

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, August 11, 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 – July 28, 2021

4. Correspondence

5. Reports

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

6. Unfinished Business

- a. PD 2021-104 – Articles 2, 3, and 7 – Zoning Ord. Text Amendment – Public Hearing
- b. PD 2021-105 – Kensington Park PURD Minor Amendment – Request for Withdrawal

7. New Business

- a. PD 2021-106 – South 22 – Special Use Permit – Introduction
- b. PD 2021-107 – Serra Automotive – Zoning Ordinance Text Amendment – Introduction

8. **Public Comment**

9. **Other Business**

10. **Items for Next Agenda – August 25, 2021**

- a. Housing Discussion – Housing Ready Checklist

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
July 28, 2021**

Call Meeting to Order: Vice Chair McManus called the July 28, 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, Joe Robertson, Pat Cline, Chris DeGood, and Robert Fudge

Absent and Excused: John Racine

Staff Present: Planning Director John Sych and Deputy Planning Director Steve Hannon

1. Public Comment (7:01)

None

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

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

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

Nays: None

3. Minutes (7:01)

a. July 14, 2021 Regular Meeting

Agostinelli moved and Robertson seconded to approve the July 14, 2021 Regular Meeting minutes as presented.

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

Nays: None

4. Correspondence (7:02)

None

5. Reports (7:02)

Township Board Report

Agostinelli reported that the board accepted the resignation of Treasurer Jeane Blood Law and appointed Deputy Treasurer Chloe Macomber to finish her term.

Planning Commissioners

McManus said that a quarterly Joint Planning Commission was held and the commission is now made up of six members.

Staff Report

Sych said that the winter igloo proposal has been withdrawn at this time. The developers of the proposed Oakleaf development have gone to the county Economic Development Corporation for financial assistance which requires a public hearing by the County Commission. Sych has been in touch with developers of the BATA/TCHC project and they are asking for a final review and approval of the development. Commissioners discussed the final approval and agreed that if all conditions are satisfied, final review could take place in September. Hannon added that Articles 2, 3, and 7 are being proofed and will be brought to commissioners for approval on August 11th.

6. Unfinished Business

None

7. New Business**a. Zoning Administrator Update (7:18)**

Zoning Administrator Michael Green gave an activity report and talked about the property on Long Lake Road which was a possible mining operation. The owners have been issued a citation since large amounts of dirt have been moved with no approved plans for the property. Commissioners discussed the violation and the activity on the property. Green stated that 176 permits have been issued so far this year and he is working with Township Engineer Hodges to update the stormwater ordinance.

b. PD 2021-98 – Zoning Considerations for Marijuana Compliance Facilities (7:40)

Hannon stated that commissioners must consider both a police power ordinance and a zoning ordinance amendment and that both must correctly reference the zoning ordinance definitions. The police power ordinance would be needed to allow safety compliance facilities in the township and the zoning ordinance would need to be amended to pinpoint the location where these facilities could exist. The action must be timed to that they are adopted concurrently. He added that LARA maybe involved for licensing purposes as an annual license could be a requirement by the township. Definitions were discussed and proposed changes could be brought forth in the article amendments. A police power ordinance could stipulate how many of the facilities would be allowed in the township. Staff will take up the issue and bring proposed language back to the PC.

c. PD 2021-97 – Housing Discussion – Introduction (8:11)

Planner Sych stated that commissioners labeled housing as a priority to discuss in 2021. Commissioners looked at Census data which broke down numbers for the Township, County and State in several housing categories. Sych reviewed these numbers regarding housing in the

township and presented the Housing Ready checklist furnished by Housing North which commissioners can go through at future meetings.

8. Public Comment (8:43)

None

9. Other Business (8:43)


10. Items for Next Agenda – August 11, 2021 (8:43)

- a. Articles 2, 3 and 7 – Zoning Ordinance Text Amendment – Public Hearing
- b. Serra Automotive- Zoning Ordinance Text Amendment – Introduction
- c. South 22 – Special Use Permit – Introduction
- d. Kensington Park PURD Minor Amendment

11. Adjournment

Fudge moved to adjourn the meeting at 8:45pm.

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

		Charter Township of Garfield	
		Planning Department Report No. 2021-104	
Prepared:	August 4, 2021	Pages:	3
Meeting:	August 11, 2021 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Articles 2, 3, and 7 – Zoning Ordinance Text Amendment – Public Hearing		

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.

The proposed text amendment was introduced at the July 14, 2021 Planning Commission regular meeting, and the Planning Commission scheduled the public hearing for the August 11, 2021 regular meeting.

PROPOSED ADDITIONAL CHANGES:

At the study session on July 28, 2021, the Planning Commission discussed potential changes to the Zoning Ordinance to allow for marihuana safety compliance facilities. The Township Board heard a request from representatives of an existing testing facility who are interested in adding marijuana testing to the services they offer. The Township Board will be considering police power ordinances to allow for the marijuana safety compliance facilities in accordance with State law.

Zoning Ordinance changes associated with marijuana safety compliance facilities include the following:

- Adding the highlighted text to the proposed definition of research and design facility:
 - 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 the Zoning Ordinance, a “Safety compliance facility” as defined by the Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016) and a “Marihuana safety compliance facility” as defined by the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018) shall be considered as a type of research and design facility. 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.
- Change “Research and Design Facility” from being permitted by right (R) to being permitted by special conditions (SC) in the C-O Office Commercial District.

- Add the following section for supplemental conditions for Research and Design Facilities:
 - **SECTION 767 RESEARCH AND DESIGN FACILITY**
 - A. REGULATIONS AND CONDITIONS
 - (1) For any research and design facility which includes a “Safety compliance facility” as defined by the Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016) or a “Marihuana safety compliance facility” as defined by the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), such facility shall continually follow all applicable federal, state, or local requirements, including any permits and licenses.

Through proofreading, it was also discovered that the language in Section 331 for the GTC Grand Traverse Commons Development District indicated that the Grand Traverse Commons Development Regulations had yet to be adopted. Since these regulations are now in place, the following is proposed to update Section 331.B. Jurisdictional Zoning in the Zoning Ordinance, removing all other text in this section:

- The Zoning Ordinance for the Grand Traverse Commons Development District shall be the *Grand Traverse Commons Development Regulations*, as amended, an ordinance which implements 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.).

The full text of the proposed text amendment, including these changes, is attached 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, happening tonight, and one at the Township Board.

ACTION REQUESTED:

Following discussion and the public hearing, if the Commissioners feel that the proposed amendment to the Zoning Ordinance, as attached to this report, is appropriate, then the following motions are offered for your consideration:

MOTION THAT the proposed amendment to the Garfield Township Zoning Ordinance, as attached to Planning Department Report 2021-104, BE ADOPTED, and

MOTION THAT the proposed amendment to the Garfield Township Zoning Ordinance, as attached to Planning Department Report 2021-104, BE RECOMMENDED FOR ADOPTION by the Township Board.

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 the Zoning Ordinance, a "Safety compliance facility" as defined by the Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016) and a "Marihuana safety compliance facility" as defined by the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018) shall be considered as a type of research and design facility. 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		§ 766
Recycling Facility												SUP			
Rehabilitation Center							R								
Research and Design Facility							SC				SC	SC			§ 767
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 – § 766
- (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):

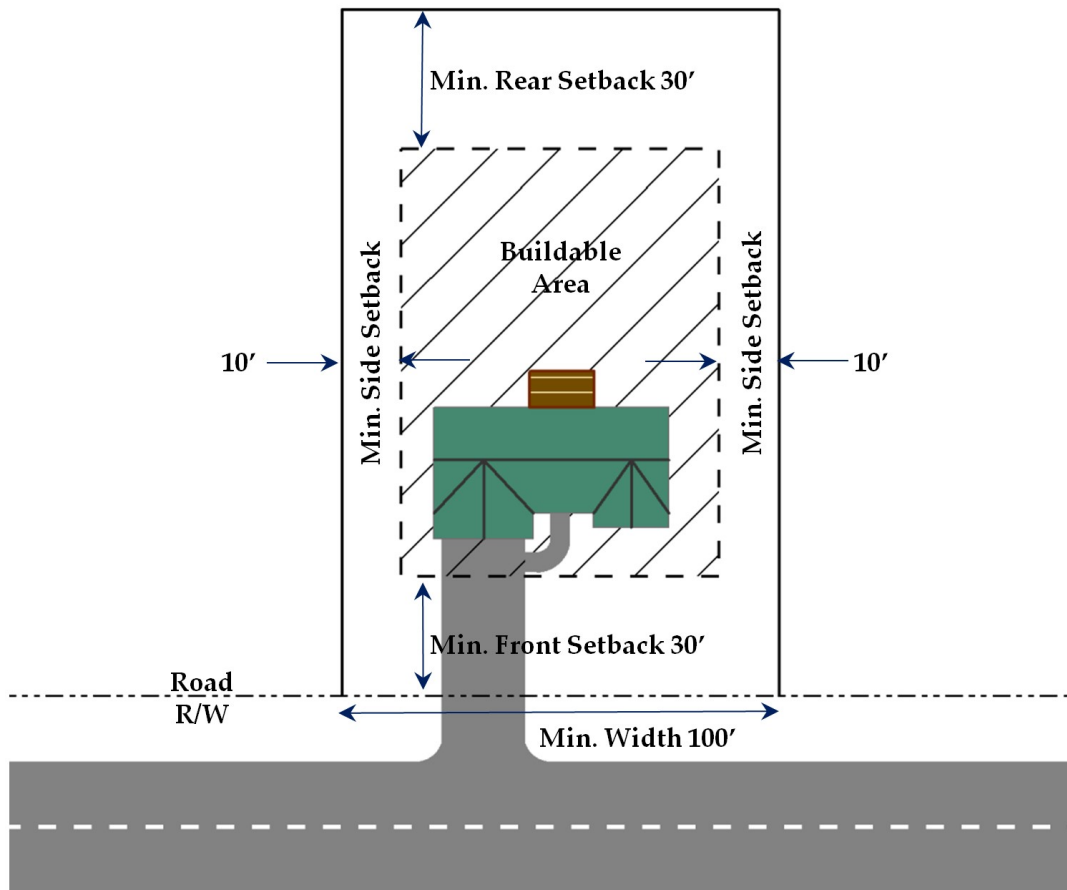
- Front: 30 feet
- Each Side: 10 feet
- Rear: 30 feet

Maximum Lot Coverage:

30 percent

Minimum Bldg. Cross Section:

24 feet



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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 – § 766
- (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):

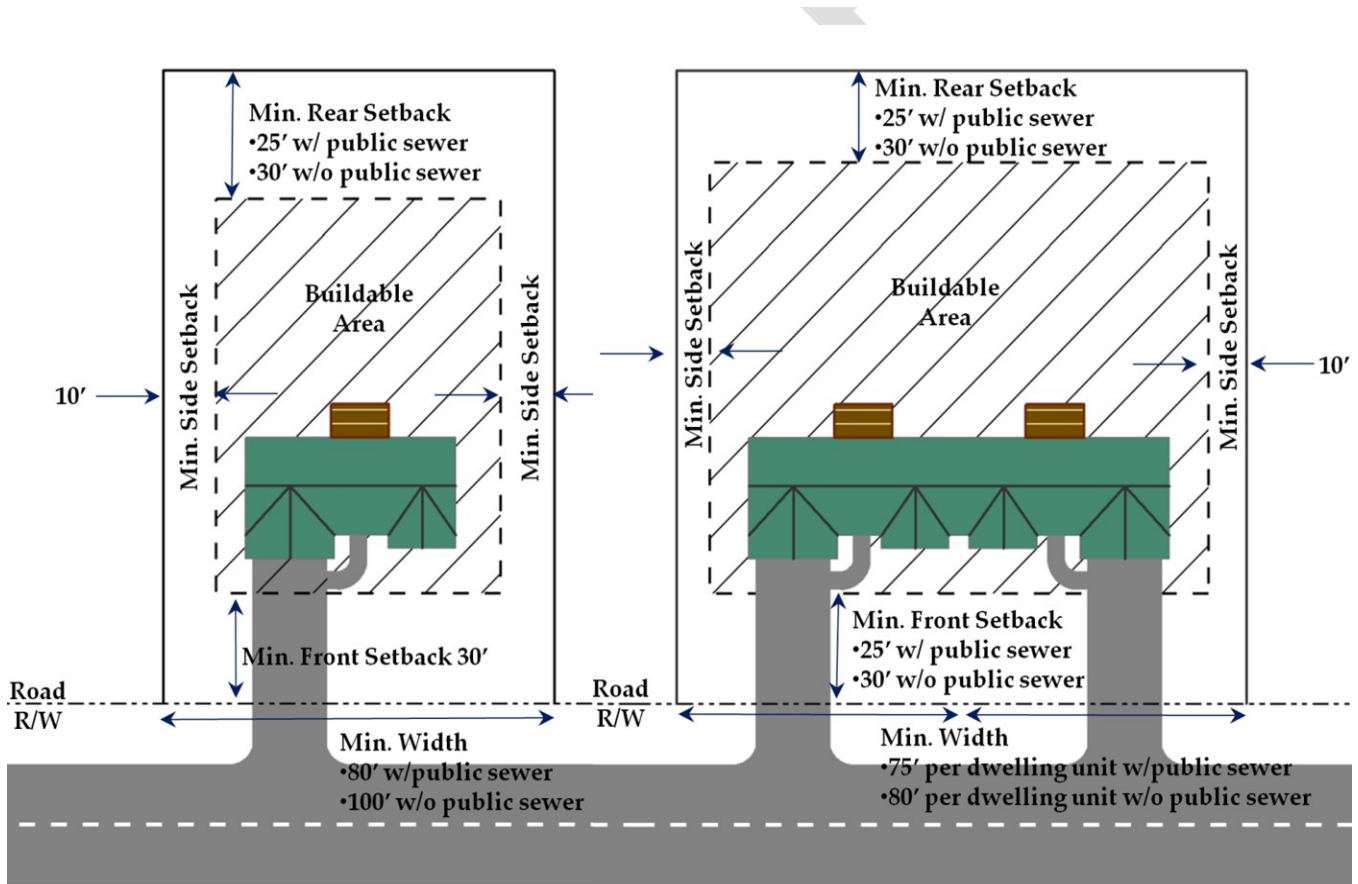
- 1- Family w/ Public Sewer 30'/10'/25'
- 1- Family w/o Public Sewer 30'/10'/30'
- 2-Family w/ Public Sewer 25'/10'/25'
- 2-Family w/o Public Sewer 30'/10'/30'

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.



