- (10) Waterfront Stairways and Landings – § 778

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home – § 708
- (2) Essential Service Facility, Major – § 737.B
- (3) Institutional Uses and Structures – § 752
- (4) Solar Energy System, Primary – § 773.B
- (5) Wind Energy Conversion System, Personal – § 781

D. ADDITIONAL STANDARDS:

- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years from date of issuance of a land use permit or one (1) year from the date of occupancy whichever occurs last.

E. DIMENSIONAL STANDARDS (Per Dwelling Unit):

Minimum Lot Area (A):

- With Public Sewer: 15,000 sq. ft.
- Without Public Sewer: 20,000 sq. ft.

Notes to Dimensional Standards:

- (A) Lots in subdivisions having stubbed sewers shall be considered as having public sewer.
- (B) Setbacks shall be measured from the furthest protruding point of structure.

Minimum Lot Width:

100 feet

Maximum Building Height:

- In Stories: 2 ½ stories
- In Feet: 35 feet

Minimum Yard Setbacks (B):

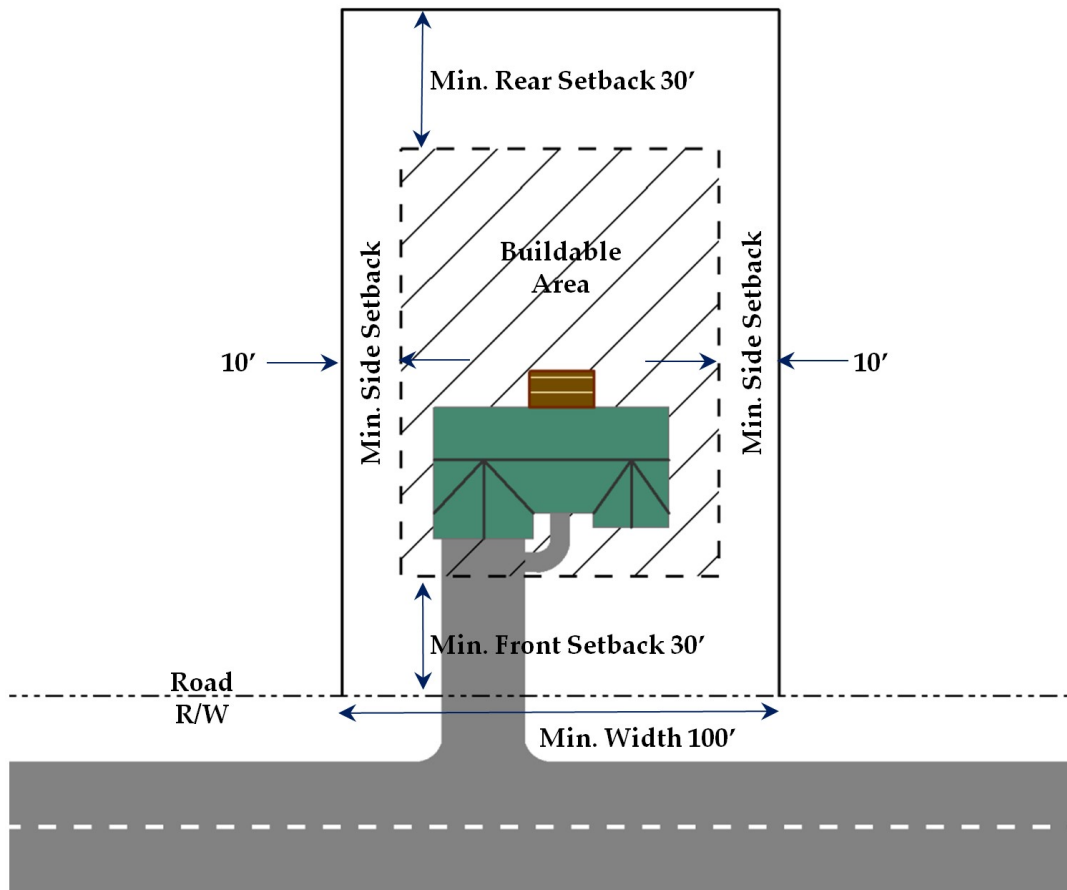
- Front: 30 feet
- Each Side: 10 feet
- Rear: 30 feet

Maximum Lot Coverage:

30 percent

Minimum Bldg. Cross Section:

24 feet



Not to scale. To be used for illustrative purposes only

SECTION 314 R-2 (ONE AND TWO FAMILY RESIDENTIAL)

PURPOSE – The R-2 (One and Two Family Residential) districts provide areas for medium density one- and two-family residential dwelling units in and near to the developed core areas of the township. The districts include areas of existing one- and two-family developments as well as areas within which such development appears likely and desirable. The R-2 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, places of worship and parks. They provide a range of housing choices and promote a sense of community, urban vitality, and the efficient provision of infrastructure.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Dwelling, Two-Family
- (5) Essential Service Facility, Minor – § 737.A
- (6) Home Occupation
- (7) Park, Mini
- (8) Park, Neighborhood
- (9) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Golf Course or Country Club – § 749
- (4) Keeping of Chickens, Personal – § 754.A
- (5) Medical Marihuana Residential Cultivation – § 758
- (6) Open Space Preservation – § 428
- (7) Outdoor Storage, Accessory Use – § 613.A (4)
- (8) Recreational Field Complex – § 767
- (9) Swimming Pool, Private – § 776
- (10) Waterfront Stairways and Landings – § 778

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home – § 708
- (2) Essential Service Facility, Major – § 737.B
- (3) Institutional Uses and Structures – § 752
- (4) Solar Energy System, Primary – § 773.B
- (5) Wind Energy Conversion System, Personal – § 781

D. ADDITIONAL STANDARDS:

- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years from date of issuance of a land use permit or one (1) year from the date of occupancy whichever occurs last.

E. DIMENSIONAL STANDARDS (Per Dwelling Unit):

Minimum Lot Area (A):

- 1- Family w/ Public Sewer 12,000 sq. ft.
- 1- Family w/o Public Sewer 15,000 sq. ft.
- 2-Family w/ Public Sewer 10,000 sq. ft.
- 2-Family w/o Public Sewer 13,500 sq. ft.

Minimum Lot Width:

- 1- Family w/ Public Sewer 80 feet
- 1- Family w/o Public Sewer 100 feet
- 2-Family w/ Public Sewer 75 feet
- 2-Family w/o Public Sewer 80 feet

Maximum Building Height:

- In Stories: 2 ½ stories
- In Feet: 35 feet

Minimum Yard Setbacks (B) (Front/Side/Rear):

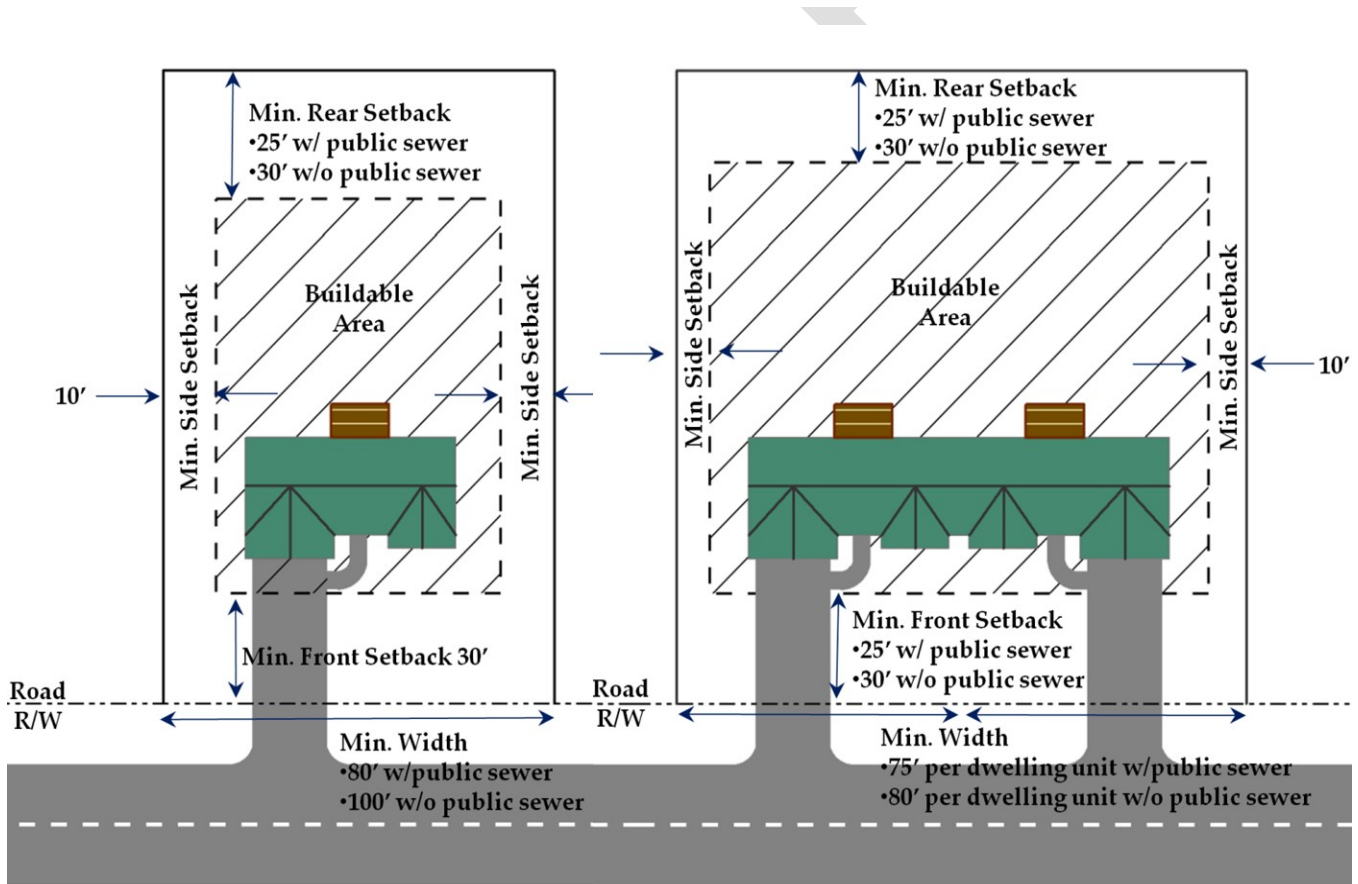
- 1- Family w/ Public Sewer 30'/10'/25'
- 1- Family w/o Public Sewer 30'/10'/30'
- 2-Family w/ Public Sewer 25'/10'/25'
- 2-Family w/o Public Sewer 30'/10'/30'

Maximum Lot Coverage: 30 percent

Minimum Bldg. Cross Section: 24 feet

Notes to Dimensional Standards:

- (A) Lots in subdivisions having stubbed sewers shall be considered as having public sewer.
- (B) Setbacks shall be measured from the furthest protruding point of structure.



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SECTION 315 R-3 (MULTIPLE FAMILY RESIDENTIAL)

PURPOSE – The R-3 (Multiple Family Residential) districts provide areas for medium to high density one and two family residential dwelling units mixed with a variety of multiple family residential dwelling types, including apartments and group housing, where adequate public facilities and services exist with capacity to serve such development. The districts are composed mainly of areas containing an existing mix of these dwelling types as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the township. The R-3 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, places of worship and parks that will promote a sense of community, urban vitality and the efficient provision of infrastructure. R-3 district regulations are designed to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development to preserve environmentally sensitive and natural land areas.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Dwelling, Two Family
- (5) Essential Service Facility, Minor – § 737.A
- (6) Home Occupation
- (7) Park, Mini
- (8) Park, Neighborhood
- (9) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Golf Course or Country Club – § 749
- (4) Keeping of Chickens, Personal – § 754.A
- (5) Medical Marijuana Residential Cultivation – § 758
- (6) Mortuary or Funeral Home – § 760
- (7) Open Space Preservation – § 428

D. ADDITIONAL STANDARDS:

- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years from date of issuance of a land use permit or one (1) year from the date of occupancy whichever occurs last.
- (3) Uses permitted by Special Use Permit in the R-3 District shall provide a minimum of 300-square feet of open space per dwelling unit. Required open space shall be consolidated and contiguous to the greatest extent reasonably possible to provide usable park-like areas. Structures shall be adjoined by open space areas on at least one side.

- (8) Outdoor Storage, Accessory Use – § 613.A (4)
- (9) Recreational Field Complex – § 767
- (10) Swimming Pool, Private – § 776
- (11) Waterfront Stairways and Landings – § 778

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home – § 708
- (2) Adult Foster Care, Large Group Home – § 709
- (3) Adult Foster Care Facility – § 710
- (4) Bed and Breakfast – § 713
- (5) Boarding Residence – § 714
- (6) Child Care Center – § 720
- (7) Dwelling, Multiple Family
- (8) Essential Service Facility, Major – § 737.B
- (9) Institutional Uses and Structures – § 752
- (10) Solar Energy System, Primary – § 773.B
- (11) Wind Energy Conversion System, Personal – § 781

E. DIMENSIONAL STANDARDS (Per Dwelling Unit):

Minimum Lot Area:

- One-Family: 10,000 sq. ft.
- Two-Family: 6,000 sq. ft.
- Multi-Family: 4,000 sq. ft.

Minimum Lot Width:

- Seventy (70) feet per dwelling unit for the first two (2) units, ten (10) additional feet for each of the next six (6) units and five (5) additional feet for each additional unit to a maximum of two hundred fifty (250) feet.

Maximum Building Height:

- In Stories: 3 stories
- In Feet: 40 feet (See section 341)

Minimum Yard Setbacks (A):

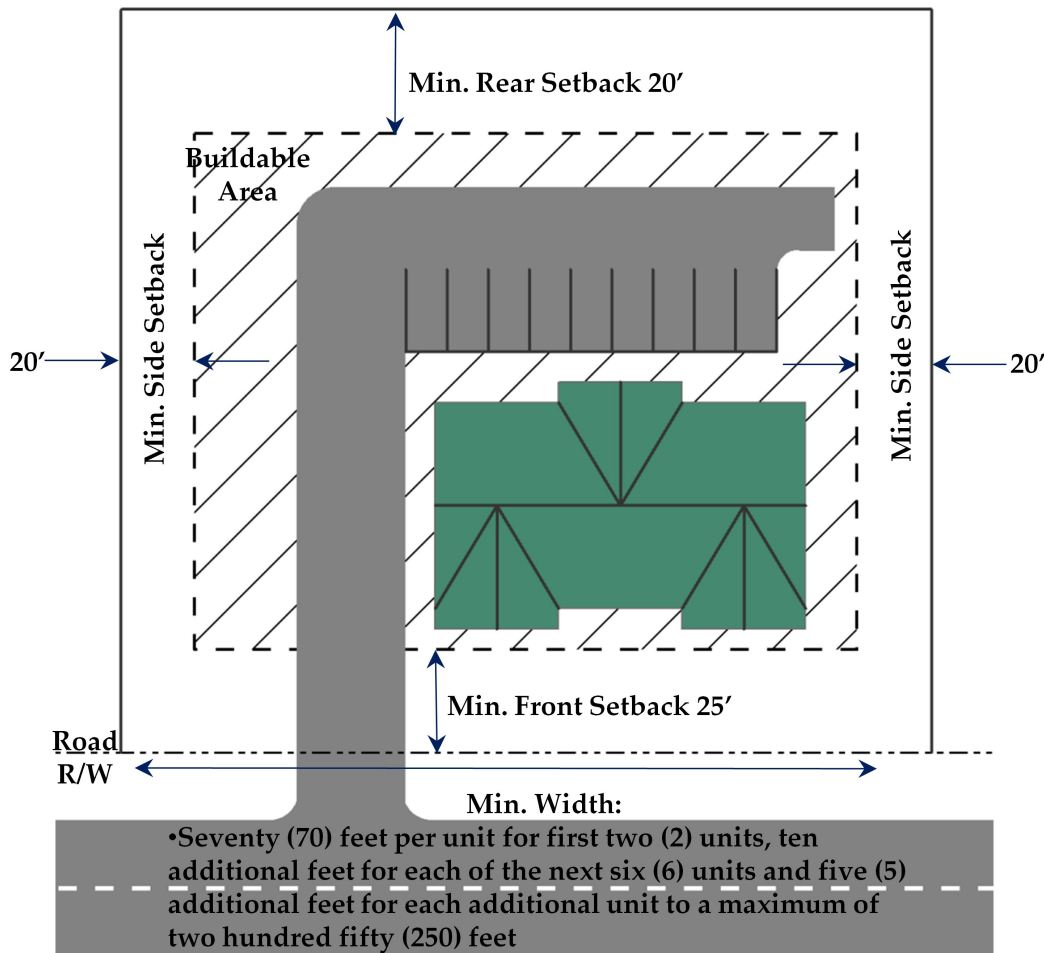
- Front: 25 feet
- Each Side (One-Family): 10 feet
- Each Side (Two-Family): 15 feet
- Each Side (Multi-Family): 20 feet
- Rear: 20 feet

Maximum Lot Coverage: 35 %

Minimum Bldg. Cross Section: 24 feet

Notes to Dimensional Standards:

(A) Setbacks shall be measured from the furthest protruding point of structure.