Not to scale. To be used for illustrative purposes only

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 – § 766
- (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):

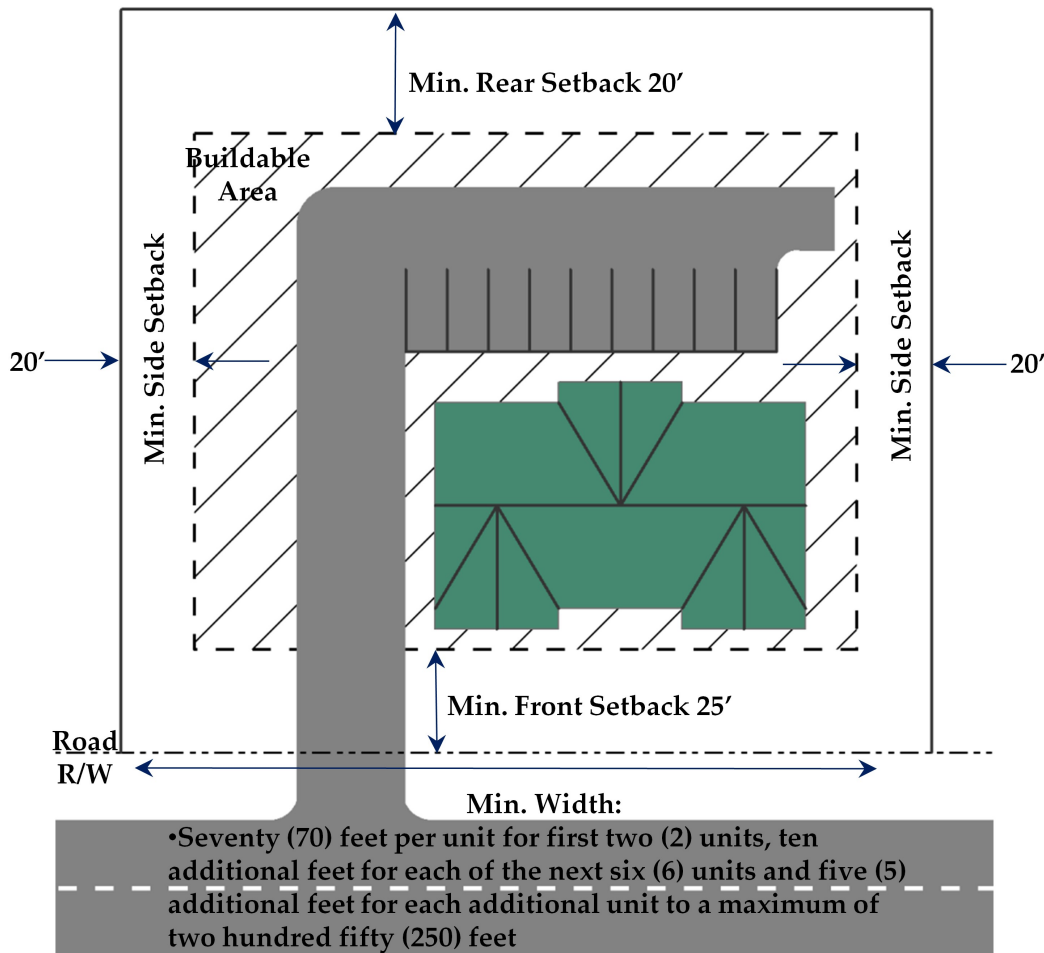
- Front: 25 feet
- Each Side (One-Family): 10 feet
- Each Side (Two-Family): 15 feet
- Each Side (Multi-Family): 20 feet
- Rear: 20 feet

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.



Not to scale. To be used for illustrative purposes only

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 – § 766
- (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:

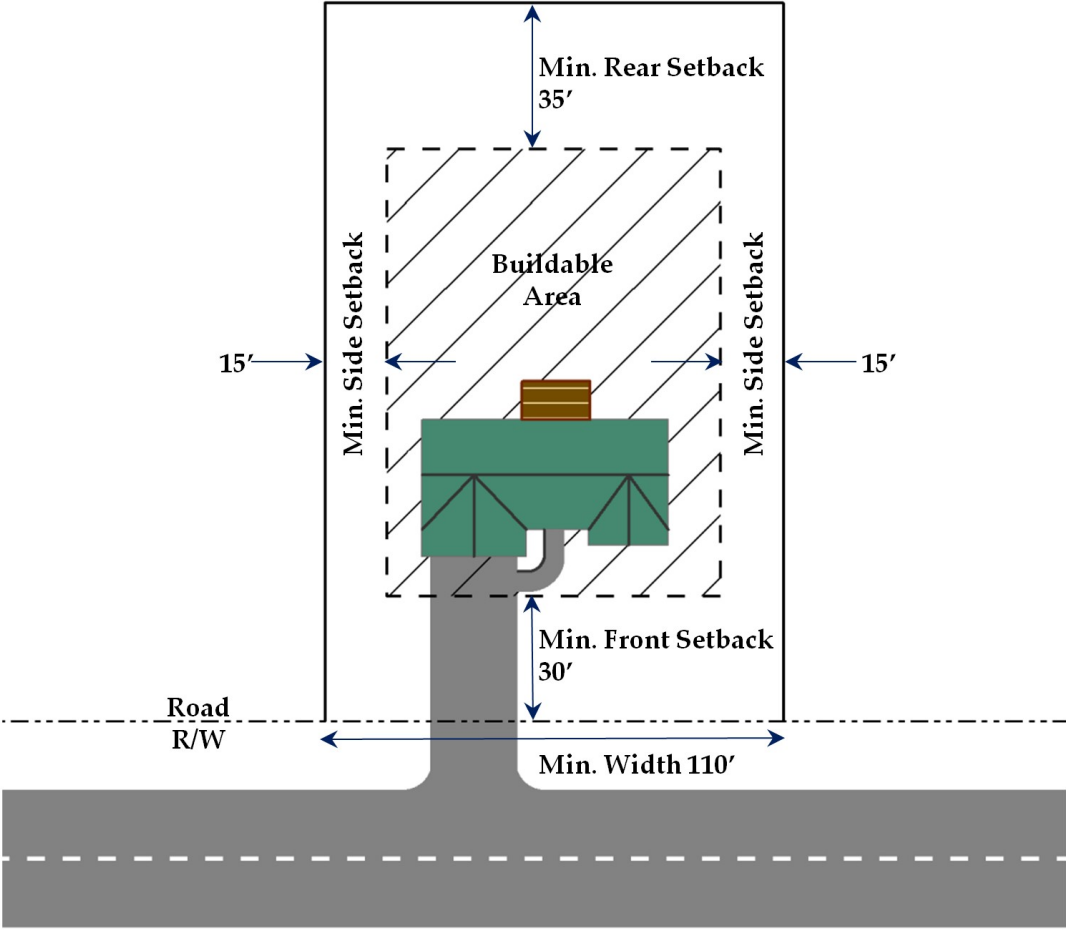
- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years 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



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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:

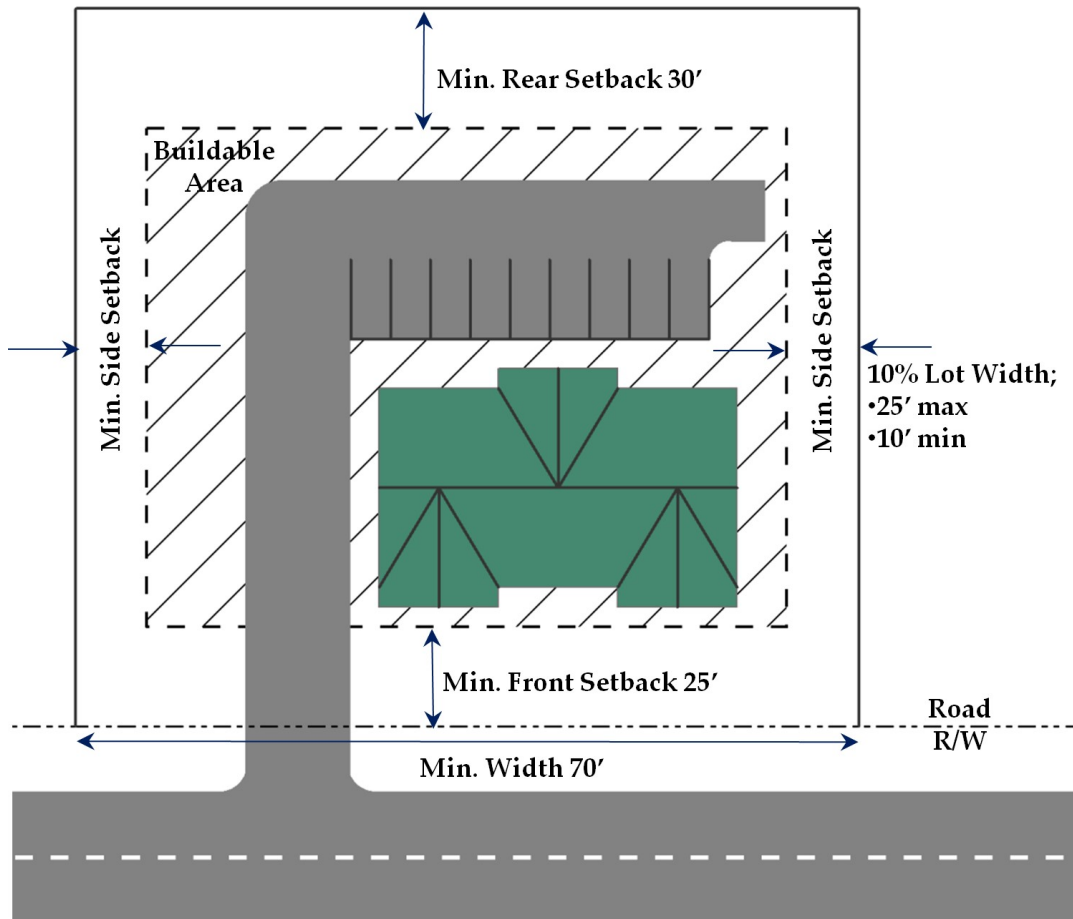
Minimum Lot Area:	10,000 sq. ft.
Minimum Lot Width:	70 feet
Maximum Building Height:	
• In Stories:	2 stories
• In Feet:	28 feet
Minimum Yard Setbacks (C):	
• Front:	25 feet (A)
• Each Side:	(B)
• Rear:	30 feet
Maximum Lot Coverage:	-
Minimum Bldg. Cross Section:	24 feet

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) Service Establishment, Personal
- (14) Solar Energy System, Accessory – § 773.A

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Off-Site Parking
- (2) Research and Design Facility – § 767
- (3) Veterinary Hospital

C. USES PERMITTED BY SPECIAL USE PERMIT:

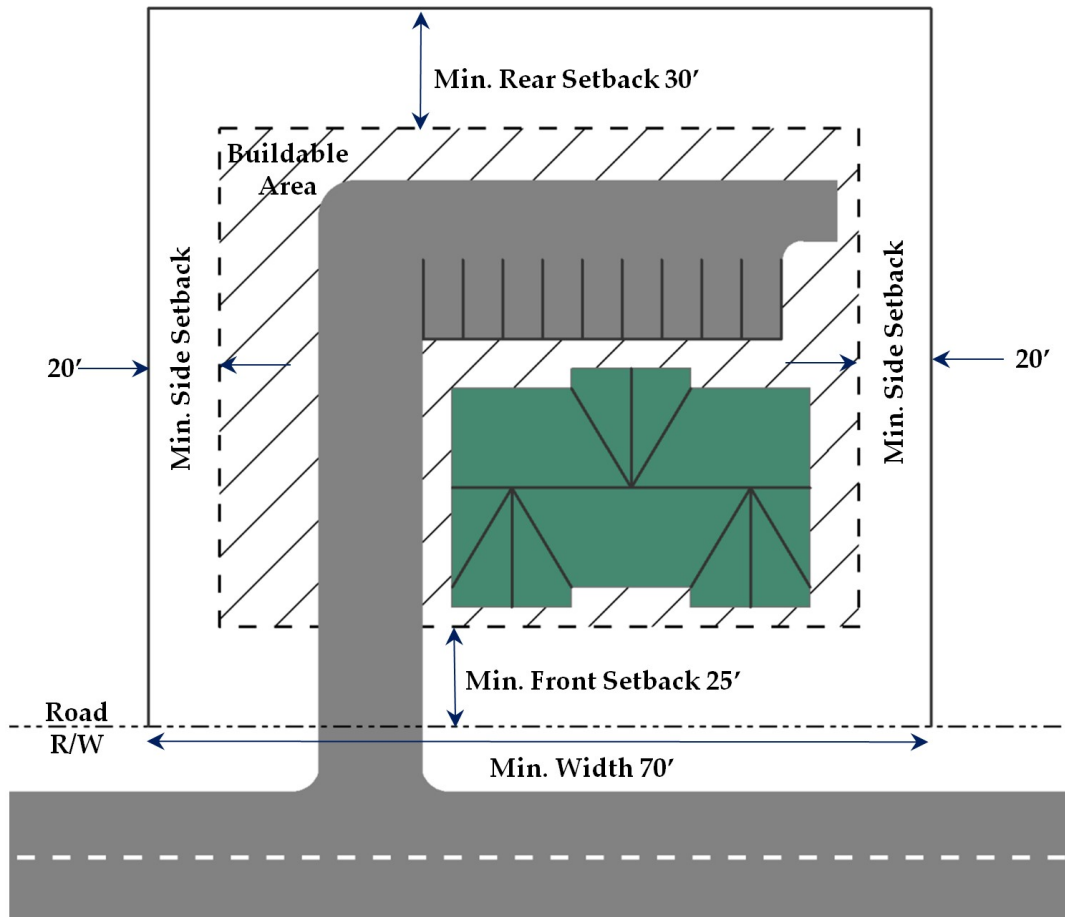
- (1) Adult Foster Care Facility – § 710
- (2) Child Care Center – § 720
- (3) Essential Service Facility, Major – § 737.B
- (4) Financial Institution, with Drive-Through – § 730
- (5) Institutional Uses and Structures – § 752
- (6) Solar Energy System, Primary – § 773.B

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:

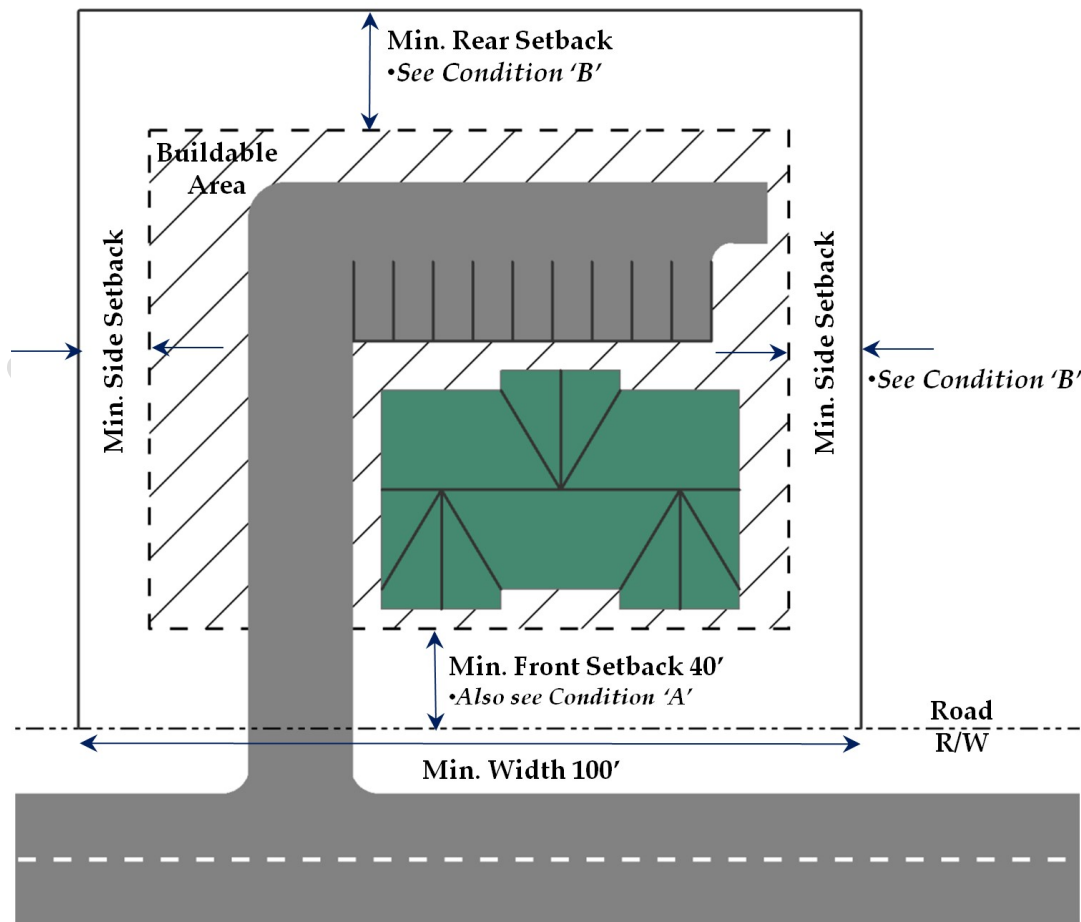
- (1) Car Wash – § 717
- (2) Commercial District Housing Development – § 725
- (3) Drive-In Business – § 730
- (4) Drive-Through Business – § 730
- (5) Essential Service Facility, Major – § 737.B
- (6) Restaurant, with Drive-Through – § 768 & § 730
- (7) Retail Fabricator – § 769
- (8) Retail, High Volume
- (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

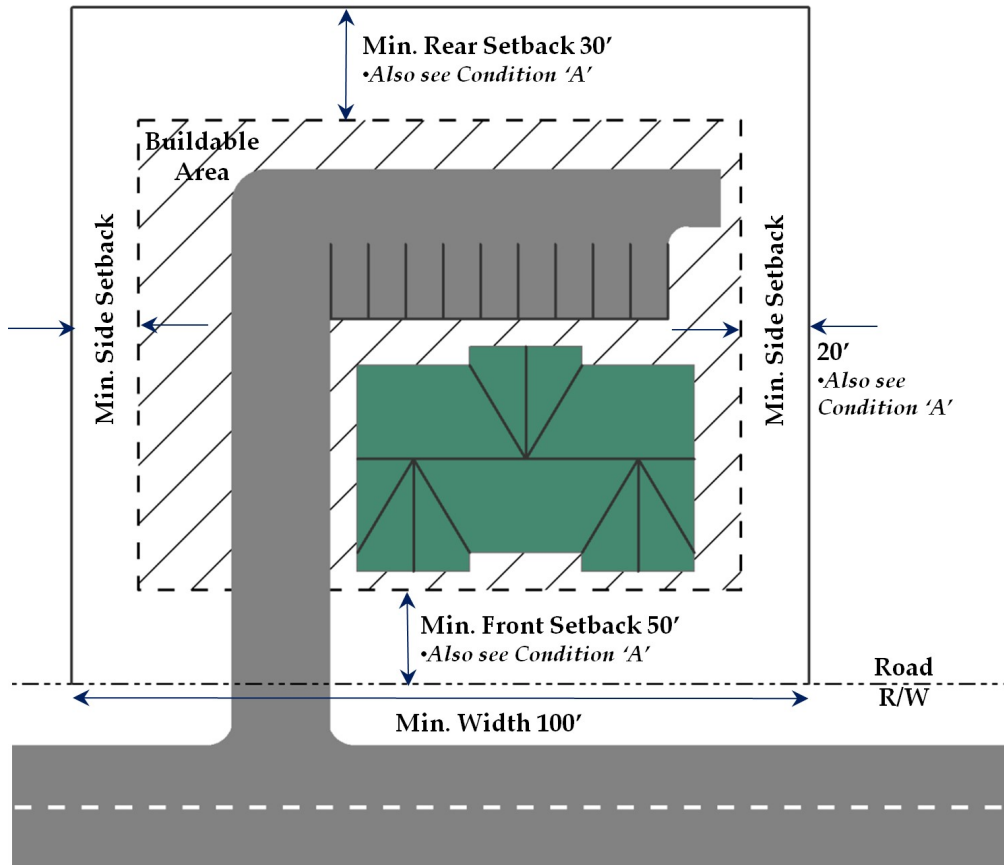
In order to achieve a well-planned center, the Planning Commission may require access to the business facilities from an interior service road at least twenty-four (24) feet wide which shall be established in order to provide the major means of access to the planned commercial area. The site plan layout 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 – § 767
- (6) Vehicle Dealership, without Outdoor Sales

C. USES PERMITTED BY SPECIAL USE PERMIT:

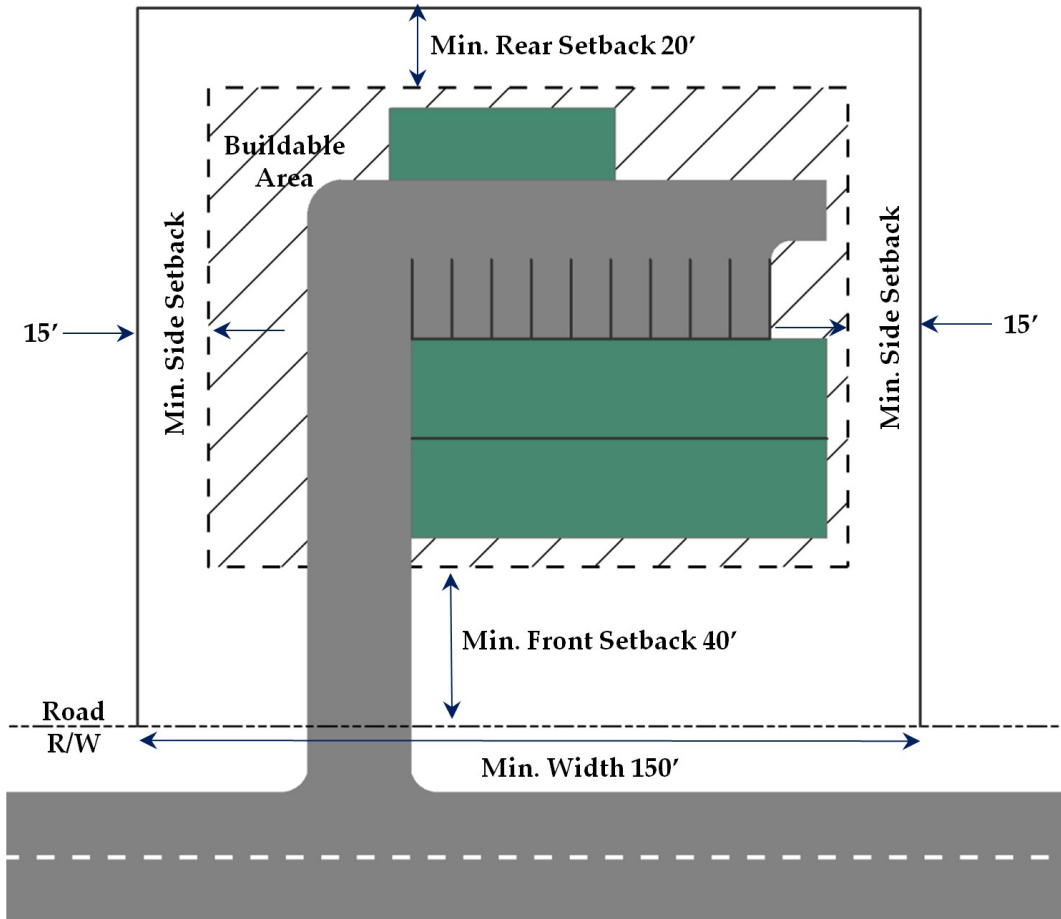
- (1) Car Wash – § 717
- (2) Crematorium – § 727
- (3) Essential Service Facility, Major – § 737.B
- (4) Gasoline Service Station – § 748
- (5) Institutional Uses and Structures – § 752
- (6) Mechanical Amusement Arcades
- (7) Mortuary or Funeral Home – § 760
- (8) Office
- (9) Off-Site Parking
- (10) 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.



Not to scale. To be used for illustrative purposes only

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 – § 767

C. USES PERMITTED BY SPECIAL USE PERMIT:

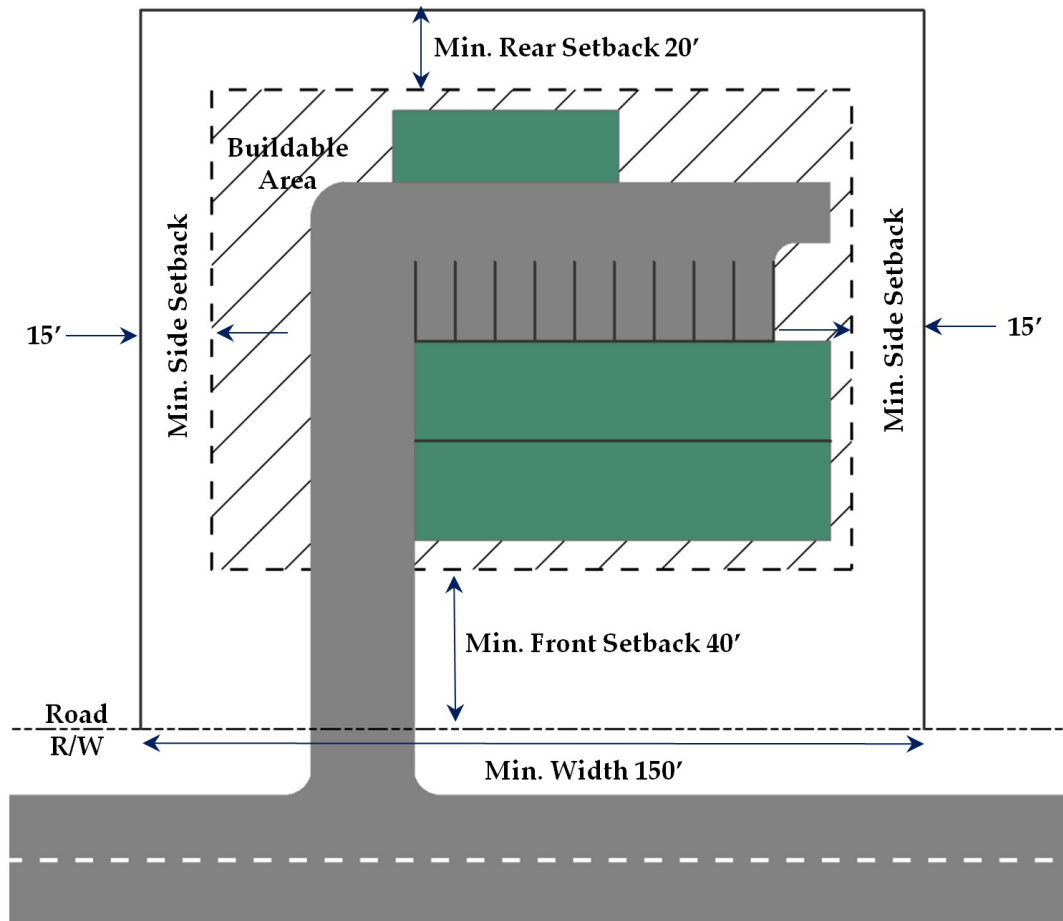
- (1) Car Wash – § 717
- (2) Crematorium – § 727
- (3) Essential Service Facility, Major – § 737.B
- (4) Gasoline Service Station – § 748
- (5) Incinerator
- (6) Institutional Uses and Structures – § 752
- (7) Junk Yard – § 753
- (8) Metal Plating, Buffering, and Polishing
- (9) Off-Site Parking
- (10) 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.



Not to scale. To be used for illustrative purposes only

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:

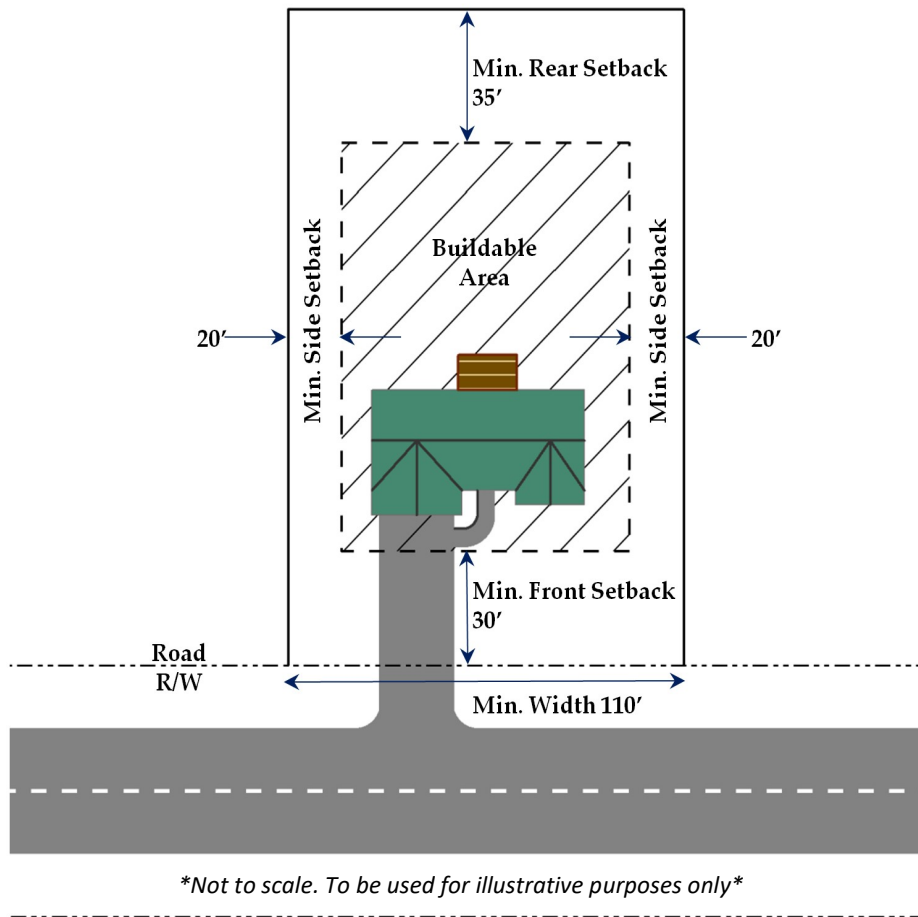
- (1) Adult Foster Care, Small Group Home – § 708
- (2) Adult Foster Care, Large Group Home – § 709
- (3) Airport or Airfield
- (4) Bed and Breakfast – § 713
- (5) Campground or Travel Trailer Park – § 716
- (6) Child Care Center – § 720
- (7) Essential Service Facility, Major – § 737.B
- (8) Game or 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 – § 766
- (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:

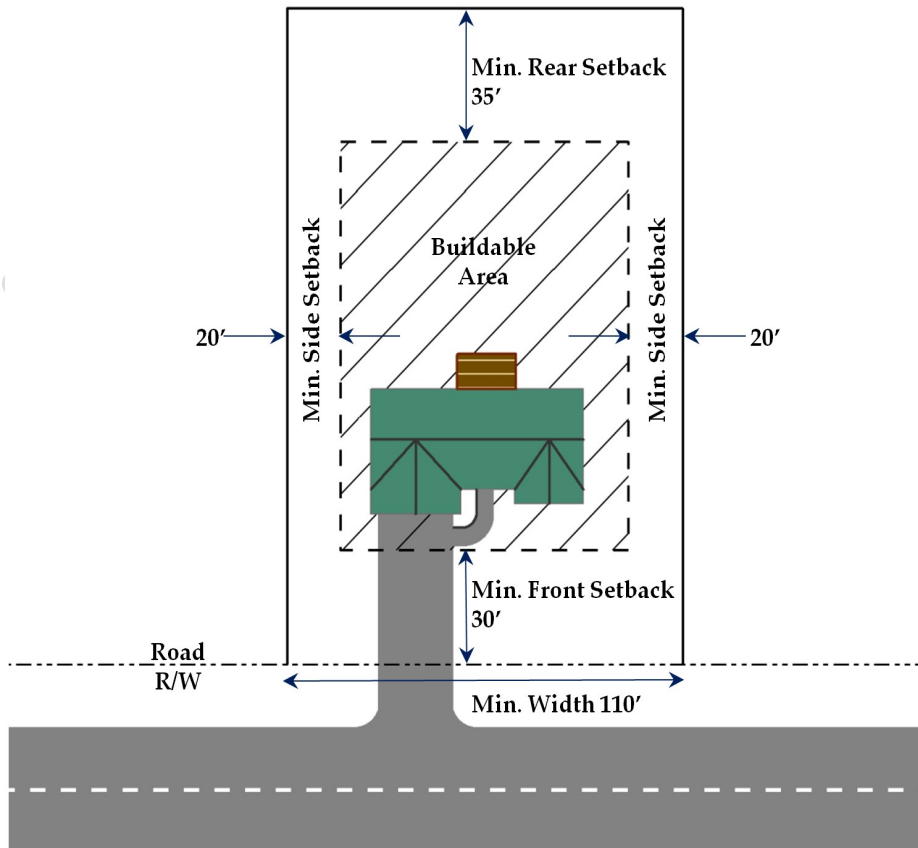
- (1) Campground or Travel Trailer Park – § 716
- (2) Essential Service Facility, Major – § 737.B
- (3) Park, Community – High Intensity
- (4) Solar Energy System, Primary – § 773.B

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 | |



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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 the *Grand Traverse Commons Development Regulations*, as amended, an ordinance which implements 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.).