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SECTION 316 R-R (RURAL RESIDENTIAL)

PURPOSE – The R-R (Rural Residential) districts provide areas for predominantly low density one family residential dwelling units that will harmonize with the natural resource capabilities of the Township. The districts are intended to be semi-rural in character and include areas of the Township where: (1) public water and sewer facilities are not now available and are likely to remain without services indefinitely; and (2) natural resources and environmental conditions, such as hillsides, scenic areas, wetlands and shorelands, tend to make more intensive types of urbanized development destructive to environmental values.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Essential Service Facility, Minor – § 737.A
- (5) Home Occupation
- (6) Park, Mini
- (7) Park, Neighborhood
- (8) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Golf Course or Country Club – § 749
- (4) Keeping of Chickens, Personal – § 754.A
- (5) Keeping of Horses, Personal – § 754.B
- (6) Medical Marihuana Residential Cultivation – § 758
- (7) Open Space Preservation – § 428
- (8) Outdoor Storage, Accessory Use – § 613.A (4)
- (9) Recreational Field Complex – § 767
- (10) Swimming Pool, Private – § 776
- (11) Waterfront Stairways and Landings – § 778

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home – § 708
- (2) Bed and Breakfast – § 713
- (3) Essential Service Facility, Major – § 737.B
- (4) Institutional Uses and Structures – § 752
- (5) Solar Energy System, Primary – § 773.B
- (6) Wind Energy Conversion System, Personal – § 781

D. ADDITIONAL STANDARDS:

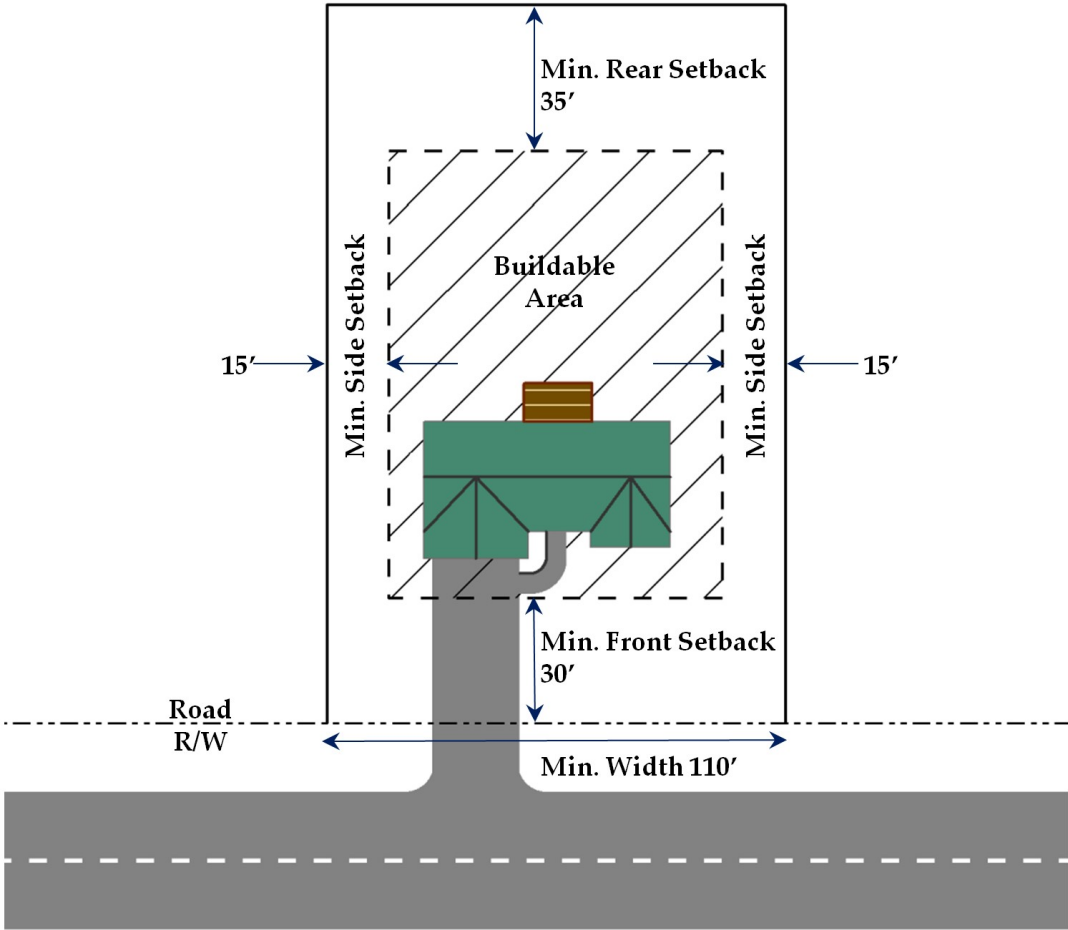
- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years from date of issuance of a land use permit or one (1) year from the date of occupancy whichever occurs last.

E. DIMENSIONAL STANDARDS (Per Dwelling Unit):

Minimum Lot Area (A):	43,560 sq. ft.
Minimum Lot Width:	110 feet
Maximum Building Height:	
• In Stories:	2 ½ stories
• In Feet:	35 feet

Notes to Dimensional Standards:
 (A) Lots in subdivisions having stubbed sewers shall be considered as having public sewer.
 (B) Setbacks shall be measured from the furthest protruding point of structure.

Minimum Yard Setbacks (B):	
• Front:	30 feet
• Each Side:	15 feet
• Rear:	35 feet
Maximum Lot Coverage:	20 percent
Minimum Bldg. Cross Section:	24 feet



Not to scale. To be used for illustrative purposes only

SECTION 317 R-M (MOBILE HOME RESIDENTIAL)

PURPOSE – The R-M (Mobile Home Residential) districts provide areas for mobile home subdivisions and mobile home parks. The districts include areas of existing developments as well as areas proposed and approved for such development. They are intended to encourage medium to high density mobile home subdivisions and mobile home park developments where adequate public facilities and services exist with capacity to serve such development. The R-M districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses facilities that will support and promote a sense of community.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Essential Service Facility, Minor – § 737.A
- (4) Mobile Home
- (5) Park, Mini
- (6) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Mobile Home Park – § 759
- (2) Mobile Home Subdivision

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Child Care Center – § 720
- (2) Essential Service Facility, Major – § 737.B
- (3) Solar Energy System, Primary – § 773.B
- (4) Wind Energy Conversion System, Personal – § 781

D. ADDITIONAL STANDARDS:

(Reserved)

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SECTION 318 C-L LOCAL COMMERCIAL

PURPOSE – The C-L (Local Commercial) districts provide nodal areas for convenient, day-to-day retail shopping and service facilities, servicing persons in the adjacent residential areas and designed in scale with surrounding residential uses. The districts include areas of existing commercial use as well as areas proposed and approved for such development. Due to their local service nature, C-L districts are likely to be stand alone, or small collective sites located to minimize impact upon the surrounding residential areas. C-L district regulations are designed to protect abutting and surrounding residential areas by requiring certain minimum yard and area standards which are compatible to those called for in the residential districts. These districts are also intended to reduce automobile trips by permitting a limited group of commercial uses to be located near residential areas.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Large Group Home – § 709
- (2) Essential Service Facility, Minor – § 737.A
- (3) Financial Institution, without Drive-Through
- (4) Marina
- (5) Medical Office, Clinic
- (6) Off-Site Parking
- (7) Office
- (8) Park, Mini
- (9) Retail, Low Volume
- (10) Service Establishment, Personal
- (11) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Outdoor Sales, Temporary – § 762.C
- (2) Pet Shop – § 765
- (3) Restaurant, without Drive-Through – § 768
- (4) Service Establishment, Business – § 772
- (5) Veterinary Hospital

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care Facility – § 710
- (2) Child Care Center – § 720
- (3) Essential Service Facility, Major – § 737.B
- (4) Financial Institution, with Drive-Through – § 730
- (5) Gasoline Service Station – § 748
- (6) Institutional Uses and Structures – § 752
- (7) Mortuary or Funeral Home – § 760
- (8) Shopping Center, Local
- (9) Solar Energy System, Primary – § 773.B
- (10) Wind Energy Conversion System – § 780

D. DIMENSIONAL STANDARDS:

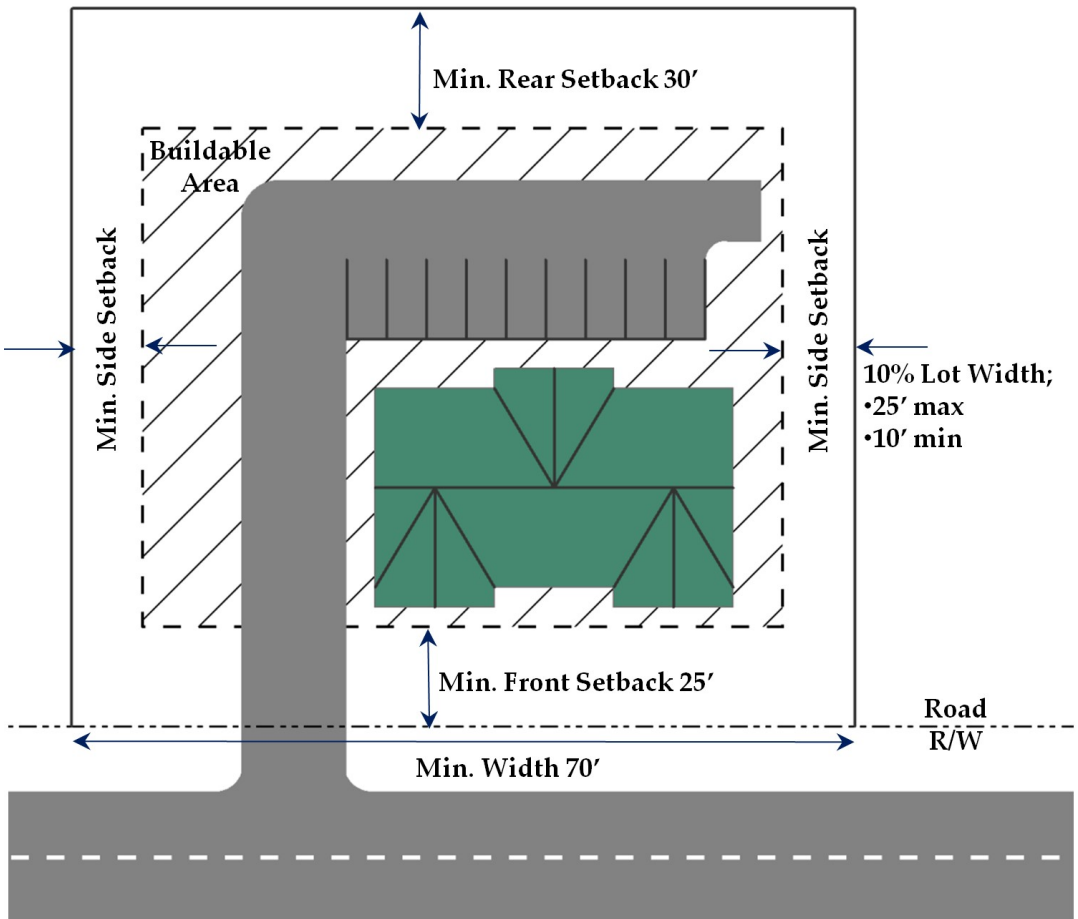
Minimum Lot Area:	10,000 sq. ft.
Minimum Lot Width:	70 feet
Maximum Building Height:	
• In Stories:	2 stories
• In Feet:	28 feet
Minimum Yard Setbacks (C):	
• Front:	25 feet (A)
• Each Side:	(B)
• Rear:	30 feet
Maximum Lot Coverage:	-
Minimum Bldg. Cross Section:	24 feet

Notes to Dimensional Standards:

(A) Front yards shall be appropriately landscaped and maintained, and, except for necessary drives and walks, shall remain clear and not be used for storage, parking, loading or accessory structures.

(B) Side yards in the C-L District shall be ten percent (10%) of the lot width but need not exceed twenty-five (25) feet each, provided that no setback shall be less than ten (10) feet.

(C) Setbacks shall be measured from the furthest protruding point of structure.



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SECTION 319 C-O OFFICE COMMERCIAL

PURPOSE – C-O (Office Commercial) districts provide areas for service-oriented enterprises and institutions having relatively low traffic generation. The districts include areas of existing office developments as well as areas within which such development appears likely and desirable. They are intended to facilitate the support and expansion of local business, while serving as a buffer between residential areas and more intensive commercial areas. The C-O districts are primarily restricted to office and ancillary uses that do not have peak weeknight or weekend usage to provide an orderly transition and buffers between uses.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Large Group Home – § 709
- (2) Essential Service Facility, Minor – § 737.A
- (3) Financial Institution, without Drive-Through
- (4) Live-Work Unit
- (5) Medical Office, Clinic
- (6) Medical Office, Surgical Center
- (7) Office
- (8) Park, Mini
- (9) Pet Grooming Establishment
- (10) Professional Showroom
- (11) Professional Studio
- (12) Rehabilitation Center
- (13) Research and Design Facility
- (14) Service Establishment, Personal
- (15) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Off-Site Parking
- (2) Veterinary Hospital

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care Facility – § 710
- (2) Child Care Center – § 720
- (3) Essential Service Facility, Major – § 737.B
- (4) Financial Institution, with Drive-Through – § 730
- (5) Institutional Uses and Structures – § 752
- (6) Solar Energy System, Primary – § 773.B

D. DIMENSIONAL STANDARDS:

Minimum Lot Area: 10,000 sq. ft.

Minimum Lot Width: 70 feet

Maximum Building Height:

- In Stories: 2 stories
- In Feet: 22 feet

Minimum Yard Setbacks (B):

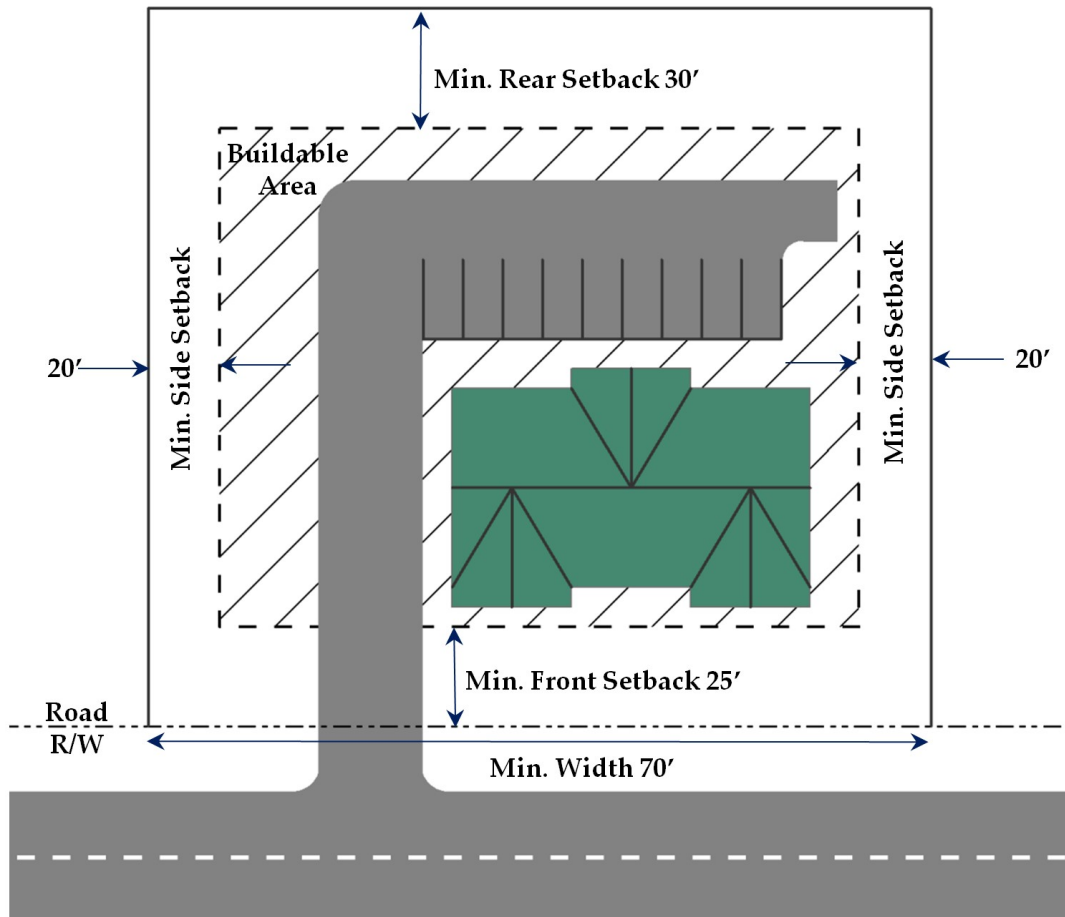
- Front: 25 feet (A)
- Each Side: 20
- Rear: 30 feet

Maximum Lot Coverage: -

Minimum Bldg. Cross Section: 24 feet

Notes to Dimensional Standards:

- (A) Front yards shall be appropriately landscaped and maintained, and, except for necessary drives and walks, shall remain clear and not be used for storage, parking, loading or accessory structures.
- (B) Setbacks shall be measured from the furthest protruding point of structure.



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SECTION 320 C-G GENERAL COMMERCIAL

PURPOSE – The C-G (General Commercial) districts provide areas for a broad range of commercial activities and services designed to cater to the needs of a large consumer base. The districts include areas of existing commercial developments as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive commercial development in and near the core areas of the township. The C-G districts are designed to support diversification of the economic base that is compatible in use, character, and size to the site and the surrounding areas. The C-G districts generally allow for the same uses as the C-L Local Commercial districts as well as permitting several additional uses.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Large Group Home – § 709
- (2) Auditorium or Assembly Hall
- (3) Bar, Tavern, or Night Club
- (4) Business College or Trade School
- (5) Essential Service Facility, Minor – § 737.A
- (6) Financial Institution, without Drive-Through
- (7) Hospital
- (8) Indoor Entertainment Center – § 751
- (9) Kennel – § 755
- (10) Marina
- (11) Mechanical Amusement Arcade
- (12) Medical Office, Clinic
- (13) Medical Office, Surgical Center
- (14) Off-Site Parking
- (15) Office
- (16) Outdoor Entertainment Center, Minor
- (17) Park, Mini
- (18) Passenger Terminal – § 764
- (19) Pet Grooming Establishment
- (20) Professional Studio
- (21) Recreational Facility – § 766
- (22) Restaurant, without Drive-Through – § 768
- (23) Retail, Low Volume
- (24) Retail, Medium Volume
- (25) Service Establishment, Business – § 772
- (26) Service Establishment, Personal
- (27) Solar Energy System, Accessory – § 773.A
- (28) Vehicle Dealership, without Outdoor Sales
- (29) Vehicle Service Center, Major
- (30) Vehicle Service Center, Minor

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Foster Care Facility – § 710
- (2) Child Care Center – § 720
- (3) Financial Institution, with Drive-Through – § 730
- (4) Gasoline Service Station – § 748
- (5) Hotel or Motel – § 750
- (6) Institutional Uses and Structures – § 752
- (7) Mortuary or Funeral Home – § 760
- (8) Outdoor Sales, Major – § 762.A
- (9) Outdoor Sales, Minor – § 762.B
- (10) Outdoor Sales, Temporary – § 762.C
- (11) Pet Shop – § 765
- (12) Sexually Oriented Businesses – § 640
- (13) Shopping Center, Local
- (14) Vehicle Dealership, with Outdoor Sales – § 762
- (15) Veterinary Hospital
- (16) Wholesaler – § 779