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.

DRAFT

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 766 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 767 RESEARCH AND DESIGN FACILITY

A. REGULATIONS AND CONDITIONS

- (1) For any research and design facility which includes a "Safety compliance facility" as defined by the Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016) or a "Marihuana safety compliance facility" as defined by the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), such facility shall continually follow all applicable federal, state, or local requirements, including any permits and licenses.

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 protection procedures 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 collocating 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.

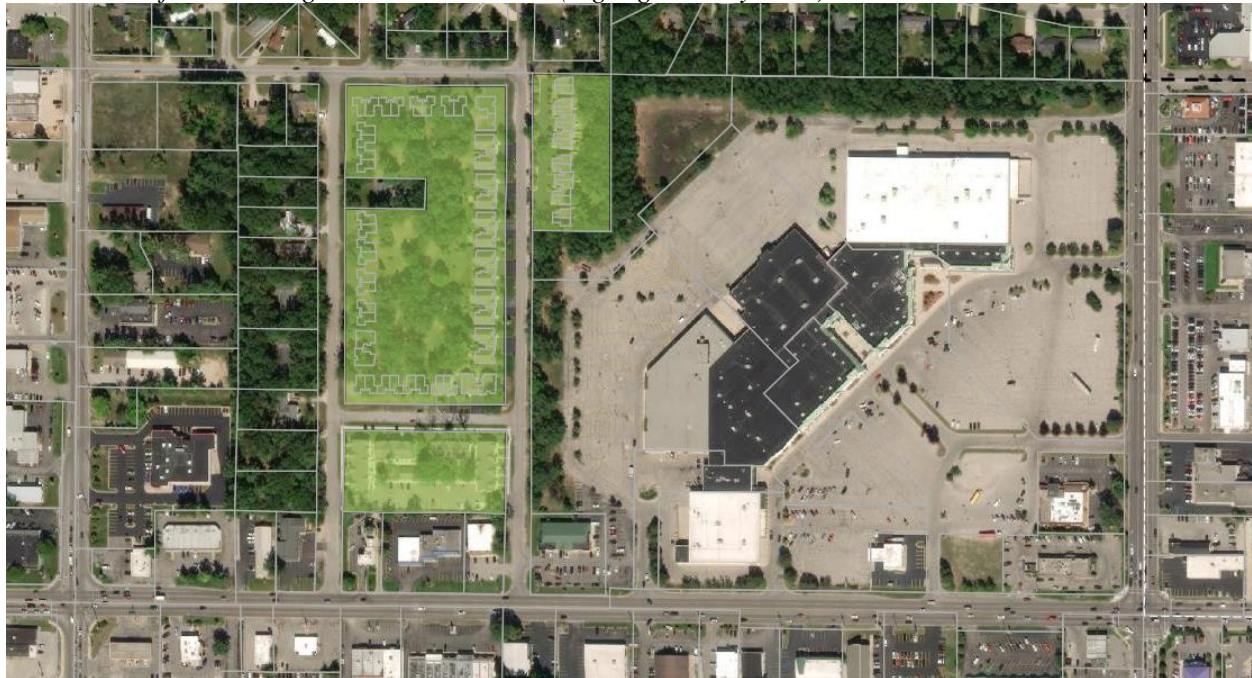
 Charter Township of Garfield Planning Department Report No. 2021-105			
Prepared:	August 3, 2021	Pages:	2
Meeting:	August 11, 2021 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Kensington Park PURD – Minor Amendment – Request for Withdrawal		
File No.	SUP 2002-06-D	Parcel 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 submitted the application for Minor Amendment to the PURD requesting to officially remove the requirement for sidewalk installation, but now is requesting to withdraw the application.

The application was first introduced at the April 14, 2021 Planning Commission meeting (PD Report 2021-44) and was on the agendas for the June 9, 2021 (PD Report 2021-82) and July 14, 2021 (PD Report 2021-94) Planning Commission meetings before being delayed both times per the request of the applicant. The reports for the June 9, 2021 and July 14, 2021 Planning Commission meetings on this application provide details on the background and an analysis of the application including full application history, reviews by the Township Attorney and the Grand Traverse County Road Commission, Staff comments, and a review of the approval criteria for Minor Amendments to a PURD.

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



ACTION REQUESTED:

This item is placed on the Planning Commission agenda to formally accept withdrawal of the application. The following motion is suggested:

MOTION THAT the WITHDRAWAL of application SUP-2002-06-D, submitted by Lynne Moon, BE ACCEPTED.

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

Attachments:

1. Letter from Alward, Fisher, Rice, Rowe & Graf, PLC, dated August 3, 2021.

ALWARD FISHER RICE
ROWE & GRAF

ATTORNEYS AT LAW

202 E. STATE STREET, SUITE 100
TRAVERSE CITY, MI 49684
Phone (231) 346-5400
Facsimile (231) 941-9679

WWW.NMICHLAW.COM

E-mail: drowe@nmichlaw.com
Direct: (231) 346-5407

August 3, 2021

Via Email Transmission - shannon@garfield-twp.com

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

Re: Kensington Park Planned Unit Residential Development (PURD)


Dear Mr. Sych:

I represent Lynne Moon regarding the above matter. It is the intent of this letter to withdraw her application for a minor amendment to the PURD.

Thank you for your assistance. Please feel free to contact me with any questions.


Sincerely,

ALWARD, FISHER, RICE, ROWE & GRAF, PLC



David H. Rowe

DHR/tls
c (via email):
Lynne Moon

 Charter Township of Garfield Planning Department Report No. 2021-106			
Prepared:	August 3, 2021	Pages:	6
Meeting:	August 11, 2021 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	South22 Multi-Family Housing Special Use Permit-Introduction		
File No.	SUP-2021-02	Parcel No.	05-023-026-50
Applicant:	Hammond Investment Properties, LLC		
Agent:	Scott Jozwiak/Jozwiak Consulting, Inc.		
Owner:	Hammond Investment Properties, LLC		

BRIEF OVERVIEW:

- Location: 1532 W Hammond Rd, west of LaFranier Road
- Parcel area: 21.58 acres
- Existing land use: Two residences/undeveloped land
- Existing zoning: R-3 Multi Family Residential

PURPOSE OF APPLICATION:

This application requests approval of a Special Use Permit for a proposed 216-unit multi-family housing development. Multiple family dwellings are permitted via Special Use Permit in the R-3 Multi Family Residential District.

Zoomed-out aerial image of the subject property (property lines highlighted in blue):



Zoomed-in aerial image of the subject property (property lines highlighted in blue):



SITE DESIGN AND ZONING COMPLIANCE OVERVIEW:

In approving any special use permit 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.

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

Boundary Adjustment and Density

The proposed development is being presented by the same developer as Ridge45; however, South22 and Ridge45 are two separate developments. With this proposal, the developer is looking to adjust the boundary between Ridge45 (parcels 05-023-025-60 and 05-023-026-40) and South22 (parcel 05-023-026-50) to accommodate improvements and meet density requirements.

The boundary adjustment will result in Ridge45 reducing its net acreage to 38.06 acres. With 400 units, this change results in a density of 10.81 units per acre which meets the minimum lot area density of 4,000 square feet per multi-family unit.

The boundary adjustment will result in South22 increasing its net acreage to 19.30 acres. With 216 units, this change results in a density of 11.19 units per acre which exceeds the minimum lot area density of 4,000 square feet per multi-family unit. In accordance with R-3 District requirements, 19.30 acres (840,708 square feet) can accommodate 210 units. The proposed boundary adjustment should be altered so that both developments meet the minimum lot area density of 4,000 square feet per multi-family unit.

Buildings:

The proposed buildings are as follows:

Building Type	Number of Units	Number of Buildings	Square Feet Each	Total Number of Units	Total Square Feet
3-story apartment building	60 each	3	20,672	180	62,016
1-story quadplex	4 each	9	10,530	36	94,770
Maintenance building	n/a	1	4,000	n/a	4,000
Total				216	160,786

Building elevations have been provided that illustrate building height and façade. Maximum building height in the R-3 District is 3 stories or 40 feet. Building elevations need to be provided to scale to ensure that they are in conformance. As presented, proposed buildings appear to meet all height requirements.

Maximum lot coverage or the part of percent of the lot, occupied by a building, including accessory buildings is 35%. Proposed lot coverage is 19.1%. The building synopsis table on Sheet C100 needs to be corrected to reflect the proposed square footage for Quadplexes buildings 1 through 4.

Several amenities are proposed including a dog park, sidewalks, patio area, pavilions, grills, and cornhole court.

Setbacks:

The front setback is 25 feet in the R-3 District. Side and rear yards in the R-3 District shall be 20 feet. Side setbacks are shown at 10 feet. The proposed buildings and structures meet the front setback requirement but do not meet the side yard setback requirement.

Ingress and Egress:

Ingress and egress for the site will be provided from Lloyd Lane to the south and Parkside Boulevard in the Ridge45 development to the north. Lloyd Lane will provide access to Hammond Road. Parkside Boulevard will provide access to LaFranier Road.

Lloyd Lane and its intersection with Hammond Road will be reconfigured to meet Road Commission requirements for a proper T-intersection. Access easements are proposed. Recorded easements and maintenance agreements for cross-access and shared drives will be necessary as part as a condition of approval.

Traffic Impact Report:

A traffic impact report shall be required for any major development, special use permit, or site plan under the following described conditions:

- (1) A proposed rezoning that could generate 150 or more directional trips during the peak hour or at least 1,000 more trips per day than the most intensive use that could be developed under existing zoning;
- (2) A proposed development that will generate 150 or more directional trips during the peak hour or at least 500 trips per day; or
- (3) A proposed development for a 5-acre or larger site; or
- (4) Upon determination by the Director of Planning, or by the Planning Commission, that a report is necessary to determine needed road improvements or to determine that unsafe or hazardous conditions will not be created by the development as proposed.

The requirements for a traffic impact report may be waived in whole or in part by the Director of Planning, or by the Planning Commission, upon a determination that such report is not necessary to determine needed road improvements or that no unsafe or hazardous conditions will be created by the development as proposed.

The proposed development exceeds 5 acres and is a development expected to generate more than 500 trips per day. However, the proposed development is offering land for improvement of the Lloyd Lane/Hammond Road intersection. Furthermore, no new driveways are proposed for Hammond or LaFranier Roads. In light of these improvements and design, Staff recommends waiving the requirement for a traffic impact report.

Parking and Drives:

Parking areas for multiple family dwellings has a minimum parking requirement of 1.5 spaces per dwelling unit to a maximum of 2.0 spaces per dwelling unit. A minimum 324 parking spaces is required and a maximum of 432 parking spaces are permitted. 453 parking spaces are proposed. However, only 209 parking spaces are surface parking spaces. Most of the proposed parking is contained within garages.

Wherever off-street parking is required, a minimum of two bicycle parking spaces are required. For parking areas with greater than twenty-five (25) motor vehicle spaces, bicycle parking shall be provided on a basis of two spaces per twenty-five motor vehicle parking spaces. The apartment buildings and quadplexes have garages that will provide bicycle parking and storage. However, there is value in providing a bicycle rack at the entrance of each apartment building for the convenience of residents and visitors.

Sidewalks:

Proposed sidewalks, bicycle paths, and other pedestrian circulation features within the site, including dimensions and type of construction materials, meet Township requirements.

Wetlands:

Approximately 0.12 acre of wetlands is located near LaFranier Road has been delineated and verified by EGLE. A 25-foot buffer has been provided as required by the Township. A pedestrian bridge is being proposed to provide an added amenity and feature for the development. Pursuant to the attached letter from EGLE, the bridge will require a permit from EGLE.

Landscaping:

Conceptual layouts have been provided on the site plans; however, a detailed landscaping plan will be needed. A landscaping plan shall include a table identifying the species, size of landscape materials, and number proposed, compared to what is required by the Ordinance. All vegetation to be retained on site must also be indicated, as well as its typical size by general location or range of sizes as appropriate. The landscaping plan shall include the following:

- Type “C” buffer is required to the north and west. The type “C” buffer requires ground cover as specified in Section 530.J, plus three large trees, three medium or small trees, one evergreen or coniferous tree per one hundred (100) linear feet of greenspace area. The Type “C” Buffer area shall be a minimum width of ten (10) feet.
- Type “D” buffer is required to the east and south. The type “D” buffer requires ground cover as specified in Section 530.J, plus four large trees, three medium or small trees, and three evergreen or coniferous trees per one hundred (100) linear feet of greenspace area. The Type “D” Buffer area shall be a minimum width of twenty (20) feet.
- Parking area landscaping as required in Section 532.

Because the South22 will adjoin Ridge45, the developer is seeking flexibility in the buffer requirement for the north side of the subject parcel. The Planning Commission may waive or adjust any landscaping requirement in whole or in part provided that certain conditions exist upon the site. Those conditions include where prevailing development patterns justify alternative compliance. In this case, it makes sense to coordinate the landscaping between South22 and Ridge45 so that it provides a transition between developments and not a buffer.

Lighting:

A lighting plan has been provided, including exterior lighting locations, illumination point values, and type of fixtures, and lamp pole heights. Kelvin rating for the fixtures must be supplied. Proposed lamps shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale. The lighting plan shall also note that none of the proposed fixtures will create illumination levels that exceed the standards of Section 517 of the Zoning Ordinance.

Snow Storage:

Snow storage is to be provided at the ratio of ten (10) square feet per one hundred (100) square feet of parking area. Snow storage areas have been identified and meet the minimum requirements.

Dumpster Enclosures:

Two centralized dumpster and trash compactor are to be located adjacent to the proposed Maintenance Building. Details of the construction of the screening must be noted on the site plan. Such enclosures shall be finished with the same materials and colors as the exterior finish of the principal structure or shall be concrete block or similar material. The enclosure shall be four-sided and constructed with an opaque gate constructed of wood or similar material, but not including chain link gates with plastic or vinyl type slats. Walls of the enclosure shall be a minimum of 6 feet in height.

Other Reviews:

The application is subject to additional reviews, including but not limited to the Township Engineer, Grand Traverse County Road Commission, and Metro Fire. Sewer and water utility improvements and stormwater improvements will be reviewed by the Township Engineer. Escrow for these reviews is needed as determined by the Township Engineer. Signs are reviewed by the Township Zoning Administrator.

ACTION REQUESTED:

The purpose of the introductory meeting is to accept the application and to identify any concerns that should be addressed prior to holding a public hearing on the application. As such, following an opportunity for applicant presentation and Commissioner discussion, the following motion is offered for consideration:

MOTION THAT application SUP-2021-02, submitted by Jozwiak Consulting, Inc., for a Special Use Permit for an apartment complex at Parcel 05-023-026-50, BE ACCEPTED, and BE SCHEDULED for a public hearing for the September 8, 2021 Regular Planning

Commission meeting, subject to the following additional information being provided by the applicant:

1. The proposed boundary adjustment shall be altered so that both the South22 and Ridge45 developments meet the minimum lot area density of 4,000 square feet per multi-family unit.
2. Building elevations shall be provided to scale.
3. The building synopsis table on Sheet C100 shall be corrected to reflect the proposed square footage for Quadplexes buildings 1 through 4.
4. Side setbacks must be shown at 20 feet.
5. Approval will be subject to the review and recording of cross access easements and maintenance agreements.
6. Provision of bicycle racks in front of the apartment buildings.
7. A detailed landscaping plan with required buffers shall be provided.
8. The lighting plan shall provide the Kelvin rating for the proposed fixtures and note that none of the proposed fixtures will create illumination levels that exceed the standards of Section 517 of the Zoning Ordinance.
9. Details of the dumpster screening shall be provided.
10. The site plan shall be subject to other reviews, including but not limited to the Township Engineer, Grand Traverse County Road Commission, and Metro Fire.

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

Attachments:

1. Impact Statement and Basis of Determination dated July 8, 2021
2. Letter from EGLE dated July 1, 2021
3. 11” x 17” plan set provided by applicant dated August 1, 2021

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;

- *Both current Zoning Map and Future Land Use Map indicate this area as a multi-family/high density zoning designation. Currently the R-3 District allows for Multi-family residential, allowing 1 unit / 4,000 sf. The Master Plan (Future Land Use Map) allows for High Density Residential, 6-10 units per acre.*

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;

- *This proposed development is compatible to all the surrounding uses and characteristics of this area and is allowed by Special Land Use. Surrounding neighborhoods include mobile home park, multi-family developments, and proposed BATA transfer station with additional multi-family house proposed.*

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;

- *South22, a multi-family housing development will not create any detrimental impacts. Traffic is handled by internal private streets and entrances onto public rights-of-way are limited to reduce congestion.*

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;

- *This developments intent is to create a community within its property and has provided the layout, amenities, parking and landscaping to create the sense of neighborhood. This layout benefits the area by eliminating adverse effects to adjacent properties. Landscaping and screening create a buffer and internal streets and parking are shielded by the proposed structures.*

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;

- *The parcel is generally vacant, open land. The south end of the property has some established vegetations (both deciduous and coniferous trees) and a regulated wetland as identified and delineated by Environment, Great Lake and Energy (EGLE). The proposed layout maintains the wetlands, with maintaining a 25' setback from said wetlands. Some vegetation will be necessary to be removed but the layout has addressed keeping as much as possible to provide the scenery and buffering.*

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;

- *Owner/Applicant has been working with Garfield Township Engineers to determine the expanded use on public sewer and water. Both utilities have the capacity for the proposed use. Drainage will be contained on site and all private roads and entrances, including the redesign and construction of Lloyd Lane will be the responsibility of the Owner/Applicant.*

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;

- *South22 is not detrimental or an endangerment but rather provides the community with much needed multi-family housing in an area that has been designated for such a development.*

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;

- *The continual growth of the Grand Traverse region requires housing of all types, with a high demand in multi-family housing options. South22 provides 204 units in both quad=plex and apartment style units, which supports the growing region and helps fill the demand. This use supports the public interest and welfare greatly.*

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;

- *South22 has direct connection to Ridge45, with shared internal streets. This networks allows for sharing the main entrances that are already constructed on LaFranier. The south end of the development fronts on Lloyd Lane (public). Working with Grand Traverse County Road Commission, a proposed relocation of the intersection of Lloyd Lane and Hammond Road provides a safer means of connectivity; the proposed South22 entrances are located on Lloyd Lane.*

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

- *Vehicular streets are interconnected with Ridge45, sized for the amount of traffic and configured to traffic calm within the development. The pedestrian flow follows the same principle- providing connectivity between developments and with the sidewalk along the public roads for use to surrounding areas, providing safe passage for all users in, through and around the area.*

The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

- *South22 completes the zoning district with creating a safe multi-family housing community that helps meet the needs of the area AND fulfils the intent of the zoning district.*

IMPACT ASSESSMENT

South22, a proposed multi-family housing development located in Garfield Township is comprised of a mix of quad-plex units and apartment buildings. Nine (9) quad-plexes for a total of 36 units and three (3) apartment buildings of 56 units each is a grand total of 204 units. This equates to 10.9 units per acre density (using 18.7 acres net). This site is adjacent to the Ridge 45 apartment complex and provides the ability for cross-access agreements, shared storm-water management, and amenities such as sidewalks and playgrounds.

The plan is for a one phase development, with construction to commence when all approvals and permits have been granted and issued.

The land is currently vacant, except for two vacant residences on the south end. The site has little topography and has some minimal scrub brush on a majority of it. Closer to the south end is some established vegetation, a mix of deciduous and coniferous trees. The southeast corner of the site has a regulated wetland as identified and delineated by Environment, Great Lake and Energy (EGLE). Site work will necessitate removing some of the vegetation to perform site grading but no work is proposed in or near the regulated wetlands.

Working with Garfield Township Engineers, it has been determined that the public sanitary sewer and water system have capacity for the proposed development. A sewage lift station is proposed on the property to pump into the public sewer system.

The residents of South22 will utilize the extensive sidewalk network both within its development and within Ridge45. Amenities to the complex include a dog park, pedestrian sidewalks in and around the development. Pocket parks are created by the sidewalk network for outside recreation by the residents.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

July 1, 2021

VIA E-MAIL

Mr. Scott Jozwiak
Jozwiak Consulting
13300 South West Bayshore Drive
Traverse City, Michigan 49684

Dear Mr. Jozwiak:

SUBJECT: Wetland Identification Report
Wetland Identification Site Name:
28-W Hammond Road and La Franier Road NW-Garfield Township
MiWaters Submission Number: HP8-4Q5Q-67977

The Department of Environment, Great Lakes, and Energy (EGLE) conducted a Level 2 Wetland Identification Review of approximately two acres on property (Property Tax Identification Number 05-023-026-50) located in located in Town 27N, Range 11W, Section 23, Garfield Township, Grand Traverse County on June 22, 2021. The wetland identification was conducted in accordance with Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and Rule 4 (1), Wetland Identification and Assessment (R 281.924), of the Administrative Rules for Part 303. This is a report of our findings in response to your Wetland Identification Program (WIP) application.

Based on our on-site investigation, which included a review of plants, hydrology, and soils, EGLE finds that the WIP review area contains wetland. Staff also reviewed other pertinent information such as aerial imagery, soils survey data, topographic mapping data, and surface hydrology data.

During EGLE's site review, staff flagged the approximate wetland boundaries with EGLE-labeled, blue/yellow survey flagging tape and documented the boundaries on the enclosed site map (Figure 2). The site map identifies areas containing regulated wetland and non-wetland (upland).

Approximately 0.12 acre [all] of the wetland within the review area is regulated by EGLE because of wetland size or proximity to a pond, lake, or stream. For the wetland identified as regulated wetland on the site map, please be advised that any of the following activities require a permit under Part 303:

- a) Deposit or permit the placing of fill material in a regulated wetland.

Mr. Scott Jozwiak

Page 2

July 1, 2021

- b) Dredge, remove, or permit the removal of soil or minerals from regulated wetland.
- c) Construct, operate, or maintain any use or development in a regulated wetland.
- d) Drain surface water from a regulated wetland.

For the areas identified as non-wetland (upland) on the site map, EGLE lacks jurisdiction under Part 303 for activities occurring in those areas.

High-accuracy GPS equipment was utilized to map wetland boundary flags within the WIP review area. The enclosed map depicts approximate boundary locations of regulated wetland and non-wetland (upland). The GPS map data generated by EGLE may be compatible with site planning/survey software that your engineer or surveying firm uses and may be available upon request.

This Wetland Identification Report is limited to findings pursuant to Part 303 and does not constitute a determination of jurisdiction under other EGLE administered programs. Any land use activities undertaken within the review area may be subject to regulation pursuant to the NREPA under Part 91, Soil Erosion and Sedimentation Control.

Please be aware that this wetland identification report does not constitute a determination of the jurisdiction under local ordinances or federal law. The U.S. Army Corps of Engineers (USACE) retains regulatory authority over certain wetlands pursuant to Section 404 of the Clean Water Act (CWA), and specifically those wetlands associated with traditionally navigable waters of the state. Navigable waters are generally the Great Lakes, their connecting waters, and river systems and lakes connected to these waters. In other areas of the state, EGLE is responsible for identification of wetland boundaries for purposes of compliance with the CWA under an agreement with the U.S. Environmental Protection Agency. Your review area is unlikely to be within those areas also regulated by the USACE. Additional information may be obtained by contacting the USACE at 313-226-2218.

You may request EGLE reassess the wetland boundaries and regulatory status of wetlands within any portion of the review area, should you disagree with the findings, within 60 days of the date of this report. A written request to reassess the Wetland Identification review area must be accompanied by supporting evidence with regard to wetland vegetation, soils or hydrology different from, or in addition to, the information relied upon by EGLE staff in preparing this report. The request should be submitted to:

Wetland Identification Program
Department of Environment, Great Lakes, and Energy
Water Resources Division
P.O. Box 30458
Lansing, Michigan 48909-7958

Mr. Scott Jozwiak

Page 3

July 1, 2021

Please use the EGLE MiWaters submission number assigned to this project if submitting a permit application or otherwise corresponding with our office.

The findings contained in this report do not convey, provide, or otherwise imply approval of any governing act, ordinance, or regulation, nor does it waive the obligation to acquire any applicable federal, state, county, or local approvals. This Wetland Identification Report is not a permit for any activity that requires a permit from EGLE.

The findings contained in this report are binding on EGLE until July 1, 2024, a period of three years from the date of this Wetland Identification Report unless a reassessment has been conducted. Please contact me at 517-243-5002; gyekisk@michigan.gov; or EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958, if you have any questions regarding this report.

Sincerely,



Keto Gyekis
Wetland Identification Program Coordinator
Water Resources Division

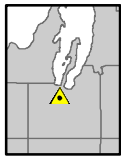
Enclosures

cc: Grand Traverse County Health Department (via e-mail)
Grand Traverse County Soil Erosion Enforcement Agent (CEA) (via e-mail)
Garfield Township Clerk (via e-mail)
Mr. Scott Knowlton, Hammond Investment Properties, LLC (via e-mail)
Mr. Joe Haas, EGLE (via e-mail)
Mr. Neil Schock, EGLE (via e-mail)

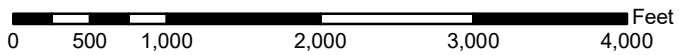


**WIP
Review
Area
Location**

Figure 1.
EGLE Wetland Identification Location
W Hammond Rd and La Franier Rd
Garfield Township
HP8-4Q5Q-67977



Grand Traverse County



Map created: June 2021
 K. Gyekis,
 Wetlands, Lakes,
 and Streams Unit, EGLE WRD

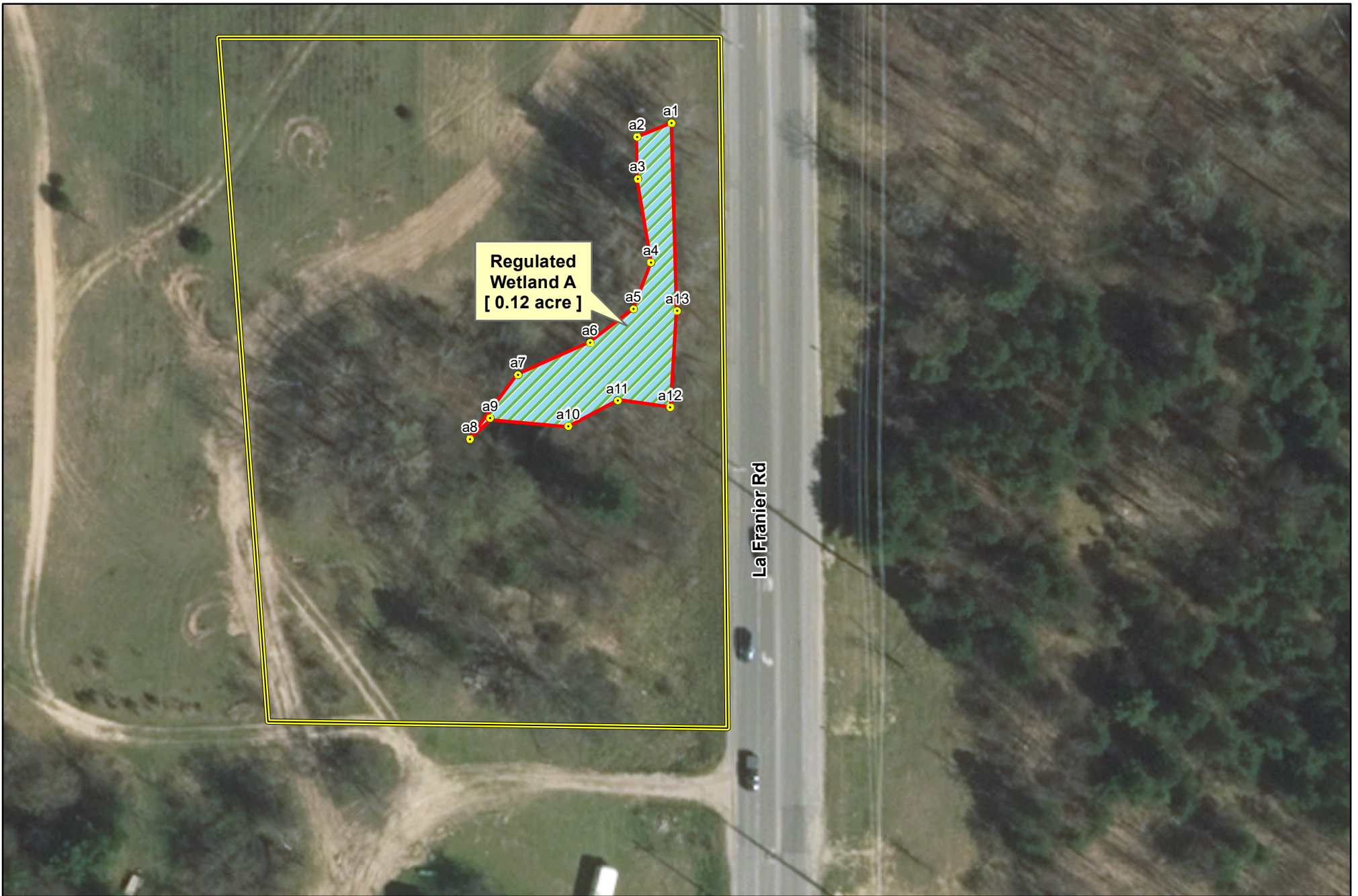



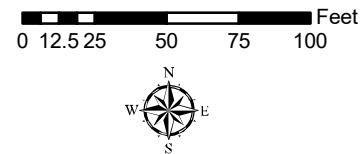


Figure 2.
EGLE Wetland Identification Detail
W Hammond Rd and La Franier Rd
Garfield Township
HP8-4Q5Q-67977



-  EGLE Regulated Wetland
-  Wetland Boundary Flag
-  WIP Review Area



This drawing showing those areas containing wetland and not containing wetland is an approximation of the boundaries flagged on-site.