C. USES PERMITTED BY SPECIAL USE PERMIT:

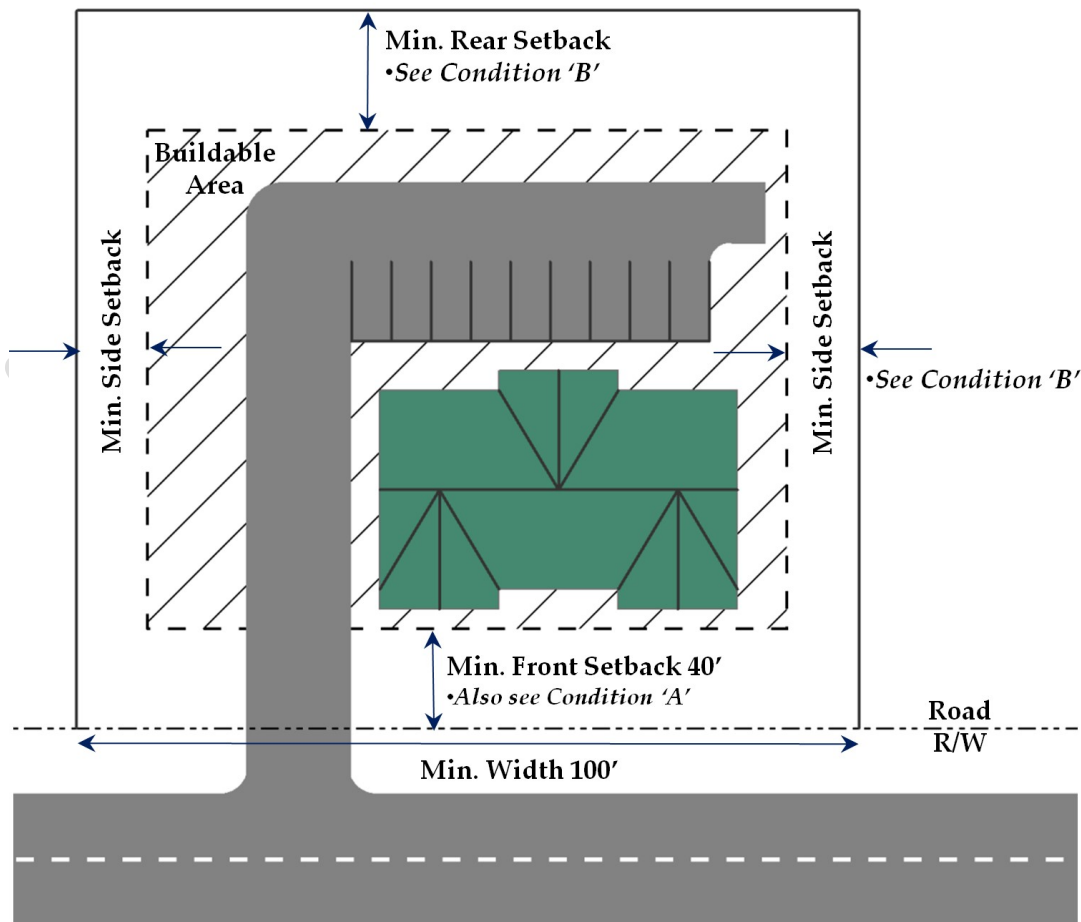
- (1) Car Wash – § 717
- (2) Commercial District Housing Development – § 725
- (3) Drive-In Business – § 730
- (4) Drive-Through Business – § 730
- (5) Essential Service Facility, Major – § 737.B
- (6) Restaurant, with Drive-Through – § 768 & § 730
- (7) Retail Fabricator – § 769
- (8) Retail, High Volume
- (9) Sale of Prefabricated Structures
- (10) Shopping Center, General
- (11) Solar Energy System, Primary – § 773.B
- (12) Wind Energy Conversion System – § 780
- (13) Wireless Communication Facilities – § 792

D. DIMENSIONAL STANDARDS:

Minimum Lot Area:	15,000 sq. ft.
Minimum Lot Width:	100 feet
Maximum Building Height:	
• In Stories:	-
• In Feet:	35 feet
Minimum Yard Setbacks (C):	
• Front:	40 feet (A)
• Each Side:	(B)
• Rear:	(B)
Maximum Lot Coverage:	-
Minimum Bldg. Cross Section:	24 feet

Notes to Dimensional Standards:

- (A) Front setbacks in the C-G District:
- i. Front yards shall be forty (40) feet, except when all frontage on one side of a street within a block is zoned C-G and when forty percent (40%) or more of a block has been developed with buildings, the average setback of said existing buildings shall apply.
 - ii. Setbacks along South Airport Road, north of South Airport Road between Barlow Road and the Cherryland Mall, shall be as required in the C-L District.
- (B) Side and rear yards in the C-G District shall be ten percent (10%) of the lot width and depth, respectively, but need not exceed twenty-five (25) feet each, provided that no setback shall be less than ten (10) feet.
- (C) Setbacks shall be measured from the furthest protruding point of structure.



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SECTION 321 C-H HIGHWAY COMMERCIAL

PURPOSE – The C-H (Highway Commercial) districts provide areas for retail business and service activities that generate a considerable amount of traffic and may be appropriately developed on an arterial or major collector road. The districts include areas of existing commercial development as well as areas within which such development appears likely and desirable. They are intended to encourage appropriate automobile-oriented development on and near the arterial and major collector streets of the Township. The C-H district regulations are designed to minimize the undesirable effects of commercial strip development, avoid undue congestion on major highways and at major intersections, and to encourage cross-access and shared access between commercial properties via service drives.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Large Group Home – § 709
- (2) Auditorium or Assembly Hall
- (3) Bar, Tavern, or Night Club
- (4) Drive-In Business – § 730
- (5) Drive-Through Business – § 730
- (6) Essential Service Facility, Minor – § 737.A
- (7) Financial Institution, with Drive-Through – § 730
- (8) Financial Institution, without Drive-Through
- (9) Hospital
- (10) Mechanical Amusement Arcade
- (11) Medical Office, Clinic
- (12) Medical Office, Surgical Center
- (13) Office
- (14) Park, Mini
- (15) Passenger Terminal – § 764
- (16) Restaurant, with Drive-Through – § 768 & § 730
- (17) Restaurant, without Drive-Through – § 768
- (18) Retail, Low Volume
- (19) Retail, Medium Volume
- (20) Retail, High Volume
- (21) Service Establishment, Business – § 772
- (22) Service Establishment, Personal
- (23) Solar Energy System, Accessory – § 773.A
- (24) Vehicle Service Center, Major
- (25) Vehicle Service Center, Minor
- (26) Veterinary Hospital

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Gasoline Service Stations – § 748
- (2) Hotel or Motel – § 750
- (3) Indoor Entertainment Center – § 751
- (4) Outdoor Sales, Major – § 762.A
- (5) Outdoor Sales, Minor – § 762.B
- (6) Outdoor Sales, Temporary – § 762.C
- (7) Recreational Facility
- (8) Vehicle Dealership, with Outdoor Sales – § 762
- (9) Vehicle Dealership, without Outdoor Sales

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care Facility – § 710
- (2) Campground or Travel Trailer Park – § 716
- (3) Child Care Center – § 720
- (4) Commercial District Housing Development – § 725
- (5) Essential Service Facility, Major – § 737.B
- (6) Institutional Uses and Structures – § 752
- (7) Solar Energy System, Primary – § 773.B
- (8) Wireless Communication Facilities – § 792

D. SITE DEVELOPMENT REQUIREMENTS

(1) General

Applications for development within the C-H district shall be reviewed by the Planning Commission for compliance with Article 4, § 424 - Site Plans and Article 5 – Development Standards.

(2) External Access

All site plan proposals submitted under the requirements of the Highway Commercial District shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles other than stated herein shall be permitted to a minor or residential street. All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two streets. When a Highway Commercial District is located adjoining or within one-half (½) mile of an existing or proposed state or interstate limited access highway interchange, the Planning Commission shall determine that an acceptable traffic safety relationship exists between the owner's or lessee's site plan and the design of the state or interstate facility. The proposed site development within the Highway Commercial District shall not be so located and designed so that unsafe traffic congestion results on the interchange facilities of the limited access highway.

(3) Transition Strips

A fifty (50) foot wide strip of land shall be provided on any side of a C-H District which abuts a residential or agricultural zone. This strip shall serve as a transition between the subject use and the adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the site functions except that thirty (30) feet thereof may be used for parking area. The transition strip shall be occupied by plant materials or structural fences or walls, used separately or in combination. The plans and specifications for site development shall include the proposed arrangement for such plantings and structures.

(4) Service Roads

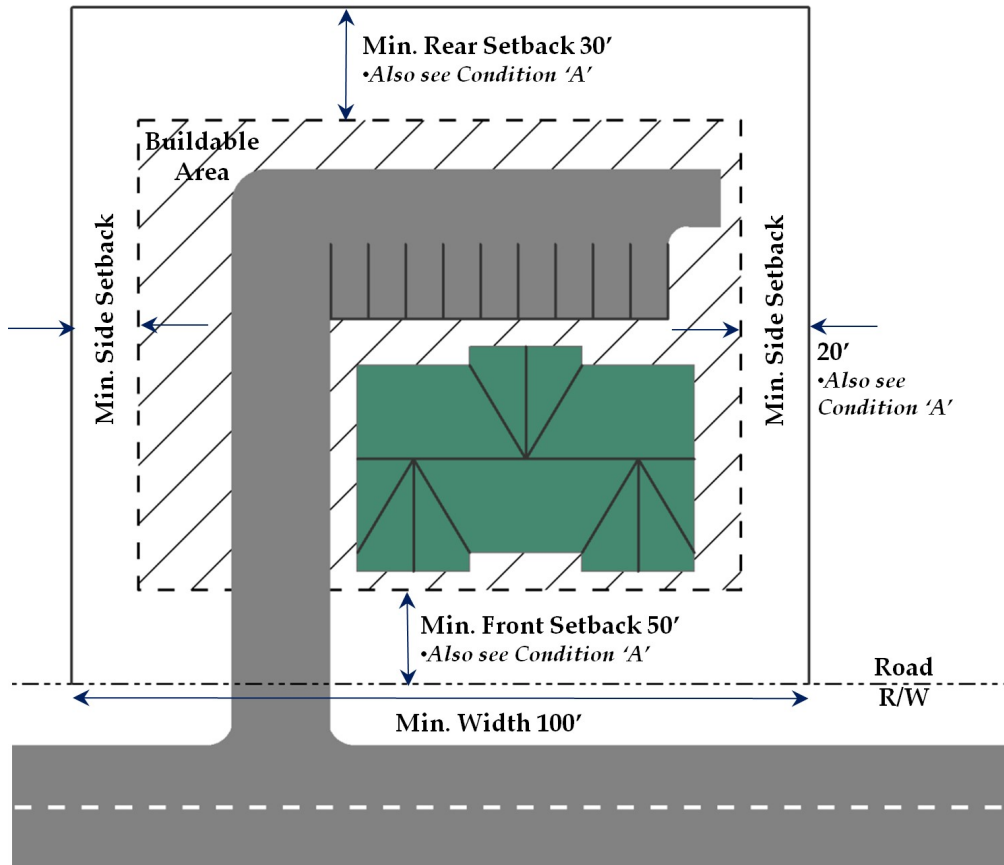
In order to achieve a well-planned center, the Planning Commission may require access to the business facilities from an interior service road at least twenty-four (24) feet wide which shall be established in order to provide the major means of access to the planned commercial area. The site plan layout shall be such that access to commercial center parking lots shall be from the interior road and not from the major thoroughfare. In those instances where the Planning Commission finds that an extensive number of ingress or egress points may occur with relation to major thoroughfares, they may require roads twenty-four (24) feet width paralleling said thoroughfare and, in addition, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without re-entering the public thoroughfare.

E. DIMENSIONAL STANDARDS:

Minimum Lot Area:	10,000 sq. ft.
Minimum Lot Width:	100 feet
Maximum Building Height:	-
• In Stories:	-
• In Feet:	35 feet
Minimum Yard Setbacks (B):	
• Front:	50 feet (A)
• Each Side:	20 feet (A)
• Rear:	30 feet (A)
Maximum Lot Coverage:	N/A
Minimum Bldg. Cross Section:	24 feet

Notes to Dimensional Standards:

- (A) There shall be included as an integral part of any site development within the C-H District, a strip of land fifty (50) feet or more in width on all sides which abut a residential or agricultural district, except on the side fronting on a major street or highway. This strip shall serve as a transition between the subject use and the adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the site functions except that thirty (30) feet thereof may be used for parking area. Further, the transition strip shall be occupied by plant materials or structural fences or walls, used separately or in combination. The plans and specifications for site development shall include the proposed arrangement for such plantings and structures.
- (B) Setbacks shall be measured from the furthest protruding point of structure.



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SECTION 322 C-P PLANNED SHOPPING CENTER

PURPOSE – It is the intent of the C-P (Planned Shopping) Districts to recognize the various areas of our community that have been developed in a grouped retail setting with department store anchors and expansive parking areas. These planned centers are typically located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. This section recognizes the transition from antiquated development patterns and encourages multi-use, multi-story, infill development of the parking areas to create a more pedestrian-friendly, mixed-use area. Multi-story structures are encouraged.

A. USES PERMITTED BY RIGHT:

- (1) Auditorium or Assembly Hall
- (2) Bar, Tavern, or Night Club
- (3) Commercial District Housing Development – § 725
- (4) Drive-In Business – § 730
- (5) Drive-Through Business – § 730
- (6) Essential Service Facility, Minor – § 737.A
- (7) Financial Institution, with Drive-Through – § 730
- (8) Financial Institution, without Drive-Through
- (9) Hospital
- (10) Hotel or Motel – § 750
- (11) Indoor Entertainment Center – § 751
- (12) Live-Work Unit
- (13) Medical Office, Clinic
- (14) Medical Office, Surgical Center
- (15) Office
- (16) Park, Mini
- (17) Pet Shop – § 765
- (18) Professional Studio
- (19) Recreational Facility – § 766
- (20) Restaurant, with Drive-Through – § 768 & § 730
- (21) Restaurant, without Drive-Through – § 768
- (22) Retail, Low Volume
- (23) Retail, Medium Volume
- (24) Retail, High Volume
- (25) Service Establishment, Business – § 772
- (26) Service Establishment, Personal
- (27) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Essential Service Facility, Major – § 737.B
- (2) Solar Energy System, Primary – § 773.B

C. DIMENSIONAL STANDARDS:

Minimum Lot Area: 15,000 sf

Minimum Lot Width: 60 ft

Maximum Building Height:

• In Stories: 4

• In Feet: 50 ft

Maximum Yard Setbacks (B)(C)(D):

• **Front:** 10 ft (30 ft)

• **Minimum Yard Setback (C)(D):**

Each Side: 10 ft (30 ft)

Rear: 30 ft

Notes to Dimensional Standards:

(A) Any structure proposed over 25 feet in height shall file a 7460-1 form with the FAA. If at any time the FAA restricts a structure to a lesser height than the district maximum, the FAA restriction shall prevail and made a condition of any approval.

(B) Setbacks shall be measured from the furthest protruding point of structure.

(C) A fifty (50) foot wide vegetative strip of land shall be provided on any side of a C-P District which abuts a residential or agricultural zone.

(D) For lots at the periphery of the Shopping Center that do not abut a residential or agricultural zone, refer to setback distances in parentheses.

D. SITE DEVELOPMENT REQUIREMENTS

(1) General

Applications for development, re-development, or infill development within the C-P District shall be reviewed by the Planning Commission for compliance with Article 4, § 424 - Site Plans and Article 5 – Development Standards. A comprehensive development plan may be required for the entire center to establish an approved development pattern within the District.

(2) External Access

All site plan proposals submitted under the requirements of the C-P Planned Shopping District shall provide for the proper handling of traffic and pedestrians throughout the site. The site plan shall limit ingress and egress along major thoroughfares and access properties by way of internal service drives and pedestrian walkways.

(3) Internal Pedestrian Circulation

a. Sidewalks shall be constructed within the interior of the development to link buildings with other destinations, such as, but not limited to, other buildings, parking, adjoining streets, and adjoining sidewalks.

b. All internal sidewalks shall be constructed of raised concrete, measuring no less than five (5) feet in width and six (6) inches in height to provide safe walkways by separating motorized from non-motorized transportation.

c. Clearly marked pedestrian crossing areas shall be demarcated at all pedestrian crossings.

(4) Non-Motorized Pathways

Public pathways shall be constructed for all new development, re-developments, and amendments to previously approved site development plans, including substantial additions or improvements to existing buildings with a construction cost of twenty-thousand dollars (\$20,000.00) or more within a twelve (12) month period.

- a. Non-motorized pathways may be constructed within the public street right-of-way or upon private property subject to an appropriate public access easement being recorded.
- b. All reasonable effort shall be made to avoid cutting trees when placing the pathway.

(5) Building Placement

Buildings shall be placed in a manner that encourages pedestrian circulation and connectivity among the various out lots and internal uses.

- a. All buildings shall be located adjacent to a curbed internal roadway with the prominent building wall facing the roadway or access drive.
- b. Buildings fronting an internal roadway or access drive shall be accessible by pedestrian walkways.

(6) Vegetative Transition Strip

- a. A fifty (50) foot wide vegetative strip of land shall be provided on any side of a C-P District which abuts a residential or agricultural zone. This strip shall serve as a pervious transition between the subject use and the adjacent uses, both existing and future. The transition strip shall be occupied by plant materials with a combination of structural fences or walls appropriately located to minimize noise and maximize aesthetics for neighboring properties.
- b. The plans and specifications for site development shall include the proposed arrangement for such plantings and structures as required by Sections 530 and 531.

(7) Service Drives

- a. In order to achieve a well-planned center, the Planning Commission may require access to the business facilities from an interior service drive which shall be established in order to provide the major means of access to the planned commercial area.
- b. The site plan layout shall be such that access to commercial center parking lots shall be from the interior drive and not from the major thoroughfare.

(8) Prohibited Outdoor Storage

The following are prohibited:

- a. The storage of inventory in areas designated for uses such as walking, parking, vehicular travel, green space, landscape buffer, or stormwater retention and snow storage area.
- b. The parking of vehicles, trailers, inventory, or car ramps for the purpose of advertising or business identification in parking areas or adjacent to any roadway.

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SECTION 323 I-G GENERAL MIXED-USE INDUSTRIAL BUSINESS

PURPOSE – The intent of the General Mixed Use Industrial Business (I-G) District is to remain primarily industrial in nature while allowing a limited number of non-industrial uses that are envisioned as accessory or complimentary to existing and future industrial uses of the districts. Non-industrial uses of property within these districts are subject to industrial impacts from adjacent parcels including, but not limited to, noise, dust, and vibrations.

A. USES PERMITTED BY RIGHT:

- (1) Catering Establishment
- (2) Contractor's Establishment
- (3) Data Center and Computer Operations
- (4) Essential Service Facility, Minor – § 737.A
- (5) Indoor Entertainment Center – § 751
- (6) Kennel – § 755
- (7) Live-Work Unit
- (8) Lumber Processing and Sawmill – § 756
- (9) Manufacturing, Light
- (10) Park, Mini
- (11) Park, Neighborhood
- (12) Passenger Terminal – § 764
- (13) Pet Grooming Establishment
- (14) Printing or Publishing Enterprise
- (13) Recreational Facility – § 766
- (14) Retail, Industrial Accessory – § 611
- (15) Small Warehousing Establishment
- (16) Solar Energy System, Accessory – § 773.A
- (17) Transportation Dispatch Center
- (18) Vehicle Service Center, Major
- (19) Veterinary Hospital
- (20) Warehouse or Distribution Center
- (21) Wholesaler – § 779

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Business College or Trade School
- (2) Dry Cleaning Plant
- (3) Medical Marihuana Cultivation Facility – § 757
- (4) Outdoor Storage, Primary Use – § 763
- (5) Research and Design Facility
- (6) Vehicle Dealership, without Outdoor Sales

C. USES PERMITTED BY SPECIAL USE PERMIT:

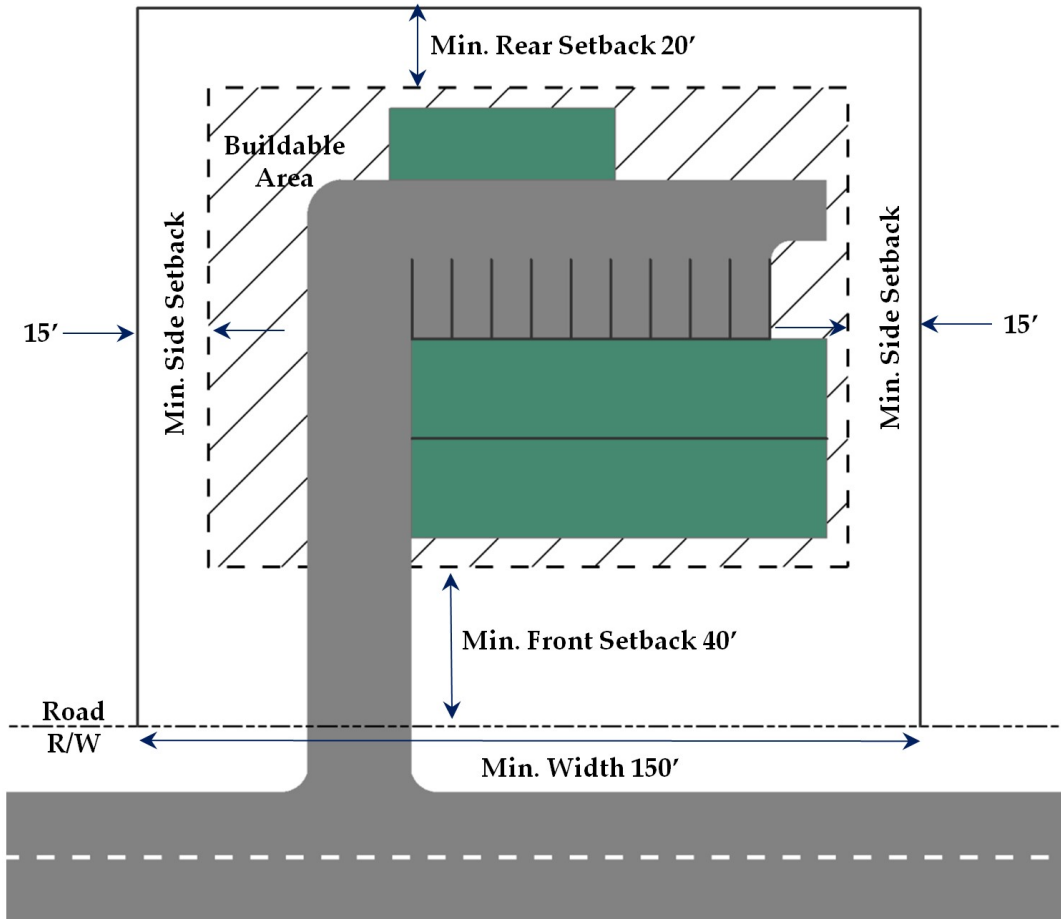
- (1) Car Wash – § 717
- (2) Crematorium – § 727
- (3) Essential Service Facility, Major – § 737.B
- (4) Gasoline Service Station – § 748
- (5) Institutional Uses and Structures – § 752
- (6) Mechanical Amusement Arcades
- (7) Mortuary or Funeral Home – § 760
- (8) Office
- (9) Off-Site Parking
- (10) Outdoor Sales, Major – § 762.A
- (11) Pet Shop – § 765
- (12) Processing Operation
- (13) Professional Studio
- (14) Retail, Industrial Primary – § 770
- (15) Solar Energy System, Primary – § 773.B
- (16) Truck or Rail Freight Terminal
- (17) Vehicle Dealership, with Outdoor Sales – § 762
- (18) Vehicle Service Center, Minor
- (19) Wind Energy Conversion System – § 780
- (20) Wireless Communication Facilities – § 792

D. DIMENSIONAL STANDARDS:

Minimum Lot Area:	N/A
Minimum Lot Width:	150 feet
Maximum Building Height:	
• In Stories:	-
• In Feet:	35 feet
Minimum Yard Setbacks (B):	
• Front:	40 feet (A)
• Each Side:	15 feet
• Rear:	20 feet
Maximum Lot Coverage:	N/A
Minimum Bldg. Cross Section:	24 feet

Notes to Dimensional Standards:

- (A) Front yards shall be appropriately landscaped and maintained, and, except for necessary drives and walks, shall remain clear and not be used for storage, parking, loading or accessory structures.
- (B) Setbacks shall be measured from the furthest protruding point of structure.



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E. ADDITIONAL STANDARDS:

In addition to the following requirements, all principal permitted uses and special land uses shall comply with all applicable provisions of this ordinance, including but not limited to bulk, density, lighting, landscaping, parking, and setbacks.

- (1) Uses, including outdoor storage, in this District shall conform to the following standards:
 - (a) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions
 - (b) Discharge no radioactive materials that exceed quantities established by the U.S. Bureau of Standards
 - (c) Does not include, in the manufacturing process, any production or storage of any material designed for use as an explosive, nor the use of any such material in production
- (2) Yards in this District shall conform to the following standards:
 - (a) Except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, or accessory structures. Side and rear yards, except for any landscaping buffer as required elsewhere in this ordinance, may be used for parking and loading.
 - (b) The side or rear yard may be eliminated where a railroad service to the site is obtained or may be obtained at the edge of the lot.
 - (c) When the side or rear yard areas abut land within a residential district and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished fence. Alternatively, the Zoning Administrator may approve the use of landscaping treatment, together with or in place of a fence or wall that will provide equal or better screening of the yard areas used for these purposes.
- (3) The Planning Commission, through an application for special use permit approval, shall have the authority to modify the use requirements listed in subsections F(1) and F(2) above based upon appropriate findings of fact that:
 - (a) The proposed modification is appropriate for the site, compatible with surrounding land uses, and necessary for the reasonable use of the parcel, and
 - (b) The proposed modification is, in the determination of the Planning Commission, the minimum necessary to ensure the reasonable use of the parcel while remaining compatible with surrounding land uses.
- (4) Potential Impacts on Neighboring Properties. By nature, a number of uses permitted in the district commonly generate industrial side effects that may be physically perceived on surrounding properties. To help ensure compatibility between adjacent properties, proposed site plans shall be designed to limit the impact of fumes, gases, noise, smoke, dust, heat, glare, and vibrations that may project beyond the boundary of the subject property. Prior to approval of a use that may reasonably be expected to generate perceptible impacts on neighboring properties, a finding shall be made by the reviewing body that reasonable attempts, in consideration of generally acceptable industrial impacts and the character of the site and surrounding area, have been made to limit these impacts.

- (5) Nonconformities. In addition to the standards of Article 8 of this Ordinance, the following standards shall apply within this District. In the case of conflict with the standards of Article 8, the following standards shall prevail.
- (a) Any use or structure that legally existed on the date of adoption of this ordinance shall be permitted to continue, including necessary maintenance of any structure. In the instance of an event beyond the control of a landowner necessitating the replacement of a portion or the entirety of a nonconforming structure, such replacement shall be recognized for the purpose of this district to be permitted by right provided all requirements governing a non-conforming use or structure, including applicable Zoning Board of Appeals procedures, are deemed to be satisfied.
 - (b) Expansion of Legal Existing Use. An existing use lawfully established prior to the adoption of this Ordinance shall be permitted to expand, subject to review in accordance with any applicable Site Plan Review standards, and only to the extent of the property boundaries as established as of the effective date of this Ordinance. Any Special Use review criteria that would otherwise be required for the establishment of a new use may be waived in whole or in part by the Director of Planning.
 - (c) Change in Use of Legal Existing Structure. Where a use is proposed to be established within an existing lawfully built structure and where no physical site modifications to the exterior of the site will be made, the Site Plan Review standards of § 424 may be waived in whole or in part by the Director of Planning. However, if the proposed use is identified as a Special Use within the District, then the establishment of such use shall be subject to review in accordance with the Special Use Permit review standards of § 423, Special Use Permits.
- (6) Conflicting Review Requirements for Development Approval. Where a proposal includes more than one on-site use, with one or more use(s) permitted by-right and the other(s) requiring Special Use review, all uses permitted by-right may be administratively approved prior to the applicant obtaining Planning Commission approval for uses requiring a Special Use Permit. In such a case, the by-right portion of the site shall be designed in a manner that facilitates the independent function of the by-right use(s), including any required access drives, parking, and non-motorized facilities.

SECTION 324 I-L LIMITED MIXED-USE INDUSTRIAL BUSINESS

PURPOSE – The intent of the Limited Mixed Use Industrial Business (I-L) District is to remain highly industrial in nature while allowing a limited number of non-industrial uses that are envisioned as accessory or complimentary to existing and future industrial uses of the districts. Non-industrial uses of property within these districts are subject to industrial impacts from adjacent parcels including, but not limited to, noise, dust, and vibrations. The Planning Commission will attempt to limit these adverse impacts when considering development applications.

A. USES PERMITTED BY RIGHT:

- (1) Catering Establishment
- (2) Contractor’s Establishment
- (3) Data Center and Computer Operations
- (4) Essential Service Facility, Minor – § 737.A
- (5) Indoor Entertainment Center – § 751
- (6) Live-Work Unit
- (7) Lumber Processing and Sawmill – § 756
- (8) Manufacturing, Heavy
- (9) Manufacturing, Light
- (10) Park, Mini
- (11) Park, Neighborhood
- (12) Passenger Terminal – § 764
- (13) Printing or Publishing Enterprise
- (14) Recreational Facility – § 766
- (15) Retail, Industrial Accessory – § 611
- (16) Small Warehousing Establishment
- (17) Solar Energy System, Accessory – § 773.A
- (18) Transportation Dispatch Center
- (19) Vehicle Service Center, Major
- (20) Warehouse or Distribution Center
- (21) Wholesaler – § 779

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Business College or Trade School
- (2) Dry Cleaning Plant
- (3) Medical Marihuana Cultivation Facility – § 757
- (4) Outdoor Storage, Primary Use – § 763
- (5) Research and Design Facility

C. USES PERMITTED BY SPECIAL USE PERMIT:

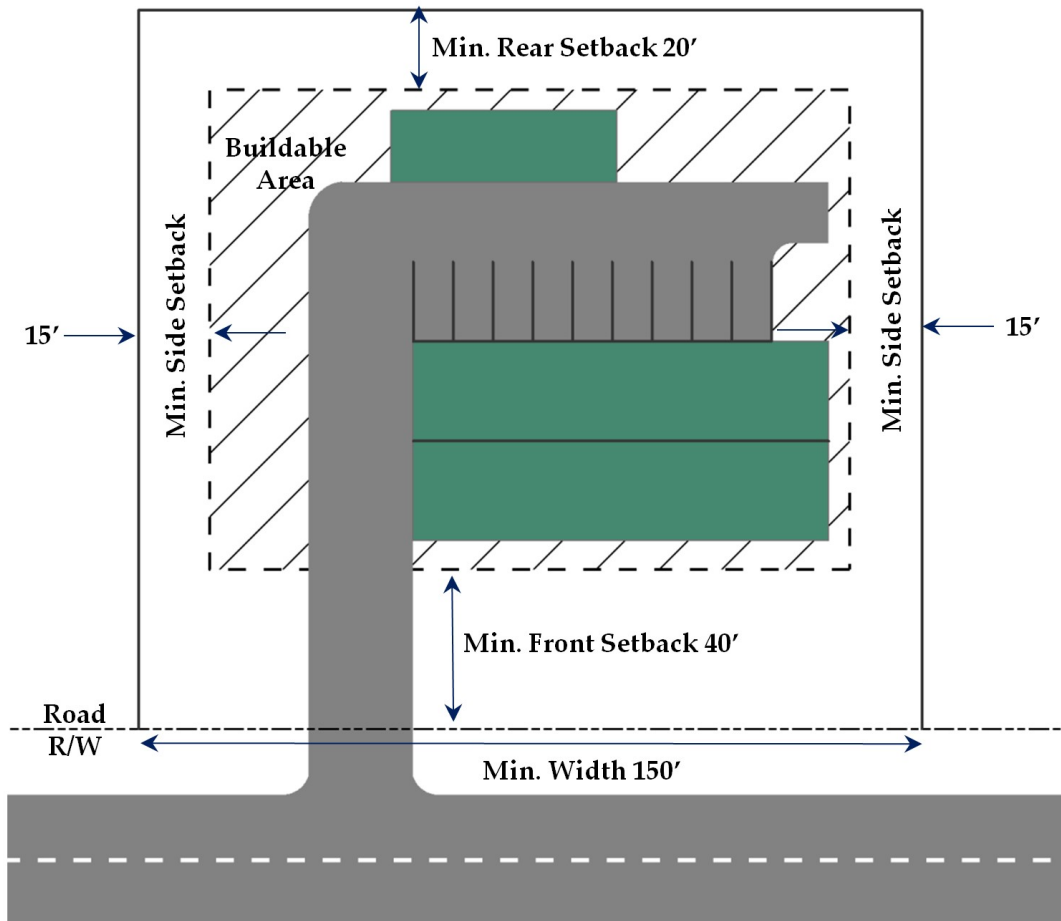
- (1) Car Wash – § 717
- (2) Crematorium – § 727
- (3) Essential Service Facility, Major – § 737.B
- (4) Gasoline Service Station – § 748
- (5) Incinerator
- (6) Institutional Uses and Structures – § 752
- (7) Junk Yard – § 753
- (8) Metal Plating, Buffering, and Polishing
- (9) Off-Site Parking
- (10) Outdoor Entertainment Center, Major – § 761
- (11) Processing Operation
- (12) Recycling Facility
- (13) Sand or Gravel Pit, Quarry – § 771
- (14) Solar Energy System, Primary – § 773.B
- (15) Truck or Rail Freight Terminal
- (16) Vehicle Service Center, Minor
- (17) Warehouse or Distribution Center, Hazardous Materials – § 777
- (18) Wind Energy Conversion System – § 780
- (19) Wireless Communication Facility – § 792

D. DIMENSIONAL STANDARDS:

Minimum Lot Area:	N/A
Minimum Lot Width:	150 feet
Maximum Building Height:	
• In Stories:	-
• In Feet:	35 feet
Minimum Yard Setbacks (B):	
• Front:	40 feet (A)
• Each Side:	15 feet
• Rear:	20 feet
Maximum Lot Coverage:	N/A
Minimum Bldg. Cross Section:	24 feet

Notes to Dimensional Standards:

- (A) Front yards shall be appropriately landscaped and maintained, and, except for necessary drives and walks, shall remain clear and not be used for storage, parking, loading or accessory structures.
- (B) Setbacks shall be measured from the furthest protruding point of structure.



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E. ADDITIONAL STANDARDS:

In addition to the following requirements, all principal permitted uses and special land uses shall comply with all applicable provisions of this ordinance, including but not limited to bulk, density, lighting, landscaping, parking, and setbacks.

- (1) Uses, including outdoor storage, in this District shall conform to the following standards:
 - (a) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions
 - (b) Discharge no radioactive materials that exceed quantities established by the U.S. Bureau of Standards
 - (c) Does not include, in the manufacturing process, any production or storage of any material designed for use as an explosive, nor the use of any such material in production

- (2) Yards in this District shall conform to the following standards:
 - (a) Except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, or accessory structures. Side and rear yards, except for any landscaping buffer as required elsewhere in this ordinance, may be used for parking and loading.
 - (b) The side or rear yard may be eliminated where a railroad service to the site is obtained or may be obtained at the edge of the lot.
 - (c) When the side or rear yard areas abut land within a residential district and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished fence. Alternatively, the Zoning Administrator may approve the use of landscaping treatment, together with or in place of a fence or wall that will provide equal or better screening of the yard areas used for these purposes.

- (3) The Planning Commission, through an application for special use permit approval, shall have the authority to modify the use requirements listed in subsections F(1) and F(2) above based upon appropriate findings of fact that:
 - (a) The proposed modification is appropriate for the site, compatible with surrounding land uses, and necessary for the reasonable use of the parcel, and
 - (b) The proposed modification is, in the determination of the Planning Commission, the minimum necessary to ensure the reasonable use of the parcel while remaining compatible with surrounding land uses.

- (4) Potential Impacts on Neighboring Properties. By nature, a number of uses permitted in the district commonly generate industrial side effects that may be physically perceived on surrounding properties. To help ensure compatibility between adjacent properties, proposed site plans shall be designed to limit the impact of fumes, gases, noise, smoke, dust, heat, glare, and vibrations that may project beyond the boundary of the subject property. Prior to approval of a use that may reasonably be expected to generate perceptible impacts on neighboring properties, a finding shall be made by the reviewing body that reasonable attempts, in consideration of generally acceptable industrial impacts and the character of the site and surrounding area, have been made to limit these impacts.