This drawing does not authorize or permit activities requiring a permit in accordance with Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Map created: June 2021
 K. Gyekis,
 Wetlands, Lakes,
 and Streams Unit, EGLE WRD

PRELIMINARY PLANS FOR SOUTH 22

MULTI-FAMILY HOUSING DEVELOPMENT

Apartment Unit Type	3 Bedroom, 2 Bath	2 Bedroom, 2 Bath	1 Bedroom, 1 Bath	Efficiency
Parking Formula	2 parking spaces per unit	2 parking spaces per unit	1.5 parking spaces per unit	1.5 parking spaces per unit
60 Unit Apartment Building	0	20	40	
Parking Tally		40	60	
Parking required for building type	100			

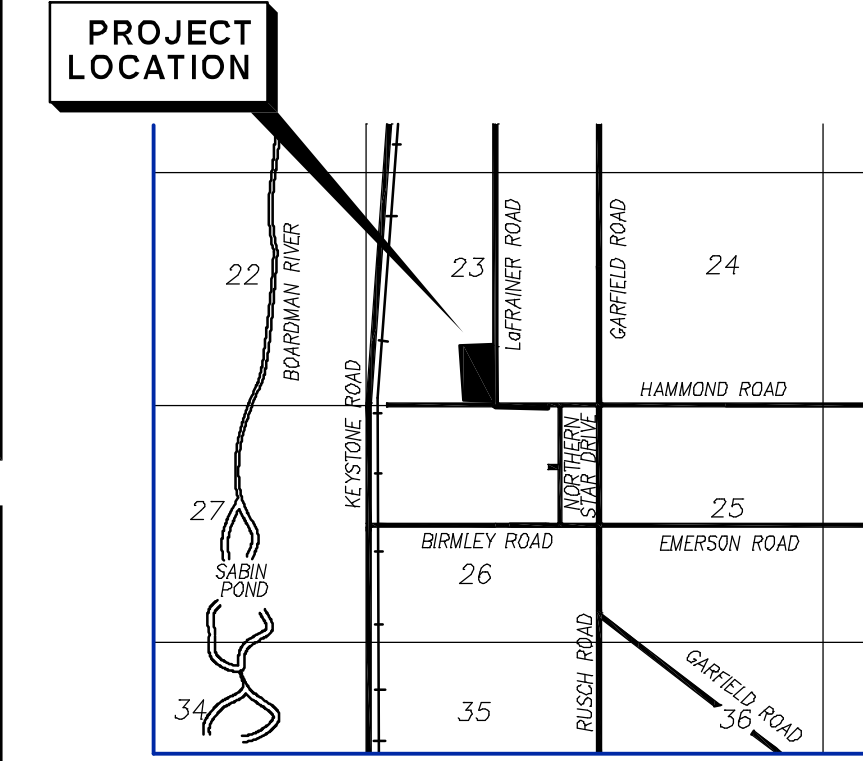
PARKING SYNOPSIS

Parcel Size	19.3	Acres
Number of apartments	216	living units
Density	11.2	units per acre

DENSITY SYNOPSIS

	SF Footprint	Length	Width	Eave Height	Ridge Height	Stories	Units	Parking Req'd	Parking Prov'd	Surface Pkg	Indoor Pkg		
Apartment Building A	20672	304	68	30	45	3	60	100	100	68	32	Each apartment building will have underground parking. A maximum of 34 spaces can be allotted in each building allowing conversion of extra space for the use of bike storage or similar.	
Apartment Building B	20672	304	68	30	45	3	60	100	100	68	32		
Apartment Building C	20672	304	68	30	45	3	60	100	100	67	33		
Quadplex 1	20672	130	81	10	20	1	4	8	16	8	8		
Quadplex 2	20672	130	81	10	20	1	4	8	16	8	8		
Quadplex 3	11810	130	81	10	20	1	4	8	16	8	8		
Quadplex 4	11810	130	81	10	20	1	4	8	16	8	8		
Quadplex 5	10530	130	81	10	20	1	4	8	16	8	8		
Quadplex 6	10530	130	81	10	20	1	4	8	16	8	8		
Quadplex 7	10530	130	81	10	20	1	4	8	16	8	8		
Quadplex 8	10530	130	81	10	20	1	4	8	16	8	8		
Quadplex 9	10530	130	81	10	20	1	4	8	16	8	8		
Other	Maintenance Building	4000	100	40	14	24	1	0	3	4	4	Each apartment in the quadplex will have a two car garage. Additionally, two or more cars can park in the driveway in front of the garage doors.	
	Dumpster/Ancillary							0	5	5			
							216 Dwelling Units	375	453				

BUILDING SYNOPSIS



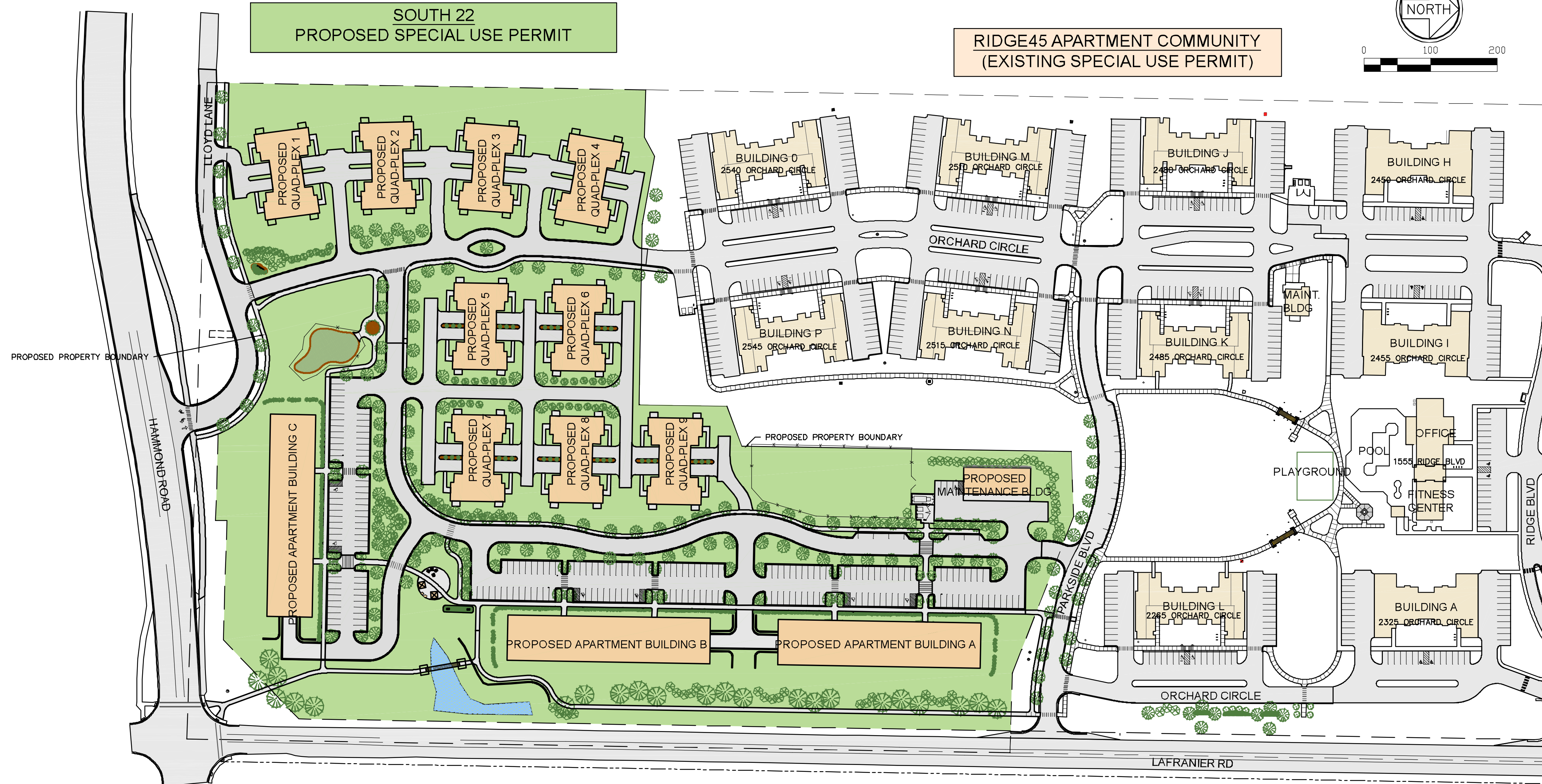
PROJECT LOCATION MAP

APPLICANT
Hammond Investment Properties, LLC
1435 Fulton St., 2nd Floor
Grand Haven, MI 49417
616-842-2030
Peter Oleszczuk

SITE:
Parcel ID: 28-05-023-026-50
Address: 1532 W. Hammond Rd.

Current Zoning: R-1M

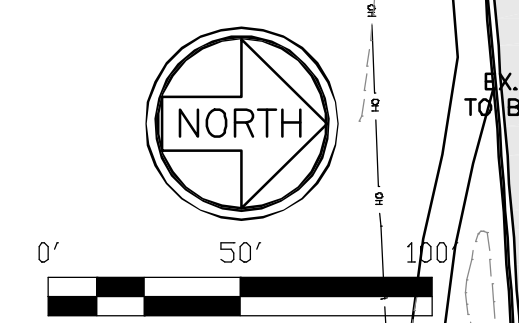
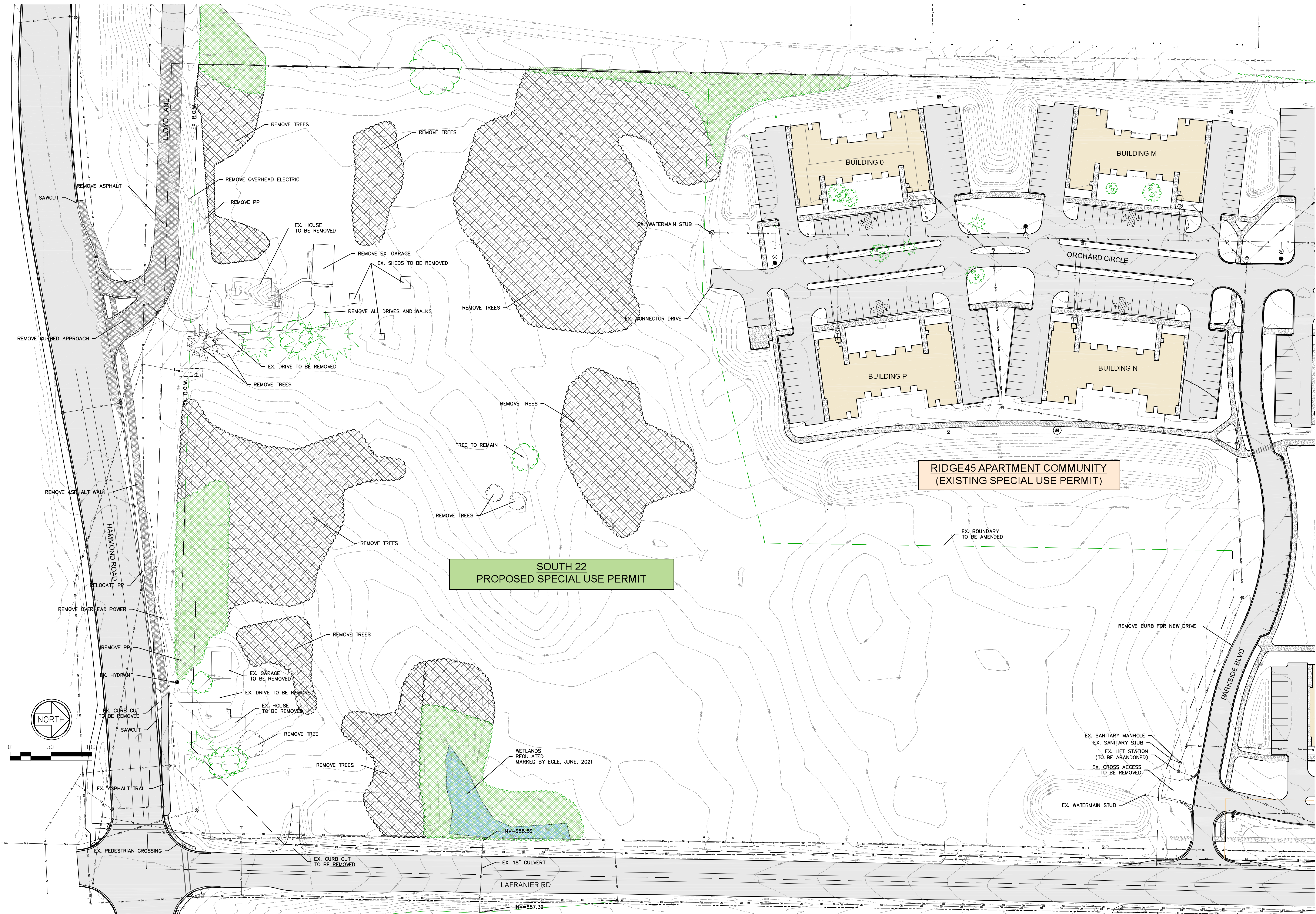
SITE DATA

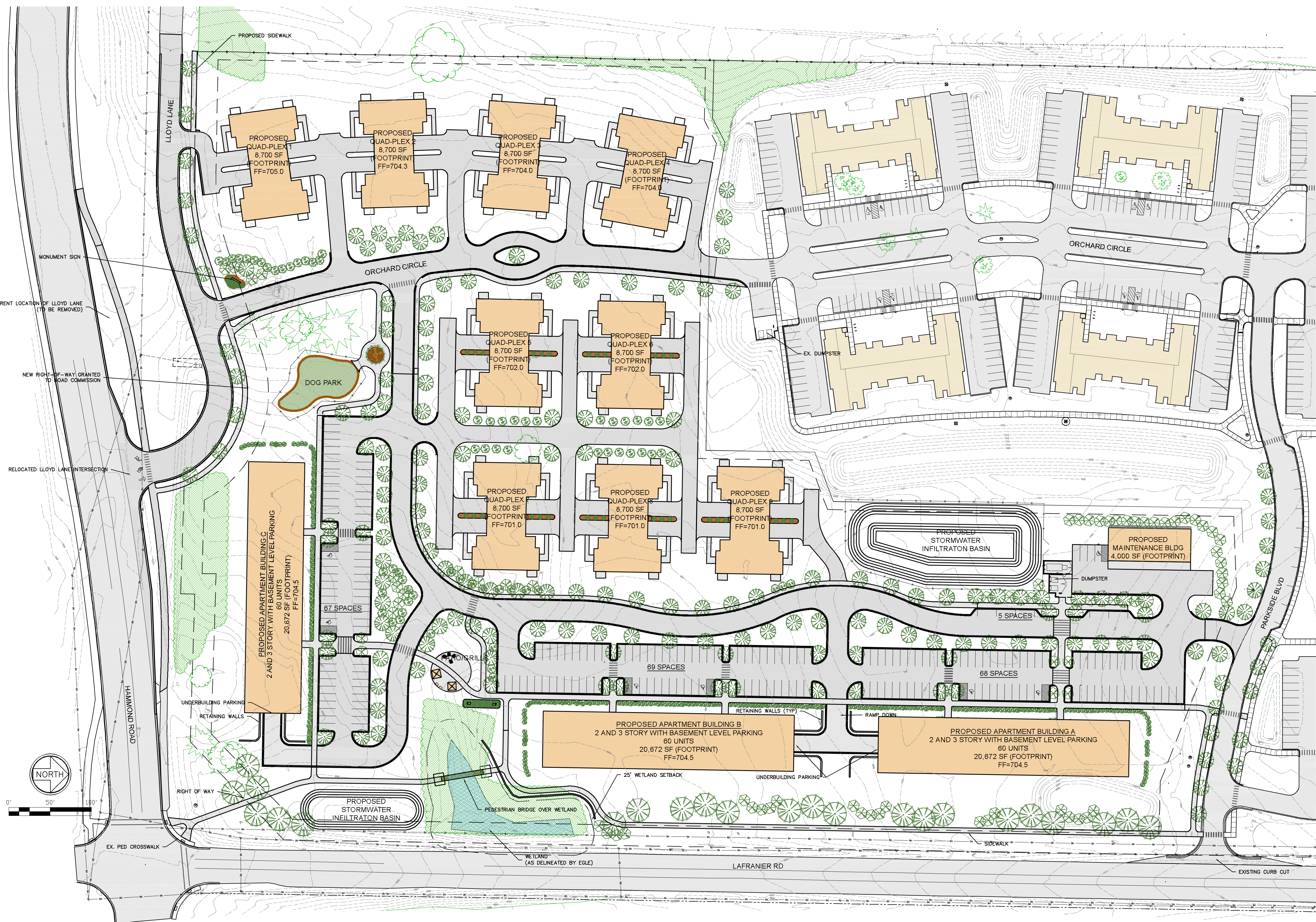


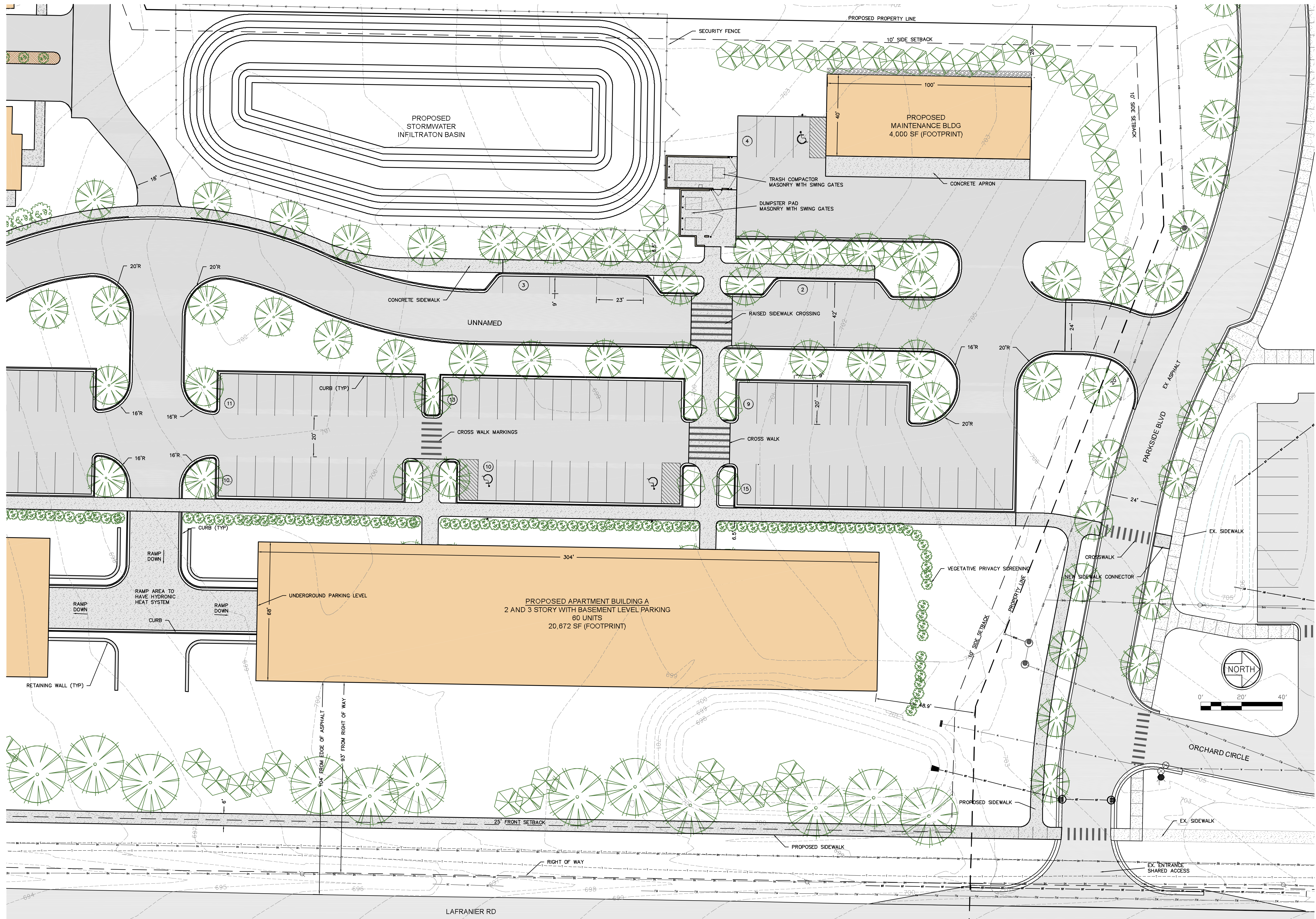
OVERALL DEVELOPMENT MAP

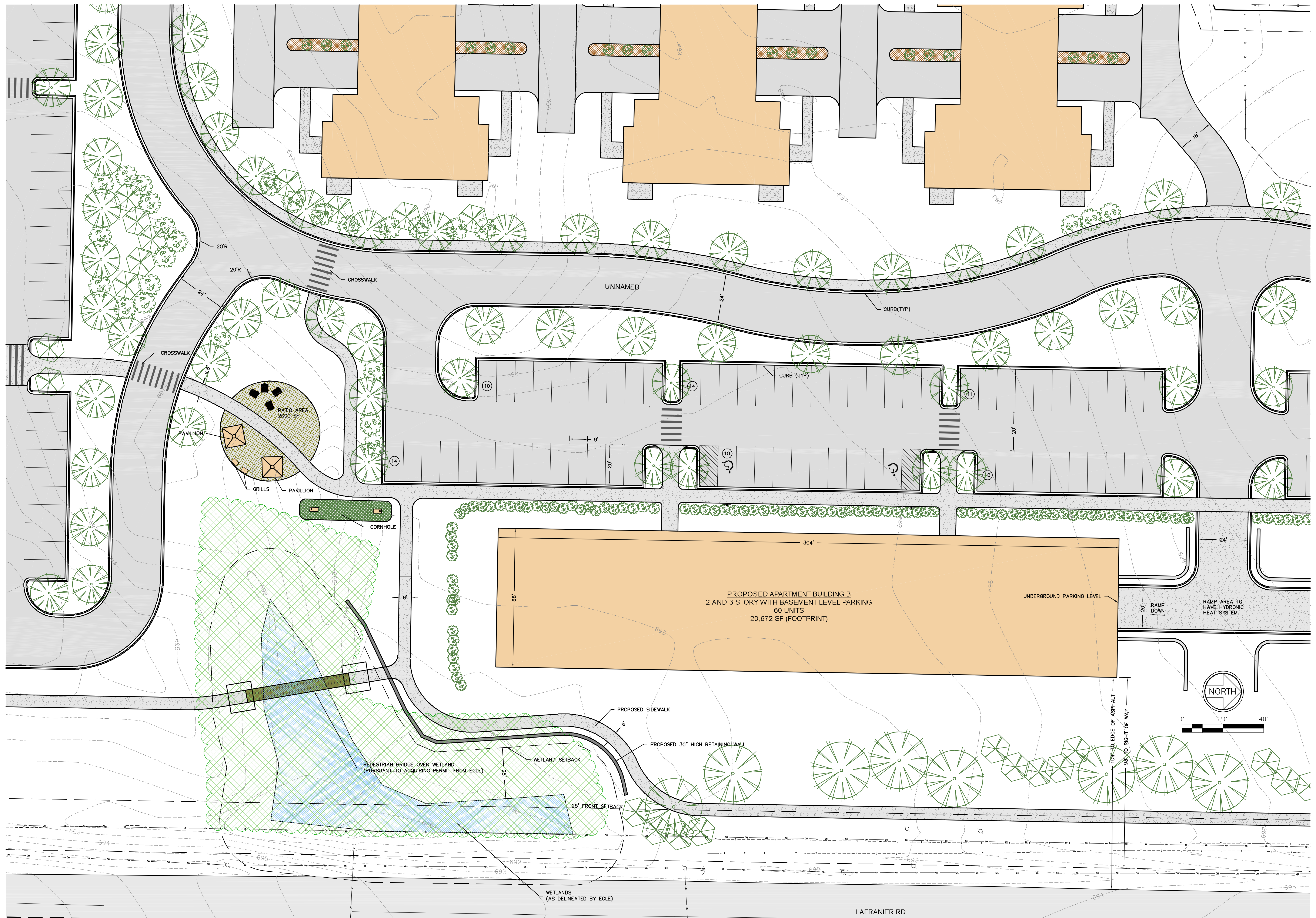
SHEET	SHEET TITLE
C100	GENERAL PLAN INFORMATION
C101	EX. CONDITIONS AND DEMOLITION PLAN
C102	SITE PLAN
C301	DETAIL PLAN, APARTMENT A
C302	DETAIL PLAN, APARTMENT B
C303	DETAIL PLAN, APARTMENT C
C304	DETAIL PLAN, QUADPLEX 5-9
C305	DETAIL PLAN, QUADPLEX 1-4'
C306	DETAIL PLAN, LLOYD LANE'
C701	ZONING COMPLIANCE PLAN
C704	PROPERTY BOUNDARY INFORMATION
E400	PHOTOMETRIC PLAN
A101	QUADPLEX, FLOOR PLAN AND ELEVATIONS
A102	APARTMENT, FLOOR PLAN AND ELEVATIONS