- (5) Nonconformities. In addition to the standards of Article 8 of this Ordinance, the following standards shall apply within this District. In the case of conflict with the standards of Article 8, the following standards shall prevail.
- (a) Any use or structure that legally existed on the date of adoption of this ordinance shall be permitted to continue, including necessary maintenance of any structure. In the instance of an event beyond the control of a landowner necessitating the replacement of a portion or the entirety of a nonconforming structure, such replacement shall be recognized for the purpose of this district to be permitted by right provided all requirements governing a non-conforming use or structure, including applicable Zoning Board of Appeals procedures, are deemed to be satisfied.
 - (b) Expansion of Legal Existing Use. An existing use lawfully established prior to the adoption of this Ordinance shall be permitted to expand, subject to review in accordance with any applicable Site Plan Review standards, and only to the extent of the property boundaries as established as of the effective date of this Ordinance. Any Special Use review criteria that would otherwise be required for the establishment of a new use may be waived in whole or in part by the Director of Planning.
 - (c) Change in Use of Legal Existing Structure. Where a use is proposed to be established within an existing lawfully built structure and where no physical site modifications to the exterior of the site will be made, the Site Plan Review standards of § 424 may be waived in whole or in part by the Director of Planning. However, if the proposed use is identified as a Special Use within the District, then the establishment of such use shall be subject to review in accordance with the Special Use Permit review standards of § 423, Special Use Permits.
- (6) Conflicting Review Requirements for Development Approval. Where a proposal includes more than one on-site use, with one or more use(s) permitted by-right and the other(s) requiring Special Use review, all uses permitted by-right may be administratively approved prior to the applicant obtaining Planning Commission approval for uses requiring a Special Use Permit. In such a case, the by-right portion of the site shall be designed in a manner that facilitates the independent function of the by-right use(s), including any required access drives, parking, and non-motorized facilities.

SECTION 325 A: AGRICULTURAL

PURPOSE – The A (Agricultural) districts provide areas for agricultural operations and low intensity land uses. These districts are composed primarily of unsubdivided lands that are vacant or are in agricultural use with some dwellings and accessory uses. The A districts are suitable for large tracts of open space, agricultural areas, woodlands, and fields. They are designed to promote the protection of the existing natural environment and to preserve, enhance and stabilize the essential characteristics and economical value of these areas as agricultural lands. The A districts may be used to encourage development in and near the core areas of the township by limiting the development densities of parcels less suited for intensive development. The A districts may also be used to protect natural resources and environmentally sensitive areas by preserving these areas for low intensity land uses.

A. USES PERMITTED BY RIGHT:

- (1) Adult Foster Care, Family Home
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Essential Service Facility, Minor – § 737.A
- (5) Farm Market
- (6) Farm Operation
- (7) Home Industry
- (8) Home Occupation
- (9) Keeping of Farm Animals
- (10) Park, Mini
- (11) Park, Neighborhood
- (12) Pet Grooming Establishment
- (13) Roadside Stand
- (14) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Child Care, Family Home (<7) – § 718
- (2) Child Care, Small Group Home (7-12) – § 719
- (3) Farm Employees House
- (4) Keeping of Horses, Personal – § 754.B
- (5) Medical Marihuana Residential Cultivation – § 758
- (6) Stormwater Containment, Non-Agricultural – § 774
- (7) Wind Energy Conversion System, Personal – § 781

C. USES PERMITTED BY SPECIAL USE PERMIT:

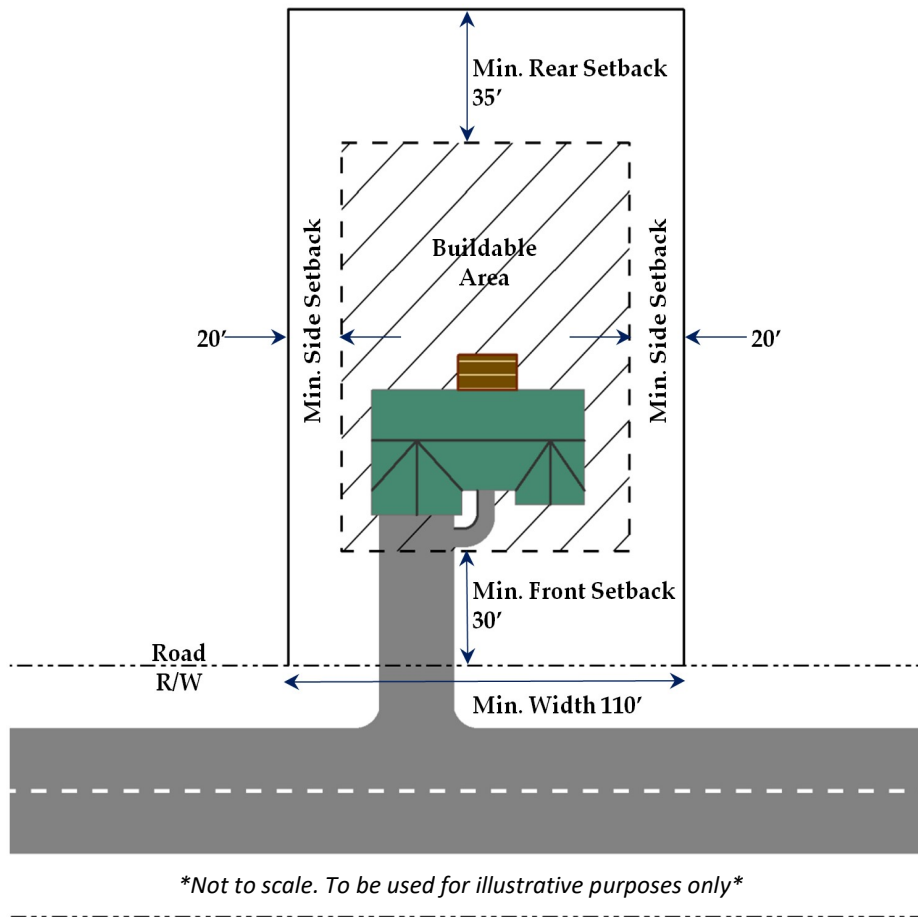
- (1) Adult Foster Care, Small Group Home – § 708
- (2) Adult Foster Care, Large Group Home – § 709
- (3) Airport or Airfield
- (4) Bed and Breakfast – § 713
- (5) Campground or Travel Trailer Park – § 716
- (6) Child Care Center – § 720
- (7) Essential Service Facility, Major – § 737.B
- (8) Game or Hunting Preserve, Commercial
- (9) Golf Course or Country Club – § 749
- (10) Greenhouse, Commercial
- (11) Incinerator
- (12) Institutional Uses and Structures – § 752
- (13) Kennel – § 755
- (14) Livestock Auction Yard
- (15) Lumber Processing and Sawmill – § 756
- (16) Outdoor Entertainment Center, Major – § 761
- (17) Recreational Field Complex – § 767
- (18) Sand or Gravel Pit, Quarry – § 771
- (19) Solar Energy System, Primary – § 773.B
- (20) Veterinary Hospital
- (21) Wind Energy Conversion System – § 780
- (22) Wireless Communication Facilities – § 792

D. DIMENSIONAL STANDARDS (Per Dwelling Unit):

Minimum Lot Area (A):	43,560 sq. ft.
Minimum Lot Width:	110 feet
Maximum Building Height:	
• In Stories:	2 ½ stories
• In Feet:	35 feet
Minimum Yard Setbacks (B):	
• Front:	30 feet
• Each Side:	20 feet
• Rear:	35 feet
Maximum Lot Coverage:	20 percent
Minimum Bldg. Cross Section:	24 feet

Notes to Dimensional Standards:

- (A) An agricultural operation which includes the raising and keeping of livestock for profit shall have a minimum lot area of ten (10) acres. Individual lot areas in recorded plats may be less than the required minimum provided the average lot size in the recorded plat is not less than the required minimum lot area of the A District and provided further that no individual lot size shall be less than seventy percent (70%) of the minimum required lot area. Provisions for reduced lot shall be stated on the recorded plat such that minimum average lot sizes shall be maintained in the event of any subsequent amendment(s) to the plat. Not more than ten percent (10%) of the total lots in a plat shall contain less than the required minimum lot area.
- (B) Setbacks shall be measured from the furthest protruding point of structure.



SECTION 330 P-R PARK AND RECREATION DISTRICT

PURPOSE AND FINDINGS. The P-R (Park and Recreation) districts provide areas for passive and active recreational facilities which are owned or operated by a municipality or other governmental entity.

A. USES PERMITTED BY RIGHT:

- (1) Essential Service Facility, Minor – § 737.A
- (2) Park, Mini
- (3) Park, Neighborhood
- (4) Park, Community – Low Intensity
- (5) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL USE PERMIT:

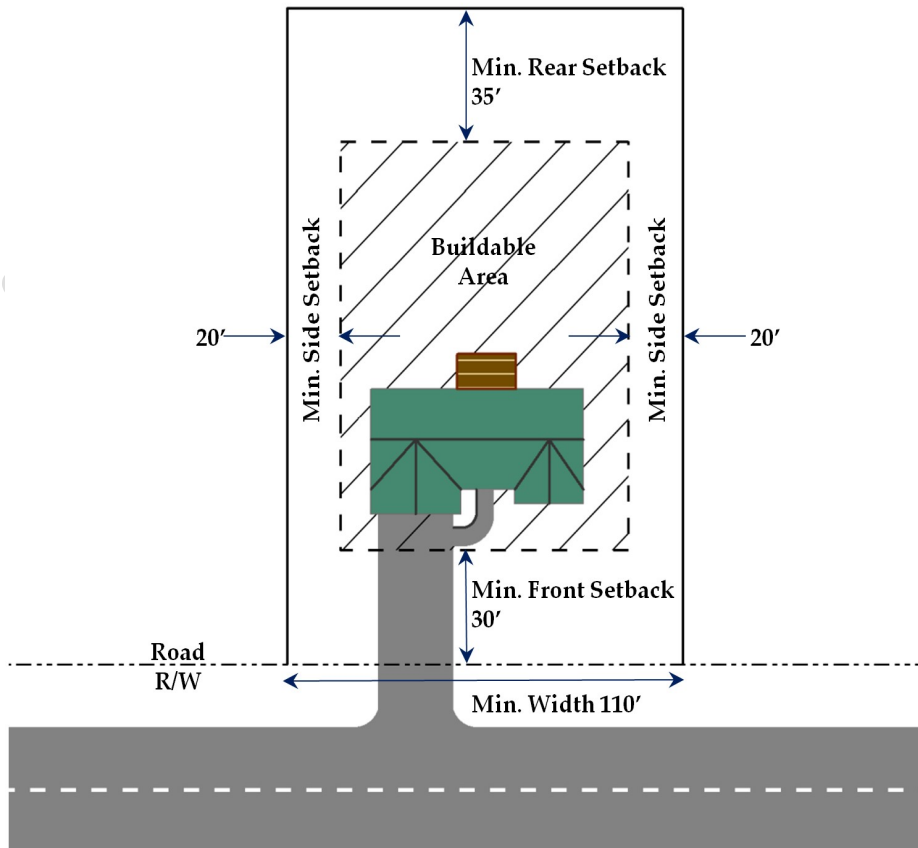
- (1) Campground or Travel Trailer Park – § 716
- (2) Essential Service Facility, Major – § 737.B
- (3) Park, Community – High Intensity
- (4) Solar Energy System, Primary – § 773.B

C. COMPREHENSIVE PARK PLAN

A Comprehensive Park Plan is not required but is encouraged to allow for efficient park development. The purpose of a Comprehensive Park Plan is to provide for the establishment of a development plan specific to the park or recreation area, including uses that are identified by Special Use Permit above and approved following the standards of §423, Special Use Permits, of this Ordinance.

D. DIMENSIONAL STANDARDS (Per Dwelling Unit):

- | | | |
|-------------------------------------|----------------|---|
| Minimum Lot Area: | 43,560 sq. ft. | |
| Minimum Lot Width: | 110 feet | (A) Setbacks shall be measured from the furthest protruding point of structure. |
| Maximum Building Height: | | |
| • In Stories: | 2 ½ stories | |
| • In Feet: | 35 feet | |
| Minimum Yard Setbacks (A): | | |
| • Front: | 30 feet | |
| • Each Side: | 20 feet | |
| • Rear: | 35 feet | |
| Maximum Lot Coverage: | 20 percent | |
| Minimum Bldg. Cross Section: | 24 feet | |



Not to scale. To be used for illustrative purposes only

SECTION 331 GTC GRAND TRAVERSE COMMONS DEVELOPMENT DISTRICT

PURPOSE:

The Grand Traverse Commons Development District is a jointly planned jurisdictional area established pursuant to the Michigan Joint Municipal Planning Act 226 of 2003, as amended.

A. JURISDICTIONAL AUTHORITY:

The jurisdictional authority for the Grand Traverse Commons Development District shall be the Grand Traverse Commons Planning Commission, established pursuant to the Joint Municipal Planning Act, MCL 125.131, et. seq., and by agreement between the City of Traverse City and the Charter Township of Garfield Township with an effective date of May 14, 2007 and approved by Chapter 1224 of the Codified Ordinances for the City of Traverse City and Section 1 of Ordinance No. 48 for the Charter Township of Garfield.

B. JURISDICTIONAL ZONING:

The Zoning Ordinance for the Grand Traverse Commons Development District shall be, upon its adoption, the *Grand Traverse Commons Development Regulations*, an ordinance intended to implement the concepts outlined in the *Grand Traverse Commons Master Plan* of 2010 as adopted per P.A. 33 of 2008, as amended, being, the Michigan Planning Enabling Act (M.C.L. 124.3801 et seq.).

In the interim, prior to adoption of the Grand Traverse Commons Development Regulations, the provisions of this Ordinance shall apply. However, the Planning Director shall have the authority to waive, modify, or otherwise exempt properties within the Grand Traverse Commons Development District from compliance with this ordinance when said authority is exercised to meet the intent of the Grand Traverse Commons District Plan.

DIVISION 3: OVERLAY ZONES

SECTION 341 Airport Overlay Zone

Notwithstanding any provisions of this Ordinance, any project located in the Airport Overlay Zone shall comply with all standards of 14 CFR Part 77, "Standards for Determining Obstructions to Air Navigation", prepared by the Department of Transportation, Federal Aviation Administration (FAA). In the event of conflict between this Ordinance and any airport zoning regulations, the limitations and requirements most conducive to airport and air travel safety shall govern.

A. Applicability

- (1) Every parcel of land which lies in whole or in part within the Airport Overlay Zone as depicted on the Official Zoning Map is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone.
- (2) The regulations of this Overlay Zone are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

B. Height Limitations:

- (1) Notwithstanding any other provisions of this Ordinance, no area of land and/or water or appurtenances thereof shall be used as to constitute an airport hazard.
- (2) No structure or vegetation shall interfere with or penetrate the critical surface zone, conical or outer horizontal surfaces without prior review and approval by the FAA and when applicable the State of Michigan Aeronautical Department.
- (3) No structure within the inner horizontal surface area shall exceed the elevation of 774 U.S.G.S.
- (4) No structure shall exceed 35 feet in height without first receiving approval by the FAA and Township.

C. Height Exemption:

- (1) Any structure permitted in the district and having a height of 35 feet or less will be allowed to penetrate any surface area and will not be subject to § 341 (B)(2).

D. Conflicting Federal or State Regulations:

- (1) The regulations of the Airport Overlay Zone are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulation Part-77), the State of Michigan (P.C. 23 of 1950 as amended by P.C. 158 of 1976), or any agencies thereof.
- (2) Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

E. Unlawful Land Uses:

- (1) It shall be unlawful to establish a use on any parcel within 3.00 miles (inner horizontal surface area) of the Airport to any use which would:
 - (a) Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by the airport or by aircraft.
 - (b) Make it difficult for aircraft pilots to distinguish between airport lights and other lights or result in glare in the eyes of aircraft pilots using the airport.

- (c) Create air pollution in such amounts as to impair the visibility of aircraft pilots in the use of the airport.
- (d) Would endanger the landing, taking off or maneuvering of aircraft.
- (e) Abnormally attract birds.
- (f) Would otherwise create an airport hazard.

F. Official Zoning Map:

- (1) Mapping of the Airport Zoning Plans also takes into account the need to protect the approaches to the Airport from incompatible land uses that would limit or adversely affect the Airport's ability to serve the communities present and future air transportation needs.
- (2) The Official Zoning Map illustrates the boundary between the inner and outer Airport Overlay Zones as indicated by official adopted documents of the Cherry Capital Airport and based on FAA standards.

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ARTICLE 7

SUPPLEMENTAL USE REGULATIONS

SECTION 700 PURPOSE

This article establishes additional standards, specific standards, exceptions to standards, or alternative standards (e.g., screening, landscaping, and/or design standards) for certain uses, structures, and facilities which may be permitted by a zoning district. To the extent that there is a conflict between a standard in another article of this ordinance and a standard in this article, the standard in this article governs unless otherwise indicated.

The purpose of this article is to provide supplemental standards for individual uses in order to protect surrounding property values and uses, to protect the public health, safety, and general welfare, and to implement the master plan.

SECTION 701 GENERAL

Unless specifically exempted, in addition to the supplemental standards of this Ordinance all signs, parking areas, landscaping, lighting and buffering shall comply with the provisions of this Zoning Ordinance.

SECTION 708 ADULT FOSTER CARE, SMALL GROUP HOME

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

SECTION 709 ADULT FOSTER CARE, LARGE GROUP HOME

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility need not be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

SECTION 710 ADULT FOSTER CARE FACILITY

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility need not be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (4) Easily accessible open space areas to encourage outdoor interaction and opportunity shall be provided.

SECTION 713 BED AND BREAKFAST

A. REGULATIONS AND CONDITIONS

- (1) The minimum lot size shall be as pursuant to the District minimum for Single Family Dwellings.
- (2) Bed & Breakfast establishments shall not be allowed on lots or parcels, including legal non-conforming lots or parcels, which do not meet the established lot size, requirements for the district in which they are allowed.

- (3) No bed and breakfast establishment shall be located closer than one thousand (1,000) feet from another bed and breakfast establishment.
- (4) One (1) parking space per rental sleeping room plus one (1) per owner occupant shall be provided.
- (5) One (1) non-illuminated wall sign identifying the establishment not to exceed three (3) square feet in area shall be allowed.
- (6) The establishment is located within a residence which is the principal dwelling unit on the property and shall be owner-occupied at all times.
- (7) The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- (8) No more than eight (8) occupants shall be accommodated in any single residence at any one time in the A Agriculture District and R-3 Multiple Family Districts and five (5) occupants in all other permitted Districts.
- (9) Use or rental of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- (10) Special land use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- (11) A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

SECTION 714 BOARDING RESIDENCE

A. REGULATIONS AND CONDITIONS

- (1) All residences shall meet all state and local health and safety codes.
- (2) No more than five (5) individuals shall be accommodated in any single residence.
- (3) Such uses shall be carried out in an inconspicuous manner so that the nature of activities related to the residence do not differ significantly from activities related to normal residential uses in the district.

SECTION 716 CAMPGROUND OR TRAVEL TRAILER PARK

A. REGULATIONS AND CONDITIONS

Site design and development shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended, and with the following requirements:

- (1) All state requirements regarding travel trailer parks shall be met.
- (2) No travel trailer park shall be located except with direct access to a major thoroughfare, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit.
- (3) No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- (4) The minimum lot area per park shall be ten (10) acres with a maximum of one hundred (100) acres.
- (5) Spaces in travel parks used by travel trailers and tents shall be rented by the day or week only. Under no circumstance shall an occupant remain in the same trailer park for a period of thirty (30) days or more in a calendar year.
- (6) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park may be permitted as accessory uses provided the following conditions can be met:

- (a) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
- (b) Such establishments shall be restricted in their use to occupants of the park.
- (c) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
- (d) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any public road highway.
- (e) Setback spaces shall be occupied by plant materials and appropriately landscaped.
- (f) The travel trailer site plan shall be subject to the review and approval of the Grand Traverse County Health Department and other applicable agencies

SECTION 717 CAR WASH

A. REGULATIONS AND CONDITIONS

- (1) All such facilities shall be connected to a public water and sewer system.
- (2) All washing activities shall be carried out within a building.
- (3) No equipment shall be located closer than one hundred (100) feet to any property zoned or used for residential purposes.

SECTION 718 CHILD CARE, FAMILY HOME (<7)

A. REGULATIONS AND CONDITIONS

- (1) Child Care, Family Homes accommodating less than seven (7) children and operated within the primary residence of the caregiver shall be considered a residential use of property and not subject to a different procedure from those required for other dwellings of similar density in the same zone
- (2) Facility shall maintain all valid state and local licenses.

SECTION 719 CHILD CARE, SMALL GROUP HOME (7-12)

A. REGULATIONS AND CONDITIONS

- (1) A Planning Commission hearing is required.
- (2) Facility shall maintain all valid state and local licenses
- (3) Facility shall be operated within the primary residence of the caregiver
- (4) All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home of no less than 4 feet in height or in accordance with State regulations.
- (5) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (6) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
- (7) The Planning Commission shall determine that the facility will be safe to enter and exit via motor vehicle. This determination may rely upon the Planning Director's recommendation, following a site inspection and, if necessary, the Planning Director's discussions with the Grand Traverse County Road Commission and/or other professional traffic impact consultant.
- (8) The Planning Commission shall determine that the site is properly designed and capable of safely accommodating the proposed facility.
- (9) The Planning Commission may deny the request if any of the following facilities exist within 1,500 feet of the subject property:

- (a) A licensed or pre-existing operating group day-care home.
- (b) An adult care small group home (1-12 adults).
- (c) An adult foster care large group home (13-20 adults).
- (d) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
- (e) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

B. PROCEDURE

- (1) Applications shall be submitted to the Planning Department for completeness review. All applications shall include sufficient site plans or site diagrams, and written information to adequately describe the application as it relates to the conditions of approval. Upon determination that the application is complete, the Planning Department shall forward the application to the Planning Commission for review.
- (2) The Planning Department shall notify the owners of all real property within 300-feet of the subject property that an application for a Child Care, Small Group Home has been received. This notice shall inform the recipient that an opportunity for public comment on the application is available but shall not be considered a public hearing for the purposes of the Michigan Zoning Enabling Act. The notice shall include a description of the proposed application, the mailing address where written comment may be sent, and the date, time, and address where the Planning Commission hearing will occur.
- (3) The Planning Commission, in its review, shall consider the standards of § 719.A as well as any public comment made in writing or made verbally at the Planning Commission's hearing. After this consideration, the Planning Commission may approve, approve with conditions, or deny the request.

SECTION 720 CHILD CARE CENTER

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses
- (2) All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
- (3) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

SECTION 725 COMMERCIAL DISTRICT HOUSING DEVELOPMENT

A. REGULATIONS AND CONDITIONS

- (1) Design.
 - (a) Multiple-family residential uses built within commercial zoning districts shall be designed to cohesively integrate with the surrounding commercial uses. For the purpose of making this determination, the Planning Commission may rely on the site design requirements and general criteria as set forth in § 427, Planned Unit Residential Developments.
 - (b) Multi-family structures shall be abutted by open space on at least one side per building.
 - (c) The baseline project density shall be as described in the R-3 Multiple Family Residential Zone. At its discretion, and based upon a determination that the project is designed to meet

the intent of this Section, the Planning Commission may authorize increases in density over what is regularly allowable.

- (d) Parking requirements shall be as described in the R-3 Multiple Family District. Shared parking agreements as described in § 551 of this Ordinance are supported and encouraged. Parking areas shall not be located within any setback.
 - (e) Landscaping shall be as required in Article 5, Table 531.1. In the event that the multi-family project does not sit on its own parcel, the application shall indicate a project boundary area which shall be used for the purpose of landscaping placement.
 - (f) Pedestrian walkways shall be provided within the subject parcel or project boundary for the purpose of providing safe and convenient movement within the site and towards other walkable places of interest such as stores, restaurants, or entertainment.
 - (g) The residential areas of an overall commercial development site shall be adequately, but not overly, lit at night. Applications shall demonstrate that commercial lighting in the vicinity meets the dark sky requirements of this Ordinance in order to minimize impact on the residential area. Where lighting is to be installed for a residential area, average illumination levels of 0.5 to 1.0 foot candle shall be maintained. Existing commercial lighting which illuminates the residential area of the site to this level may be used in lieu of installing additional residential lighting. Common entryways shall be adequately illuminated by wall-pack style lighting fixtures.
- (2) Open Space Requirements.
- (a) A minimum of fifty square feet per unit of private outdoor space with a minimum dimension of four feet in any direction shall be provided. Private open space shall be accessible directly from the living area of the unit, in the form of a fenced yard, patio, deck, or balcony.
 - (b) A minimum of three hundred square feet per unit of common outdoor open space shall be provided. Required open space shall be consolidated to the extent reasonably possible to provide areas for the residents and/or to help buffer the residential structures from adjacent commercial uses.
 - (c) Open space shall be designed to provide a rear yard along the longest building length of a given structure.
 - (d) Required setback areas shall not be included towards required open space areas; however, placing required open space areas adjacent to setbacks is supported.
- (3) Compatibility. Applications shall describe measures which will be taken to mitigate common commercial impacts such as noise, light, and nighttime operations on the multi-family project.

SECTION 727 CREMATORIUM

A. REGULATIONS AND CONDITIONS

- (1) All cremation activities shall be conducted within a fully enclosed building.
- (2) The facility shall not generate any emissions or odors which would negatively impact surrounding properties.
- (3) The facility shall continually follow all applicable federal, state, or local requirements, including any permits and licenses.

SECTION 730 DRIVE-IN AND DRIVE-THROUGH USES

A. REGULATIONS AND CONDITIONS

- (1) Service and dining may be in automobiles or outdoors, but all other activities shall be carried on within a building.
- (2) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street

shall be maintained.

- (3) Ingress and egress points shall be located at least fifty (50) feet from the nearest edge of the traveled portion of any intersecting streets.
- (4) Pedestrian areas shall be clearly marked and maintained.
- (5) Only one (1) ingress-egress drive shall be allowed per major thoroughfare.
- (6) All parking requirements shall comply with Article 5 of this Ordinance.
- (7) Notwithstanding the dimensional standards of this Ordinance, lots used for drive-in businesses and drive-in or drive-through restaurants shall have a minimum width of one hundred (100) feet.
- (8) Queuing requirements, drive-in and drive-through businesses shall be designed to accommodate the maximum number of queuing vehicles that may be expected to seek service at any one time without queuing onto an adjacent thoroughfare, including service drives. The determination as to the required queuing spaces shall be established by the Planning Commission based upon the anticipated number of vehicles likely to queue while waiting for service. The Planning Commission may require more than twelve (12) queuing spaces based upon evidence presented to it, but in no event shall the required number of queuing spaces be reduced below twelve (12).
- (9) Snack and nonalcoholic beverage bars shall have a minimum queuing space in advance of order boards to accommodate six (6) motor vehicles at any time.
- (10) These requirements shall not apply to drive-in or drive-through businesses including restaurants, where queuing is accommodated entirely within the confines of a development exclusive of that development's access or service drives.
- (11) Notwithstanding the provisions of this section, the queuing of vehicles onto the traveled portion of a public roadway providing access to the business establishment such that queuing interferes to an extent with the free flow of traffic on the traveled portion of that roadway shall subject the Special Use Permit holder to enforcement action, including fines, injunctive relief and/or revocation of the Special Use Permit.
- (12) The site shall have been found to be a suitable site for a drive-in or drive-through establishment, with regard to traffic safety, by a registered engineer with an educational specialization in traffic engineering.
- (13) For the C-L Local Commercial and C-O Office Commercial districts, a Financial Institution, with Drive-Through shall have a maximum of two (2) drive-through lanes.
- (14) For the C-G General Commercial district, a Financial Institution, with Drive-Through which has two (2) or fewer drive-through lanes shall be permitted by special conditions. All other drive-in and drive-through uses in the C-G district shall require a Special Use Permit.

SECTION 737 ESSENTIAL SERVICE FACILITIES

This Section is intended to permit the installation of Essential Service Facilities in any zoning district subject to conformance with this zoning ordinance, township ordinance, and/or State law, and in such a manner that the health, safety and welfare of the Township will not be adversely affected. Essential services should also be installed in cognizance of existing and projected demands for such services.

A. MINOR ESSENTIAL SERVICES

- (1) Minor Essential services shall be permitted by right within the Township, subject to regulation as provided by law of the State of Michigan, and/or in any ordinance of the Township.
- (2) Except as otherwise restricted by this ordinance, the following are considered Minor Essential Service Facilities and are permitted in all zoning districts:
 - (a) Underground or aboveground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, cable television and broadband distribution lines and transformers,

switches, utility boxes and other equipment associated with the services provided that are designed to serve primarily Garfield Township and any adjacent community and provided the height above grade of any facility does not exceed fifty (50) feet.

- (b) Any other facilities similar in scale and scope to the above, as determined by the Director of Planning, shall be considered a Minor Essential Service Facility.
- (c) Essential Service Facilities other than those described above shall be considered Major Essential Service Facilities.

B. MAJOR ESSENTIAL SERVICES

- (1) Major Essential Service Facilities are public service facilities which, because of their size or nature, are more likely to have an adverse impact on surrounding properties or the community as a whole. Major Essential Service Facilities may be permitted by special use permit in any zoning district provided it is demonstrated that the requirements of this section and all other applicable sections of this ordinance are satisfied.
- (2) In considering applications for the placement of any Major Essential Service Facilities the Township shall consider the effects of the proposed project upon the health, safety and welfare of the Township, as existing and anticipated; and the effect of the proposed project upon the Master Plan. In addition, the following specific standards shall be reviewed as they may apply to the application:
 - (a) An applicant proposing a Major Essential Service Facility in a residential district shall demonstrate that there are no other feasible and prudent alternatives than to locate the Major Essential Service Facility in the proposed location. Furthermore, the applicant shall show that all reasonable efforts to locate the Major Essential Service Facility in an adjacent zoning jurisdiction have proven impracticable or an incompatible land use as determined by the Planning Commission.
 - (b) All above ground major essential service facilities shall be located in conformance with the yard, lot width and lot area standards of this ordinance.
 - (c) With the exception of elevated water storage facilities and electrical transmission towers and poles, major essential service facilities shall not exceed the maximum height requirements of the zoning district in which they are located.
 - (d) Major essential service facilities located out-of-doors shall to the extent possible be screened from view from adjoining properties and from road rights-of-way.
 - (e) Equipment buildings intended to house major essential service facilities, such as well houses, pump buildings or equipment shelters, shall be constructed of face brick, decorative masonry, cement board or wood lap siding designed to resemble nearby structures. Provided, that a side of such equipment building that is not visible from a public right-of-way, may be constructed of common cement block or metal panels, if further screened with evergreen landscaping.
 - (f) Any above ground Major Essential Service Facility shall be fully secured from unauthorized entry either by construction of the facility itself or through fencing which meets the requirements of this ordinance.
 - (g) Compliance with the Township Non-Motorized Plan is required.
 - (h) A Major Essential Service Facility located on a vacant parcel shall be considered the principal use of that parcel.
 - (i) An above ground Major Essential Service Facility which is fenced or which is housed in an equipment building shall include a sign placard of not more than two square feet which

shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities shall include any required hazard warning signage.

- (3) Any Major Essential Service Facility which has reached the end of its useful life or has been abandoned consistent with this Section of this Ordinance shall be removed and parcel owners shall be required to restore the site.
 - (a) Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Major Essential Service Facility shall be considered abandoned when it fails to operate continuously for more than one year. The property owner shall physically remove the installation no more than one-hundred and eighty (180) days after the date of discontinued operations.
 - (b) The property owner shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
 - (c) If the property owner fails to remove the installation within 180 days of abandonment or the proposed date of decommissioning, the Township is permitted to enter the property and physically remove the installation.
 - (d) Any decommissioning of a Major Essential Service Facility shall include at minimum:
 - (i) Physical removal of all Major Essential Service Facility equipment, structures, buildings, security barriers, and transmission lines from the site.
 - (ii) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - (iii) Stabilization and re-vegetation of the site as necessary to minimize erosion.

SECTION 748 GASOLINE SERVICE STATIONS

A. REGULATIONS AND CONDITIONS

The following requirements for site development together with any other applicable requirements of this Ordinance shall be met:

- (1) All gasoline service facilities and accessory uses and services shall be conducted entirely within an enclosed building, including sales and storage of windshield washer fluids, landscape materials and similar items.
- (2) Within the C-H Highway Commercial District not more than ten (10) percent of the gross area of the district shall be utilized for gasoline service stations.
- (3) The minimum lot size shall be fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150) feet on the roadway(s).
- (4) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (5) Buildings shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.
- (6) No more than one (1) driveway approach shall be permitted directly from any public street.
- (7) Driveway approach widths shall not exceed thirty-five (35) feet measured at the property line.
- (8) Driveways shall be located in accordance with Grand Traverse County Road Commission standards and in no case shall be located less than fifty (50) feet from the edge of the intersecting road right of way.
- (9) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line.
- (10) The site used shall be paved and adequately maintained so as to provide a durable, smooth and dustless surface.
- (11) The site is so graded and provided with adequate drainage facilities to meet the requirements of the Stormwater Ordinance.

- (12) A raised curb of at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The area used for servicing vehicles within the service station property lines shall be paved with a permanent surface of concrete or asphalt.
- (13) A solid wall or fence at least four feet six inches (4'-6") in height shall be erected along all property lines abutting any lot within a residential district.
- (14) Within the C-L Local Commercial district, a Gasoline Service Station with a Convenience Store is permitted provided that the area of the C-L zoning district, within which the use is located, is not less than four (4) acres.

SECTION 749 GOLF COURSE OR COUNTRY CLUB

A. REGULATIONS AND CONDITIONS

- (1) These regulations shall not include stand-alone golf-driving ranges and miniature golf courses.
- (2) The site area shall be a minimum of fifty (50) acres and have its main ingress and egress from a major thoroughfare, as classified on the Master Plan of Garfield Township.
- (3) All principal and accessory buildings, structures, and parking areas shall not be less than eighty (80) feet from any property line of abutting residentially used or zoned land.
- (4) Development features shall be so located as to minimize any possible adverse effects upon adjacent property. The Zoning Administrator may require that any principal and accessory buildings and structures be buffered by landscaping determined by the Zoning Administrator to be appropriate for minimizing potential adverse impacts on any neighboring property.
- (5) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be enclosed with a protective fence six (6) feet in height, with entry limited by means of a controlled gate.

SECTION 750 HOTEL OR MOTEL

A. REGULATIONS AND CONDITIONS

- (1) Minimum Floor Area: Each guest unit shall contain not less than two hundred fifty (250) square feet of floor area.
- (2) Minimum Lot Area: Eight hundred (800) square feet of lot area per guest unit, with a minimum one (1) acre lot and road frontage of one hundred fifty (150) feet:
- (3) Maximum Lot Coverage: All buildings, including accessory buildings, shall not occupy more than twenty-five percent (25%) of the net area within property lines of land developed at any one time.
- (4) Minimum Yard Dimensions: All buildings shall be set back no less than one hundred (100) feet from any street line, and no less than forty (40) feet from any side or rear property line.
- (5) Site Screening: The site may be enclosed by an open structure wood or wire fences along any yard line but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.
- (6) Swimming pools and other outdoor recreational uses, PROVIDED, such facilities are an accessory use to a permitted use within the district and are located on the same site as the principal use to which they are accessory.
- (7) Accessory uses, such as meeting rooms, tavern, bar, or similar uses, PROVIDED, such accessory use shall be carried on within the same building as the principal use. A caretaker's or

proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor-hotel, or other transient tourist facility.

SECTION 751 INDOOR ENTERTAINMENT CENTER

A. REGULATIONS AND CONDITIONS

- (1) Within the C-H Highway Commercial district, the indoor entertainment center shall be located at least one hundred (100) feet from an adjacent residential district.

SECTION 752 INSTITUTIONAL USES AND STRUCTURES

A. REGULATIONS AND CONDITIONS

- (1) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (2) Buildings and parking areas shall be set back at least forty (40) feet from all street right-of-way lines and thirty (30) feet from any property line in a residential or agricultural district.

SECTION 753 JUNK YARD

A. REGULATIONS AND CONDITIONS

- (1) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- (2) The site shall be a minimum of five (5) acres in size and at least one (1) property line shall abut upon a railroad right-of-way.
- (3) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site.
- (4) All activities, equipment, or material shall be confined within the fenced in area, and there shall be no stocking of material above the height of the fence or wall.
- (5) All fenced in areas shall be set back at least one hundred (100) feet from the front street or highway right-of-way line. Such front yard setback shall be landscaped with plant materials as approved by the Planning Commission to minimize the appearance of the installation.
- (6) All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.
- (7) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (8) Whenever the installation abuts upon any property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.

SECTION 754 KEEPING OF ANIMALS, PERSONAL

A. KEEPING OF CHICKENS, PERSONAL

- (1) A maximum of four (4) hens may be kept per parcel.
- (2) Roosters are prohibited.
- (3) The slaughtering of chickens outdoors shall be prohibited.
- (4) Chickens shall be kept and maintained within a fully enclosed shelter no larger than one hundred (100) square feet in size.
- (5) Shelters shall be located within the rear of the property. However, properties fronting Silver Lake or Boardman River may locate a shelter along the front (roadside) provided they are located outside the front yard setback.

- (6) Such enclosure shall be located no closer than twenty (20) feet to the rear or side yard property lines.
- (7) No chickens shall be kept on parcels with more than one dwelling.

B. KEEPING OF HORSES, PERSONAL

- (1) The horse(s) shall be kept for the personal use of residents of the property
- (2) The parcel shall contain a minimum of five (5) acres of land
- (3) A maximum of three (3) horses may be allowed at any time
- (4) Structures used for housing or boarding horses shall be located a minimum of twenty (20) feet from adjacent properties.

SECTION 755 KENNEL

A. REGULATIONS AND CONDITIONS

- (1) The property shall meet the minimum standards for the Zoning Ordinance for lot area and frontage.
- (2) The applicant shall declare the maximum number of animals intended to be housed at the facility, measures for noise control, methods for exercise, waste disposal, location of outdoor structures, and fencing.
- (3) All structures that are used for animal occupancy shall be a minimum of thirty feet from property lines and located in the rear of the property.

SECTION 756 LUMBER PROCESSING AND SAWMILL

A. REGULATIONS AND CONDITIONS

- (1) Within the I-G General Industrial district, all lumber processing operations shall be conducted within a completely enclosed building.

SECTION 757 MEDICAL MARIHUANA CULTIVATION FACILITY

A. REGULATIONS AND CONDITIONS

- (1) All Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot;
- (3) Each Medical Marihuana Cultivation Facility has received and continues to hold a Certificate of Registration issued by the Township pursuant to the Charter Township of Garfield Ordinance No. 65, Medical Marihuana Ordinance, as amended or replaced from time to time;
- (4) No transfer of Medical Marijuana by the primary caregiver or qualifying patient cultivating the Medical Marihuana to any other person(s) shall take place at a Medical Marijuana Cultivation facility;
- (5) No Medical Marihuana Cultivation Facility shall be located within 1000 feet of any residentially zoned property, park, school, child care organization, place of worship (including, for example, churches, synagogues, temples, etc.) or any other Medical Marihuana Cultivation Facility. For the purposes of this provision, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the nearest property line of the parcel containing the Medical Marihuana Cultivation Facility to the nearest property line of such residentially zoned property, park, school, child care organization, place of worship, or other Medical Marihuana Cultivation Facility.

SECTION 758 MEDICAL MARIHUANA RESIDENTIAL CULTIVATION

A. REGULATIONS AND CONDITIONS

- (1) Permitted only as an accessory use to a dwelling unit
- (2) All Medical Marihuana Residential Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time
- (3) The principal use of the parcel shall be a dwelling and shall be in actual use as such by the primary caregiver or qualifying patient cultivating the Medical Marihuana
- (4) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible
- (5) No vehicles used in cultivation may be parked, kept or otherwise be present on the parcel, other than such as are customarily used for domestic or household purposes
- (6) No transfer of Medical Marihuana to qualifying patients other than qualifying patients residing on the parcel shall occur
- (7) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors or light spillage beyond the parcel and shall not be visible from an adjoining public way
- (8) No Medical Marihuana shall be cultivated outdoors
- (9) Not more than the maximum number of plants one (1) qualifying patient may cultivate under the Michigan Medical Marihuana Act shall be cultivated per dwelling unit

SECTION 759 MOBILE HOME PARK

A. REGULATIONS AND CONDITIONS

- (1) Any mobile home park may include any or all of the following uses, provided, that a plan of the proposed development is approved by the State of Michigan in accordance with PA 96 of 1987 as amended, and provided further that said development plan can meet the standards of this Section.
- (2) One permanent building for conducting the operation and maintenance of the mobile home park and such other accessory buildings including a caretaker's residence as may be necessary for the normal operation of the mobile home park.
- (3) Parking Requirements:
 - (a) Parking shall be prohibited on any street or access lane.
 - (b) No visitor vehicles shall be parked or stored within any required open space between mobile homes or any drive or street within the mobile home park.
 - (c) Space between mobile home units may be used for parking of motor vehicles provided that such space is surfaced with materials which provide a dustless, durable and smooth surface and meets the parking requirements of this Ordinance.
 - (d) Off-street group parking facilities shall be within three hundred (300) feet of all mobile home lots intended to be served.
- (4) Lighting:
 - (a) No spotlights or floodlights shall be used for lighting or advertising purposes.
 - (b) No lighting used for identification, advertising purposes or street lighting shall have a visible source of illumination and shall comply with the Lighting standards of this Ordinance.
- (5) Landscaping:
 - (a) Landscaping and buffering standards shall apply to all property boundaries.
- (6) Setbacks:
 - (a) Mobile Home Parks shall comply with Section 775 of this Ordinance.

- (7) Mobile Home Unit Sales:
 - (a) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited.
 - (b) New or used mobile homes located on lots within the mobile home park to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker.
 - (c) This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home park, provided the development permits the sale.

SECTION 760 MORTUARY OR FUNERAL HOME

A. REGULATIONS AND CONDITIONS

- (1) In addition to any required off-street parking area, an off-street assembly area shall be provided to accommodate vehicles to be used in a funeral procession.
- (2) The site shall be so located as to have all ingress and egress, or a marginal access service drive, be directly onto a primary road.
- (3) Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- (4) No building shall be located closer than fifty (50) feet from a property line that abuts any residential district.
- (5) A caretaker's residence may be provided within the main building of the mortuary establishment.
- (6) Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height.
- (7) All required federal, state and local licensing and permits shall be maintained at all times.

SECTION 761 OUTDOOR ENTERTAINMENT CENTER, MAJOR

A. REGULATIONS AND CONDITIONS

- (1) All sites shall be located on a major thoroughfare, as classified on the Master Plan of Garfield Township, and all ingress and egress to the site shall be from said thoroughfare.
- (2) All points of entrance and exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- (3) Acceleration and deceleration lanes should be provided, where possible, at points of ingress and egress to the site, and left turns at entrances and exits should be prohibited on the major thoroughfare where possible.
- (4) Whenever any use permitted herein abuts property within any residential district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass and structural screens or fences of a type approved by the Planning Commission shall be placed within said transition strip.
- (5) A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
- (6) Drive-in theaters and racetracks shall be enclosed for their full periphery with a solid screen fence at least eight (8) feet in height.
- (7) For drive-in theaters, vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty percent (30%) of the vehicular capacity of the theater.

- (8) Drive-in theater picture screens shall not be permitted to face any public street and shall be out of view from any major thoroughfare or adjacent residential district.
- (9) All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.

SECTION 762 OUTDOOR SALES

A. OUTDOOR SALES, MAJOR

The sale of automobiles, trailers, boats, and similar large items may be permitted provided the following conditions can be met:

- (1) The property has at least one property line on a major thoroughfare.
- (2) Access is limited to one (1) driveway approach to any public street and shall comply with Grand Traverse County Road Commission or MDOT requirements.
- (3) No driveway or curb cut shall be located closer than 10 feet to an adjoining property.
- (4) The property has an approved commercial retail business and structure located on the property that meets the standards of the Ordinance.
- (5) The sales area shall be paved and adequately maintained so as to provide a smooth dustless surface.
- (6) All development standards of Article 5 can be met.

B. OUTDOOR SALES, MINOR

- (1) All non-plant materials shall be screened from public view.

C. OUTDOOR SALES, TEMPORARY

- (1) The property has at least one property line on a major thoroughfare.
- (2) A temporary outdoor sales event is an accessory use to the established on-site business.
- (3) The goods offered for sale are an extension of the inventory within the established business, or as specifically identified by this Ordinance.
- (4) The event shall not exceed 30 days per calendar year.
- (5) The location of the event area shall not impede on site traffic circulation, or barrier free parking.

SECTION 763 OUTDOOR STORAGE, PRIMARY USE

A. REGULATIONS AND CONDITIONS

- (1) The use shall be conducted within a fenced and properly screened area.

SECTION 764 PASSENGER TERMINAL

A. REGULATIONS AND CONDITIONS

- (1) Passenger terminals shall be located to minimize adverse effects on neighboring properties.
- (2) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (3) No more than one (1) driveway approach shall be permitted directly from any public street.
- (4) Passenger terminals shall be designed to emphasize a multimodal approach to service patrons as they access the site and internally (bike, walk, drive).
- (5) All repairs of vehicles shall be off site or in an enclosed building.
- (6) No vehicle fueling is permitted to occur on site

SECTION 765 PET SHOP

A. REGULATIONS AND CONDITIONS

- (1) The use shall take place in a completely enclosed building and shall be insulated from noise.

SECTION 767 RECREATIONAL FIELD COMPLEX

A. REGULATIONS AND CONDITIONS

- (1) The complex is to be designed, constructed, maintained, and operated to be compatible with properties in the vicinity and the district.
- (2) The minimum site size shall be five (5) acres with a minimum width of two hundred (200) feet
- (3) The site shall be located on a major thoroughfare as classified in the Garfield Township Master Plan and all ingress and egress for the site shall be from said thoroughfare.
- (4) A minimum setback of fifty (50) feet shall be provided on all property lines and adjacent to roadways.

SECTION 768 RESTAURANT, WITH DRIVE-THROUGH AND RESTAURANT, WITHOUT DRIVE-THROUGH

A. REGULATIONS AND CONDITIONS

- (1) Outdoor seating is permitted provided the area is delineated by a curb or similar barrier.

SECTION 769 RETAIL FABRICATOR

A. REGULATIONS AND CONDITIONS

- (1) Such shop or establishment shall not employ more than ten (10) persons in the fabrication process in a twenty-four (24) hour period.
- (2) Sixty percent (60%) of sales on the premises shall be retail.

SECTION 770 RETAIL, INDUSTRIAL PRIMARY

A. REGULATIONS AND CONDITIONS

- (1) Outdoor display of individual pieces of equipment may be permitted in areas so designed in the site plan as approved, PROVIDED, the display area has been designed and constructed as part of the overall site improvements.
- (2) Display areas shall be suitably landscaped. Such landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display.
- (3) Servicing and repairs shall be conducted only within a totally enclosed building.

SECTION 771 SAND OR GRAVEL PIT, QUARRY

A. REGULATIONS AND CONDITIONS

All uses shall be established and maintained in accordance with all applicable Federal and State laws and regulations. Garfield Township has determined that extraction of natural resources by mining in zoning districts other than IL and A will result in very serious consequences under the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), and as further codified at MCL 125.3205. Therefore, the Township has only allowed mining in these two zoning districts subject to a property owner obtaining a special use permit and also subject to the following supplemental use regulations. However, to the extent that there is a determination under MCL 125.3205 by a court of competent jurisdiction that the Township must allow mining of natural resources to occur in a zoning district that is not IL or A, these supplemental use regulations shall still apply to the mining activity regardless of location.

- (1) The Planning Commission may require the applicant to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by his Ordinance.
- (2) No fixed machinery shall be erected or maintained within one hundred (100) feet of any property

or street line.

- (3) All uses shall be enclosed by a fence or suitable plantings six (6) feet or more in height for the entire periphery of the property.
- (4) No slope shall exceed an angle with the horizontal of forty-five degrees (45°).
- (5) At all stages of operations, pits or quarries shall be completely and continually drained of water when not in use or supervised by a watchman. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
- (6) No building shall be erected on the premises except as temporary shelter for machinery or field office.
- (7) The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the Township. That portion of access roads within the area of operation shall be provided with a dustless surface.
- (8) All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Township in general.
- (9) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavated materials on the site.
- (10) When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three (3) to one (1) in horizontal-vertical gradient. A layer of arable top soil shall be spread over the excavated area to a minimum depth of four (4) inches in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial rye grass, or other similar soil-holding materials, and maintained by the applicant until the area is stabilized.

SECTION 772 SERVICE ESTABLISHMENT, BUSINESS

A. REGULATIONS AND CONDITIONS

- (1) In the C-L Local Commercial district, the gross building area shall not exceed 2,400 square feet.

SECTION 773 SOLAR ENERGY SYSTEMS

It is the intent of this Section to permit solar energy systems by regulating their siting, design, and installation to protect public health, safety, and welfare, to ensure compatibility with adjacent land uses, and to protect active farmland, prime soils, and forested properties.

A. ACCESSORY SOLAR ENERGY SYSTEMS

- (1) Accessory solar energy systems shall be permitted by right in any zoning district for on-site use.
- (2) Ground mounted solar energy systems shall only be in a side or rear yard and shall meet or exceed required yard setbacks. Placement of ground mounted solar energy systems is not permitted within the required front yard.
- (3) Roof mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning district height regulations.
- (4) Ground mounted solar energy systems shall not exceed 10 feet in height and shall be securely anchored into the ground.
- (5) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

B. PRIMARY SOLAR ENERGY SYSTEMS

- (1) Primary solar energy systems may be permitted by special use permit in any zoning district provided it is demonstrated that the requirements of this section and all other applicable sections of this Ordinance are satisfied.
- (2) All structures and equipment for a primary solar energy system shall be 100 feet from any front property line and 50 feet from any side or rear property line.
- (3) Ground mounted solar energy systems shall not exceed 15 feet in height and shall be securely anchored into the ground.
- (4) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- (5) Primary solar energy systems shall not include any image except to identify the manufacturer or operator of the solar energy system. All signage shall conform to the requirements of this Ordinance.
- (6) All utility collection lines from the primary solar energy system shall be placed underground.
- (7) Primary solar energy systems shall provide a Type "D" buffer for all adjacent land uses as required in Section 531.G of this Ordinance.
- (8) The primary solar energy system operator shall maintain the facility in good condition, including but not limited to structural repairs and integrity of security measures and maintaining site access to a level acceptable to local emergency response personnel.
- (9) The applicant for a primary solar energy system shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of removal of the system in the event the Township removes the installation as authorized in this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The amount and form of financial surety is to be determined by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. The amount of financial surety shall be reviewed by the Planning Commission every 10 years and may be adjusted by the Planning Commission to reflect increased cost of removal and compliance with the additional requirements set forth herein.
- (10) Any primary solar energy system which has reached the end of its useful life or has been abandoned consistent with this Section of this Ordinance shall be removed and parcel owners shall be required to restore the site.
 - (a) Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a primary solar energy system shall be considered abandoned when it fails to operate continuously for more than one year. The property owner shall physically remove the installation no more than one-hundred and eighty (180) days after the date of discontinued operations.
 - (b) The property owner shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
 - (c) If the property owner fails to remove the installation within 180 days of abandonment or the proposed date of decommissioning, the Township is permitted to enter the property and physically remove the installation.
 - (d) Any decommissioning of a primary solar energy system shall include at minimum:
 - (i) Physical removal of all aboveground primary solar energy systems and ancillary solar equipment, structures, equipment, security barriers, and transmission lines from the site.

- (ii) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations. Any hazardous material in the solar panels, electronics and parts are required to provide proper disposal and profiling and documentation of the disposal.
- (iii) Stabilization and re-vegetation of the site as necessary to minimize erosion.

SECTION 774 STORMWATER CONTAINMENT, NON-AGRICULTURAL

A. REGULATIONS AND CONDITIONS

- (1) Low Impact Development standards shall be used to the satisfaction of the Planning Commission and Township Engineer.

SECTION 775 SUPPLEMENTAL SETBACKS FOR PLANNED DEVELOPMENTS AND MOBILE HOME PARKS

A. REGULATIONS AND CONDITIONS

It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the Township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. Inasmuch as planned unit developments and mobile home parks may involve higher densities of land use or building types which distinctly differ from the single family conventionally built dwellings which predominate through the Township, periphery setbacks for such developments are established as follows.

All buildings, including single family homes within a planned unit development or mobile homes within a mobile home park shall be placed at least fifty (50) feet from any public right of way line for existing roadways bordering a site and at least thirty (30) feet from a development boundary line which is not a public road right of way. Setback spaces shall be occupied by plant materials and appropriately landscaped.

SECTION 776 SWIMMING POOL, PRIVATE

A. REGULATIONS AND CONDITIONS

- (1) Permitted as an accessory use.
- (2) There shall be a minimum distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
- (3) There shall be a distance of not less than six (6) feet between the outside pool wall and any building located on the same lot.

SECTION 777 WAREHOUSE OR DISTRIBUTION CENTER, HAZARDOUS MATERIALS

A. REGULATIONS AND CONDITIONS

- (1) The applicant shall demonstrate that proper design and measures established by State and Federal agencies have been adhered to by providing sealed and signed drawings by a registered and licensed engineer or architect.
- (2) Any hazardous, flammable, or corrosive materials proposed to be used, stored, or handled on site shall be conducted in accordance with State and Federal guidelines including the incorporation of adequate secondary containment structures.
- (3) No discharge to groundwater, including direct or indirect discharge to groundwater shall be permitted.

- (4) Storm water measures shall be designed so that all storm water will be contained on site and measures taken so that no water can be directed away from the site in case of a spill.
 - (a) The Planning Commission shall consider the location of environmentally sensitive areas when considering approval of the use.
- (5) All State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.

SECTION 778 WATERFRONT STAIRWAYS AND LANDINGS

A. REGULATIONS AND CONDITIONS

Waterfront stairways and landings may be constructed within the waterfront setback subject to the following conditions:

- (1) Only one stairway per property may be placed between the high water mark and the structure setback requirement of the district or water body.
- (2) Stairways shall comply with the required side yard setback.
- (3) The walking surface of such structures shall not be less than 3 feet and not more than five (5) feet in width measured generally perpendicular to the path of travel.
- (4) Stairway landings shall not exceed a size equal to the stairway width measured in any direction.
- (5) Stairways and landings shall not have a glossy or reflective surface.
- (6) Stairways shall be constructed in accordance with the general stairway requirements of the Michigan Residential Building Code for treads, risers, guardrails, handrails, and landings as described under MRC 311.7, as amended.

SECTION 779 WHOLESALER

A. REGULATIONS AND CONDITIONS

- (1) For a wholesaler which includes retail operations, the wholesaler use shall be supplemental to retail sales and shall account for no more than forty percent (40%) of all merchant sales.

SECTION 780 WIND ENERGY CONVERSION SYSTEM

A. REGULATIONS AND CONDITIONS

The following specific standards shall be satisfied prior to the issuance of a special use permit for a Wind Energy Conversion System (WECS).

- (1) WECS shall be allowed only in the following districts: A, C-L, C-G, I-G, and I-L provided they meet the requirements of this Ordinance.
- (2) In addition to the requirements of Section 423, Special Use Permits, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied dwelling units within 300 feet of the WECS.
- (3) Each Special Use Permit Application shall be accompanied by a complete set of (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - (a) A standard foundation and anchor design or specifications for normal soil conditions;
 - (b) A detailed parts list;
 - (c) Clearly written detailed instructions for the assembly, installation, checkout, operation and maintenance of the WECS on site;
 - (d) The list of warning documents required by § 780 (A)(8).

- (e) Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters);
 - (f) Underwriters label;
 - (g) Proof of insurance
- (4) Electromagnetic Interference. The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR Parts 15 (including subparts A and F) and 18 (including subparts A, D and H).
- (5) Noise. The maximum level of noise permitted to be generated by any WECS shall be sixty (60) decibels, as measured on the dBA scale, measured at the property line nearest the WECS.
- (6) Setbacks. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines, property lines than the total distance equal to the height of the tower and rotor combined.
- (7) Height. The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be seventy-five (75) feet, unless otherwise prohibited by State or Federal statutes or regulations.
- (8) Labeling:
- (a) The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 - (i) Equipment weight of the tower subsystem;
 - (ii) Manufacturer's name and address;
 - (iii) Model number;
 - (iv) Serial number;
 - (v) The following tower warning label or equivalent warning: Installation and Maintenance of This Product Near Power Lines is a Danger. For Your Safety Follow the Installation and Maintenance Instructions.
 - (vi) The survival wind speed in miles per hour and meters per second.
- (9) The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location:
- (a) Maximum power input (KW); rated voltage (volts) and rated current output (amperes); of the generator alternator, etc;
 - (b) Manufacturer's name and address;
 - (c) Model number;
 - (d) Serial number;
 - (e) Emergency and normal shutdown procedure
 - (f) Underwriters label.
- (10) Ground Clearance. For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is equal to the average height of structures surrounding the WECS.
- (11) Insurance - Liability. Owners of a WECS shall carry one of the following forms of insurance:
- (a) Property Owner
 - (i) Homeowners' policy;
 - (ii) Extension to homeowner's policy,
 - (iii) Comprehensive personal liability policy;
 - (iv) Farm Owner's policy with comprehensive personal liability to cover WECS;
 - (v) Commercial liability policy.

- (b) Tenant.
 - (i) Non-owner occupied dwelling policy;
 - (ii) Commercial policy.
 - (c) Proof of insurance shall be supplied to the Township annually as a condition of renewal of the Special Use Permit. Minimum limit of liability shall be three hundred thousand dollars (\$300,000.00). Insurance policies are to remain in effect during the terms of the Special Use Permit. The Code Enforcement Officer may require proof of insurance at various intervals during the term of the Special Use Permit. Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder.
- (13) Interconnected WECS. In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback), and the customer will be required to install a disconnecting device adjacent to the electric meter(s).

SECTION 781 WIND ENERGY CONVERSION SYSTEM, PERSONAL

A. REGULATIONS AND CONDITIONS

Personal Wind Energy Conversion Systems (PWECS) may be considered as an accessory use subject to the following conditions:

- (1) The property has a minimum lot size of 1 acre in size.
- (2) Freestanding PWECS in the agricultural district may be approved administratively provided the height does not exceed forty (40) feet.
 - (a) PWECS in the agricultural district may be permitted by SUP up to 60 feet in height provided all standards can be met.
 - (b) Height is measured from the native grade below the PWECS to the highest part of the combined height of the tower and blade.
 - (c) Due to airport restrictions, FAA approval is required for any structure exceeding 35' in height. A letter of approval shall be submitted at the time of application for land use.
- (3) Structure-mounted PWECS are permitted provided the structure is in conformance with all district standards and can meet the setbacks measured in the same manner as freestanding PWECS.
- (4) Structure-mounted PWECS shall only be mounted on the structure in which the owners reside, or it is intended to serve.
- (5) The applicant shall provide the Zoning Administrator with evidence that the PWECS noise level as measured at any property line will not exceed 45db.

SECTION 792 WIRELESS COMMUNICATIONS FACILITIES AND ANTENNAE

Purpose and findings: The purpose and intent of this section is to:

- (1) Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- (2) Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility;
- (3) Encourage the location and collocation of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- (4) Accommodate the growing need and demand for wireless communications services;

- (5) Encourage coordination between providers of wireless communications services in the township;
- (6) Protect the character, scale, stability, and aesthetic quality of the residential districts of the township by imposing certain reasonable restrictions on the placement of residential communication facilities;
- (7) Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- (8) Provide for the removal of discontinued antenna supporting structures; and
- (9) Provide for the replacement or removal of nonconforming antenna supporting structures.

A. Applicability

- (1) Except as provided in subsection (2) below, this division shall apply to the installation, construction, or modification of all wireless communications facilities and antennae.
- (2) The following items are exempt from the provisions of this section:
 - (a) Regular maintenance of any existing wireless communications facility that does not include the placement of a new wireless communications facility or antenna;
 - (b) Any existing or proposed antenna supporting structure with an overall height of thirty-five (35) feet or less;
 - (c) Any wireless communications facility that is not visible from the exterior of the building or structure in which it is mounted; and
 - (d) Wireless communications facilities erected for, or upon the declaration of a state of emergency by, a federal, state, or local unit of government.
 - (e) Collocations provided they comply with the terms and conditions of any previous approval and:
 - (i) Does not increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original approved height, whichever is greater.
 - (ii) Does not increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (iii) Does not increase the area of the existing equipment compound to greater than 2,500 square feet.

B. Development Review and Permitted Uses

- (1) Except as provided in subsection (2), below, no wireless communications facility or antenna is permitted except in accordance with the development review process as indicated in Table 7-14, based on the applicable zoning district and height of the proposed facility or antenna. Regardless of the development review process required, the applicant must comply with all applicable submission, procedural, and substantive provisions of this ordinance.
- (2) All collocations and roof- and surface-mounted facilities are subject to administrative approval as set forth in § 792.C. Development Review Process of this article, unless exempted by § 792 A.2.

Table 7-14: Telecommunication Facility Height and Procedures

Type of Facility or Antenna	Approval Procedure
Wireless Communication Facility	Permitted subject to SUP Review
Roof- or Surface-Mounted Antenna	Permitted subject to Administrative Review
Collocation of Wireless Communication Antenna	Permitted subject to Administrative Review
Residential Facilities	Permitted subject to Administrative Review and FAA approval if less than 50 feet in height, otherwise prohibited

C. Development Review Process

(1) Administrative Approval

Where, pursuant to § 792.B. Development Review and Permitted Uses of this article, administrative review is required, the application will be reviewed for compliance with this article by the Zoning Administrator, who will render a final decision of approval, denial, or approval with conditions. Within thirty (30) days of the Zoning Administrator's decision, appeal may be made to the Zoning Board of Appeals pursuant to Article 4, Procedures, of this ordinance.

(2) Special Use Permit (SUP)

Where, pursuant to § 792.B. Development Review and Permitted Uses of this article, a SUP is required, the application will be reviewed as provided in Article 4, Procedures, of this ordinance and this section.

D. Submission Requirements

- (1) The requirements as indicated in Table 7-15 (see page 7-21) must be provided with an application for any wireless communications facility or antennae. The application must be signed by the property owner, the applicant, and a provider who will be placing antennae on the proposed wireless communications facility.
- (2) The Zoning Administrator in the case of an administrative approval, or the Planning Commission in the case of a SUP application, may modify the submission requirements where it is determined that certain information is not required or useful in determining compliance with the provisions of this ordinance. A decision to modify certain submission requirements must be in writing and made a part of the application file.
- (3) If the property owner is not a provider, the application must include a copy of an executed lease agreement between the applicant or property owner and a provider, or, where no lease agreement has been executed, an affidavit signed by a carrier attesting to an intent to place antennae on the wireless communications facility if the application is approved.

E. Standards

The standards for the establishment of all proposed wireless communications facilities and antennae are as indicated by type of facility in § 792.F.(1) Number of Facilities to be Minimized through § 792.F.(10) Signs of this article. Where overall height requirements set forth in § 792 Wireless Communications Facilities of this article conflict with those set forth in the applicable zoning district, those set forth in § 792 Wireless Communications Facilities of this article govern.

F. Standards Applicable to All Wireless Communication Facilities and Antennae

(1) Number of Facilities to be Minimized

- (a) **Generally:** Antenna supporting structures must be located in a manner that is consistent with township's interest in land-use compatibility. No antenna supporting structure will be permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing antenna supporting structure.
- (b) **Letters of coordination:** The applicant must provide documentation that a notice was mailed, via certified mail, to all providers or, where applicable, to owners of existing antenna supporting structures, and that the applicant was unable to secure a lease agreement with a

provider to allow the placement of the proposed antennae on an existing structure or building within the geographic search area.

- (c) **Additional evidence:** As appropriate, the following evidence may also be submitted to demonstrate compliance with this section:
- (i) That no existing wireless communications facility within the geographic search area meets the applicant’s radio frequency engineering or height requirements;
 - (ii) That no building or structure within the geographic search area has sufficient structural strength to support the applicant’s proposed antennae; or
 - (iii) That there are other limiting factors that render collocated, surface-mounted, or roof-mounted facilities unsuitable or unreasonable.

Table 7-15: Telecommunications Facility – Submittal Requirements

Antenna Supporting	Collocations	Roof-Mounted	Surface-Mounted	Required Submissions
✓	✓	✓	✓	A complete application on a form provided by the department
✓	✓	—	—	The name, address, and telephone contact information for the owner of any proposed or existing antenna supporting structure, and a statement that such information will be updated annually or upon a change of ownership after the application is approved
✓	—	—	—	A survey of the lot completed by a registered land surveyor that shows all existing uses, structures, and improvements
✓	✓	✓	✓	A site plan of the property showing all proposed uses, structures and improvements
✓	✓	✓	✓	Antenna heights and power levels of the proposed facility and all other facilities on the subject property, including a statement of the height above sea level of the highest point of the proposed facility
✓	—	✓	✓	A graphical representation, and an accompanying statement, of the search area used to locate the proposed facility
✓	—	✓	✓	A graphical representation, and an accompanying statement, of the coverage area planned for the cell to be served by the proposed facility along with a service map showing all existing towers and coverage area for those towers in adjacent sections
✓	—	✓	✓	A radio frequency plot indicating the coverage of existing wireless communications sites, and that of the proposed site sufficient to demonstrate geographic search area, coverage prediction, and design radius

✓	✓	✓	✓	A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility, including proof that the proposed antenna supporting structure has been designed so that, in the event of structural failure, the facility will collapse within the boundaries of the lot on which it is located
✓	✓	✓	✓	A stamped or sealed structural analysis of the proposed wireless communications facility prepared by a professional engineer, indicating the proposed and future loading capacity of the facility
✓	✓	✓	✓	Proof of a license (and for broadcast structures, a construction development approval) issued by the FCC to transmit radio signals in the township
✓	—	—	—	A shared use plan, including a statement, which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the collocating entity and reasonable compensation, is paid by the co-locating entity. In support of this statement, the applicant will make this information reasonably known to service providers.

(2) Construction

Antenna supporting structures shall be constructed utilizing monopole or freestanding lattice type construction only, unless the applicant is able to demonstrate that such a structure cannot accommodate the proposed or future antennae.

(3) Setbacks

- (a) Antenna supporting structures, equipment enclosures, and ancillary appurtenances must meet the minimum setback requirements for the zoning district in which they are proposed.
- (b) In addition to complying with (a) above, antenna supporting structures must also be set back a distance equal to their overall height from the lot line of any lot that contains a residential use, that is vacant but may be used for residential purposes, or that is within a residential zoning district; however, guy-wire anchors need only comply with the provisions of subsection (a), above.
- (c) The setback requirements specified in (a) and (b) above are minimums. Any proposed wireless communication facility or antenna proposed and requiring SUP application and approval may have a greater setback requirement imposed by the Planning Commission if substantiated by a need to minimize the visual, aesthetic, and public safety impacts of the facility or antenna.

(4) Accommodation of Future Collocations

- (a) Antenna supporting structures must be designed to accommodate future collocations by at least two (2) additional service providers. A notarized statement by the applicant to this effect shall be provided by the applicant. The exact amount of additional equipment to be accommodated will be agreed upon during the application review and approval process.
- (b) The proposed location of a wireless communication facility shall be adequately sized and configured to allow the placement of at least two (2) additional communication equipment shelters.

- (c) Wireless communication towers shall reserve space on the tower for at least one (1) public safety antenna, and shelter or ground space to accommodate one (1) equipment shelter if deemed necessary.
- (d) As a condition of approval under this article, the applicant must submit a shared use plan that commits the owner of the proposed antenna supporting structure to accommodate future collocations where reasonable and feasible in light of the criteria set forth in this section.
- (e) The provisions of (a) through (d) above shall not apply to Residential Facilities.

(5) Equipment Shelter Design and Height

The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed fifteen (15) feet in height.

(6) Lighting

- (a) No lights, signals, or other illumination will be permitted on any antenna supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the Michigan Department of Transportation Bureau of Aeronautics (MDOT-BOA). No existing facility or antenna shall be modified in any way which would cause the structure to require lighting unless a SUP is first approved permitting such modification and lighting.
- (b) Site lighting shall comply with the lighting standards of this Ordinance.

(7) Color

Antenna supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized grey finish or other contextual or compatible color as determined by the township, except as otherwise required by the FAA, the FCC, or the MDOT-BOA.

(8) Fencing

A fence of at least six (6) feet in height from finished grade must be installed in order to enclose the base of the antenna supporting structure and associated equipment enclosures. Access to the antenna supporting structure must be controlled by a locked gate. The fence must be constructed in accordance with §515 Fences and Walls, of this ordinance, except that barbed wire construction may be allowed at the discretion of the applicant.

(9) Landscaping

Wireless communication facilities and antenna shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, and/or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation or topography provide an effective natural screening, the Planning Commission may modify or waive this requirement.

(10) Signs

- (a) Except as provided for in (b) and (c) below, no signs may be placed on antenna supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall required by this section.
- (b) If high voltage is necessary for the operation of proposed wireless communications facilities,

“High Voltage—Danger” and “No Trespass” warning signs not greater than one (1) square foot in area must be permanently attached to the fence or wall at intervals of at least forty (40) feet and upon the access gate.

- (c) A sign not greater than one (1) square foot in area must be attached to the access gate that indicates the following information:
 - (i) Federal registration number, if applicable;
 - (ii) Name of owner or contact person; and
 - (iii) Emergency contact number.

G. Additional Standards - Roof-Mounted and Surface-Mounted Antennae

(1) Generally

Wireless communication antenna shall be considered a permitted accessory use when placed on or attached to any structure which constitutes a principal use, including existing wireless communication facilities, provided that all other applicable Ordinance requirements are complied with.

(2) Screening and Placement

- (a) Surface-mounted antennae must be placed no less than fifteen (15) feet from the ground and, where proposed for placement on a building, must be placed so that no portion of the antenna is less than three (3) feet below the roof line.
- (b) Roof-mounted structures must be screened by a parapet or other device in order to minimize their visual impact as measured from the lot line of the subject property. Roof-mounted facilities must be placed as near the center of the roof as possible.
- (c) Transmission lines must be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.

(3) Height

- (a) Roof- and surface-mounted antenna, attachment devices, equipment enclosures, and/or any ancillary appurtenances may not extend above the roof line of the building upon which it is attached by more than twenty (20) feet.
- (b) Roof- and surface-mounted wireless structures with an overall height of greater than fifty (50) feet are considered antenna supporting structures subject to all provisions of § 792.E. Standards of this article.

(4) Color

Roof- and surface-mounted antennae and associated ancillary appurtenances must maintain a color that is the same as the surface to which they are attached, unless another color is more compatible within the context of the proposed facility and the surrounding environment.

H. Additional Standards – Residential Facilities

(1) Generally

Residential facilities shall be considered a permitted accessory use when placed on a parcel having a residential use which constitutes a principal use, provided that all other applicable Ordinance requirements are complied with.

(2) Lease or Rent Prohibited

Residential facilities shall be used only for noncommercial, recreational use by the occupant of the residence on which parcel the facility is located. The facility, or any space thereon, shall not be leased or rented to commercial users or otherwise used for commercial purposes.

(3) Height

Residential Facilities are limited to a maximum height of fifty (50) feet with FAA approval.

I. Expert Review

- (1) Due to the complexity of the methodology or analysis required to review an application for a wireless communications facility, the township may require a technical review by a third-party expert, the costs of which are to be borne by the applicant and secured through a bond, letter of credit, or other surety deemed acceptable to the township. Failure by the applicant to submit a requested surety pursuant to this section will abate the pending application until payment in full is received by the township.
- (2) The expert review may address the following:
 - (a) The accuracy and completeness of submissions;
 - (b) The applicability of analysis techniques and methodologies;
 - (c) The validity of conclusions reached;
 - (d) Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this article; and
 - (e) Other matters deemed by the township to be relevant in determining whether a proposed wireless communications facility complies with the provisions of this division.
- (3) Based on the results of the expert review, the township may require changes to the applicant's application or required submissions.

J. Abandonment

- (1) **Notice of abandonment:** In the event that all legally approved use of an antenna supporting structure or antenna has been discontinued for a period of six (6) months, the Zoning Administrator may make a preliminary determination of abandonment. In making such a determination, the Zoning Administrator may request documentation and/or affidavits from the property owner regarding the structure's usage, including evidence that use of the structure is imminent. Failure on the part of a property owner to provide updated contact information for the owner of the antenna supporting structure for four consecutive years will be presumptive evidence of abandonment. At such time as the Zoning Administrator reasonably determines that an antenna supporting structure or antenna has been abandoned, the Zoning Administrator will provide the property owner with a written notice of abandonment by certified mail.
- (2) **Declaration of abandonment:** Failure on the part of the property owner to respond to the notice of abandonment within ninety (90) days, or to adequately demonstrate that the structure is not abandoned, will be evidence of abandonment. Based on the foregoing, or on any other relevant evidence before the Zoning Administrator, the Zoning Administrator may make a final determination of abandonment, whereupon a declaration of abandonment will be issued to the property owner by certified mail.
- (3) **Removal of facility:** Within one hundred and twenty (120) days of a declaration of abandonment, the property owner must either:
 - (a) Reactivate the use of the structure as a wireless communications facility or transfer ownership of the structure to another owner who will make such use of the facility; or
 - (b) Dismantle and remove the facility.If the facility remains abandoned upon the expiration of one hundred and twenty (120) days, the township may enter upon the property and remove the facility, with all costs to be borne by the property owner.

K. Variances—Additional Criteria

No variance will be granted to the provisions of this division unless the Zoning Board of Appeals makes one of the following findings of fact:

- (1) That failure to grant the variance would prohibit or have the effect of prohibiting the provision of personal wireless services;
- (2) That failure to grant the variance would unreasonably discriminate among providers of functionally equivalent personal wireless services;
- (3) That the variance will obviate the need for additional antenna supporting structures;
- (4) That the variance is necessary to ensure adequate public safety and emergency management communications; or
- (5) That the variance is the minimum necessary in order for the applicant to provide broadcast services pursuant to an FCC-issued construction development approval.

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