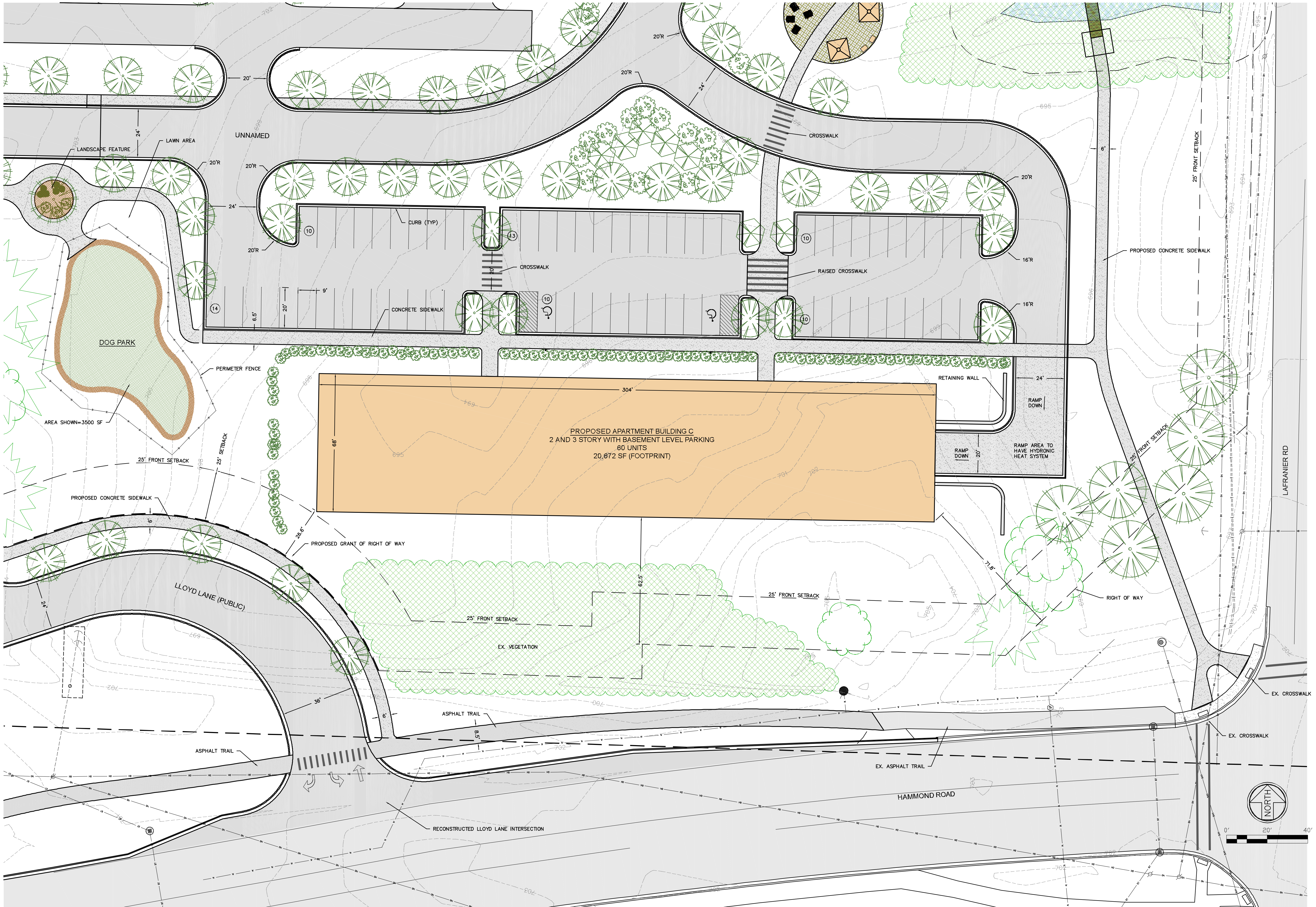
SHEET INDEX

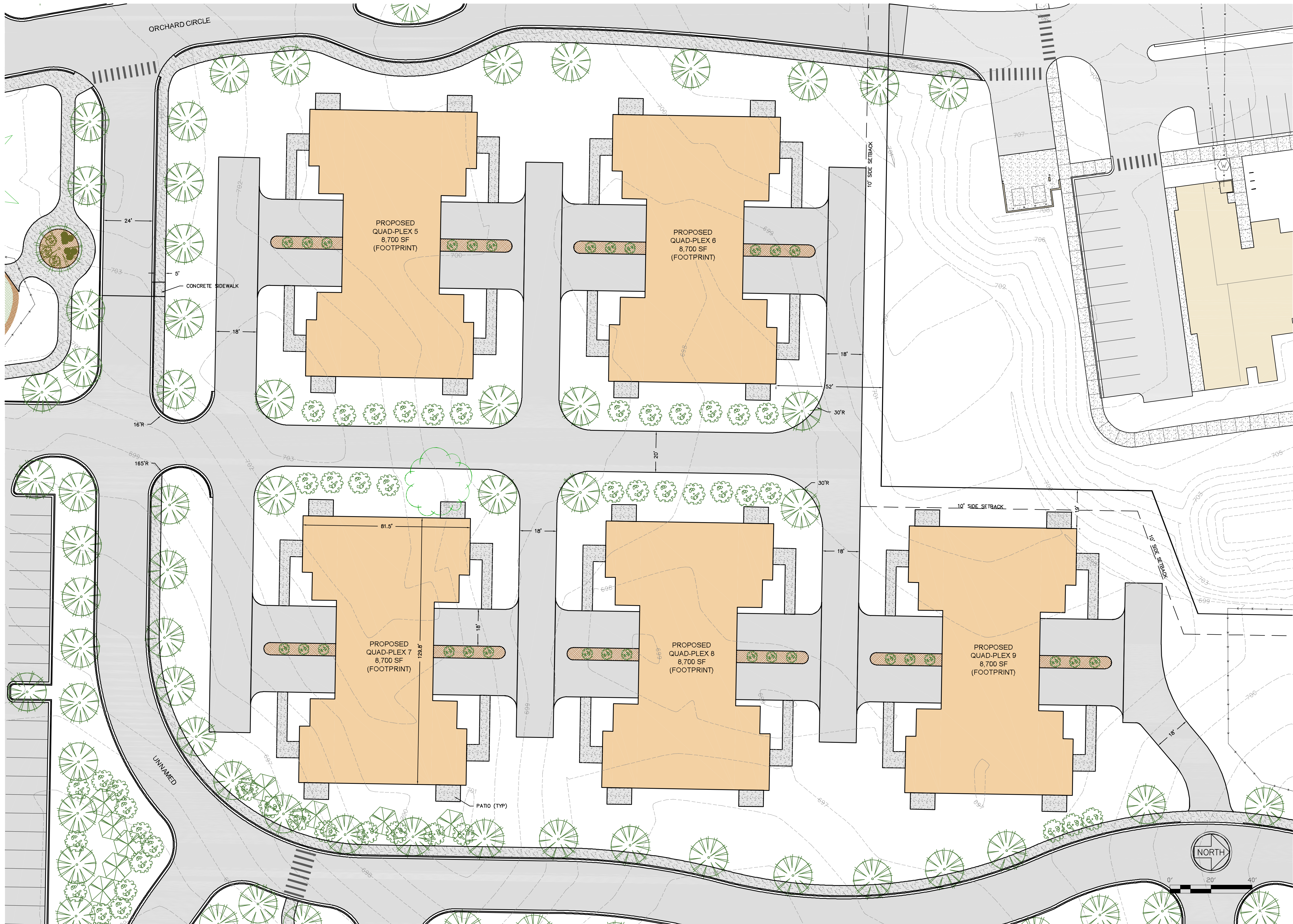












PLAN DATE:
9-1-2021 PG SUBMITTAL FOR INTRODUCTORY MEETING

PROJECT NO:
2016-161_2

SITE TITLE:
SOUTH 22 MULTI-FAMILY HOUSING DEVELOPMENT

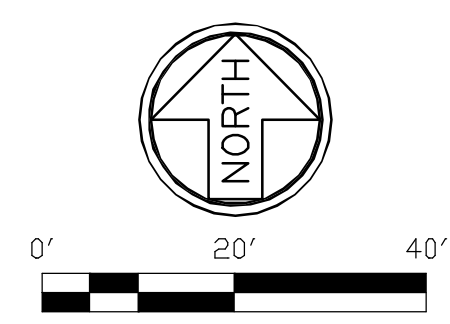
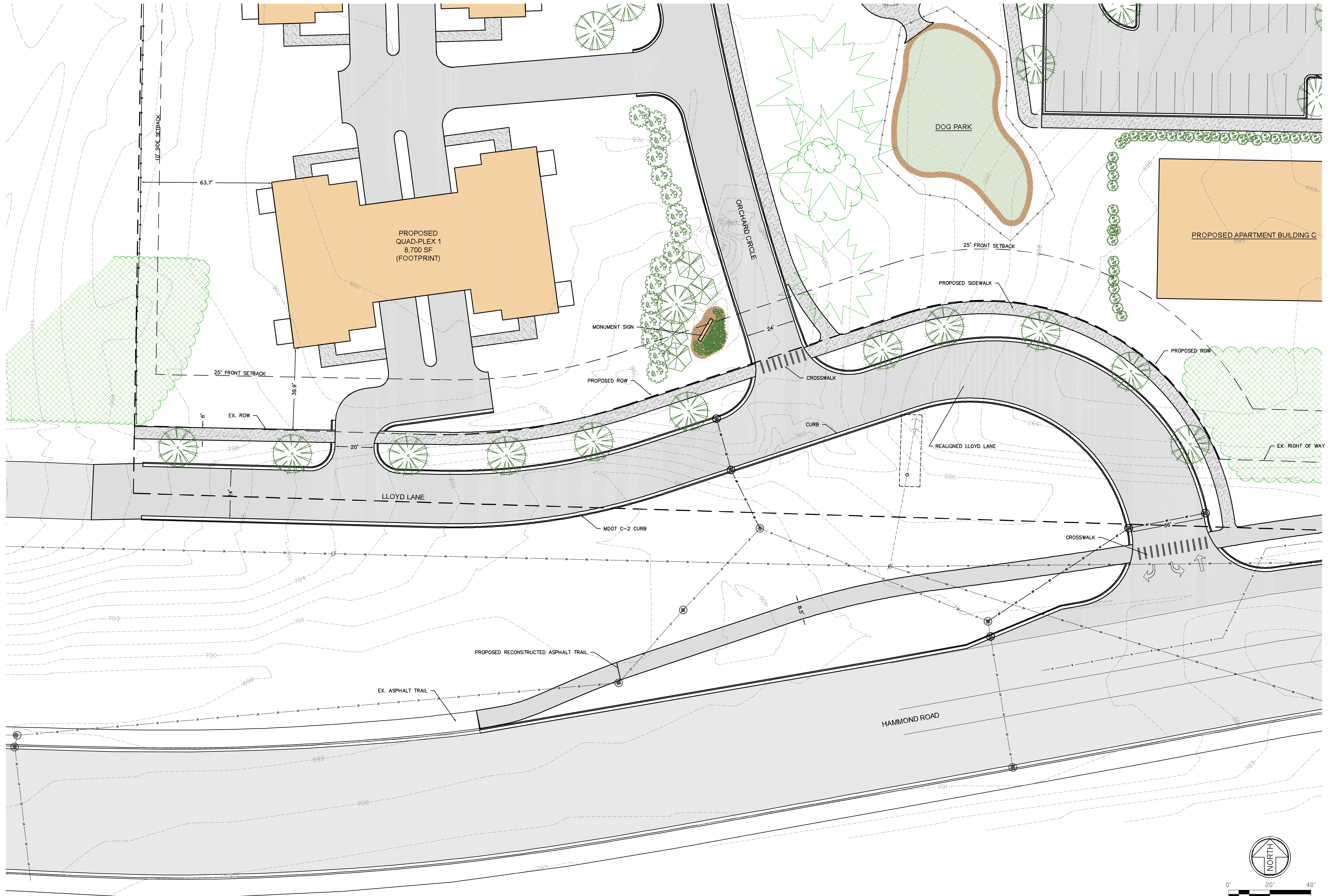
CLIENT:
HAMMOND INVESTMENT PROPERTIES, LLC
1435 FULTON ST.
GRAND HAVEN, MI 49417

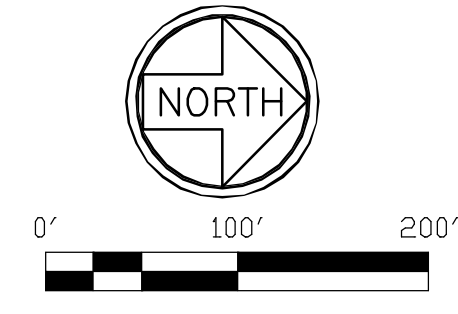
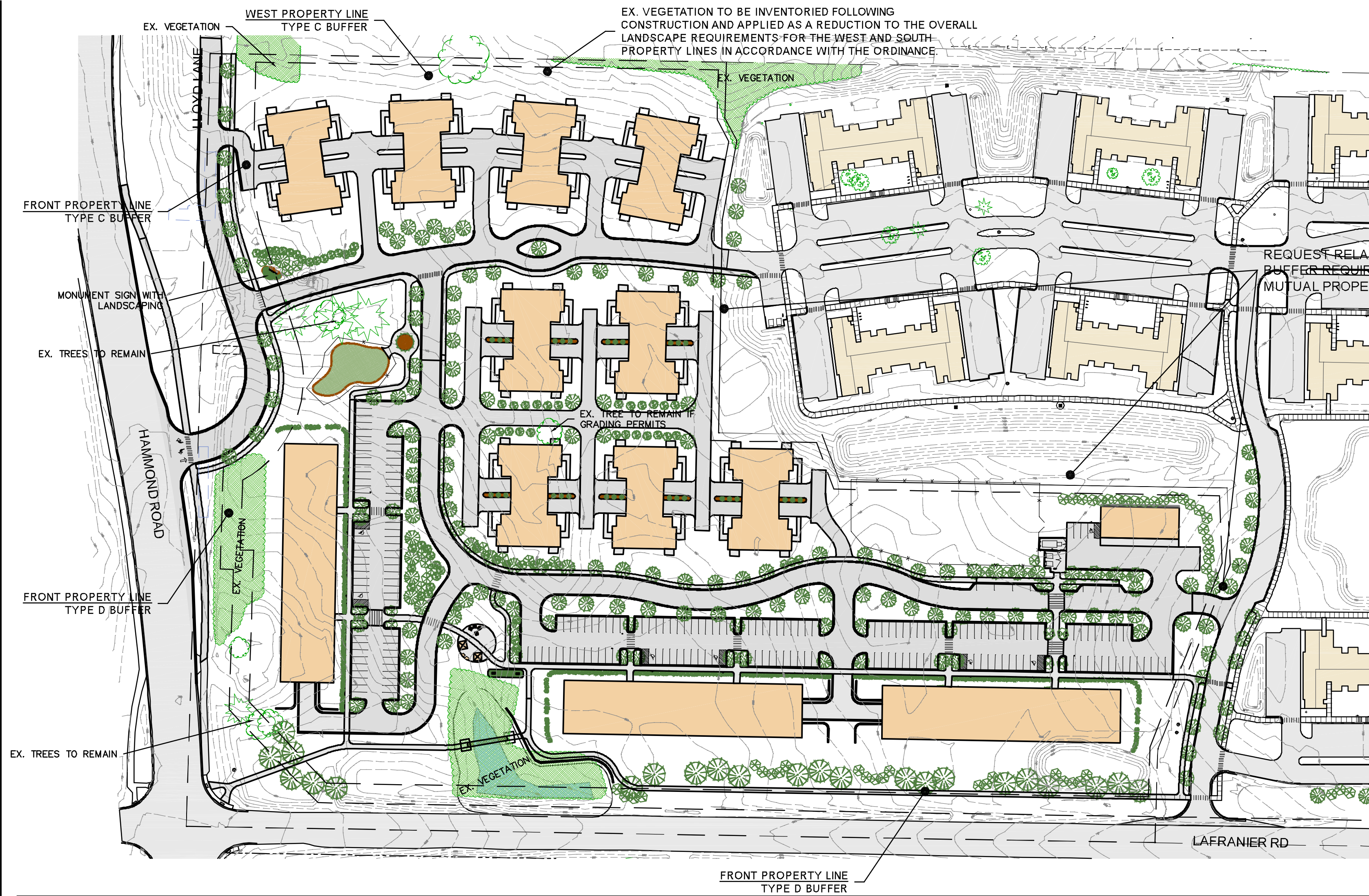
LOCATION:
SECTION 23, T27N - R11W, GARFIELD TWP.,
GRAND TRAVERSE COUNTY, MICHIGAN

jozwiak consulting
CONSULTING
P.O. Box 5542 | Stevens City, MI 49881 | 231.216.1201
www.jozwiakconsulting.com

C304







ALL LANDSCAPING MATERIALS TO MEET GARFIELD TOWNSHIP LANDSCAPE ORDINANCE.

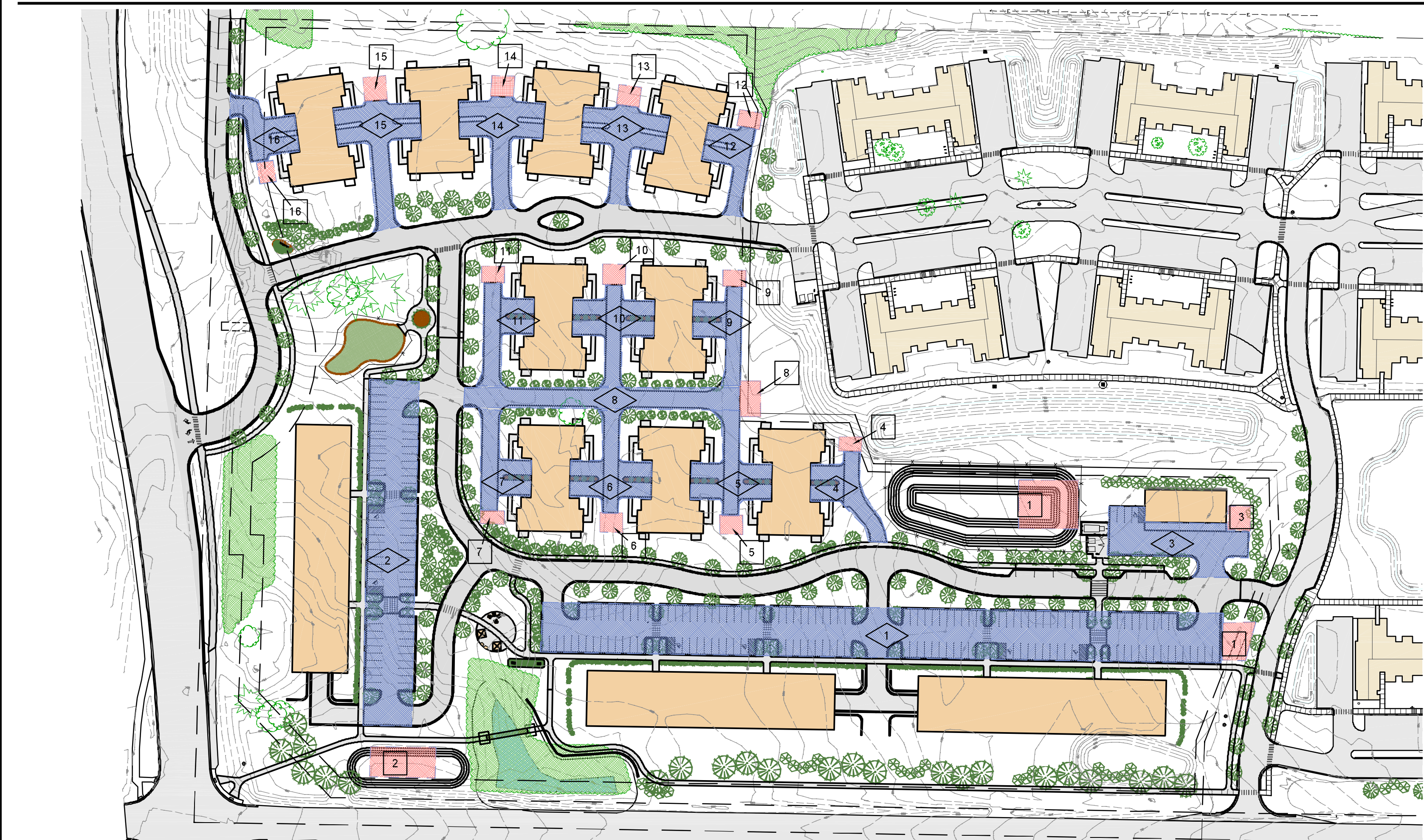
ALL DENOTED BUFFER AREAS WILL MEET TOWNSHIP REQUIREMENTS FOR QUANTITY, SIZE AND TYPE OF PLANTINGS.

APPROPRIATE CREDITS WILL BE FACTORED IN FOR EXISTING VEGETATION WHERE APPLICABLE.

A COMPLETE LANDSCAPE PLAN TO BE PROVIDED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION.

INTERNAL LANDSCAPING IS DEPICTED AS CONCEPTUAL.

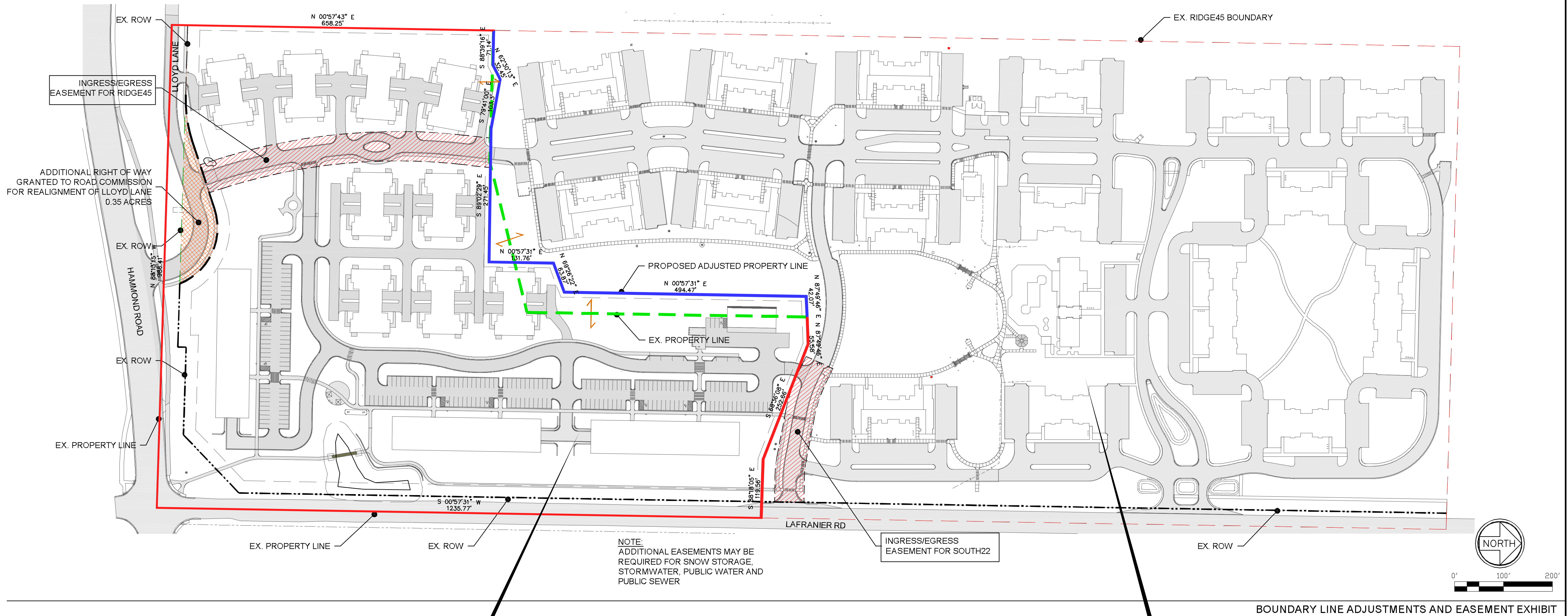
LANDSCAPE COMPLIANCE PLAN



Area ID	Parking area (sf)	Snow Storage	
		Required (sf)	Provided (sf)
1	51000	5100	5800
2	25600	2560	3000
3	8600	860	900
4	4600	460	500
5	6300	630	660
6	6300	630	670
7	4600	460	480
8	8800	880	1100
9	4600	460	560
10	6300	630	700
11	4600	460	560
12	3900	390	560
13	6500	650	700
14	7000	700	715
15	7600	760	820
16	5000	500	550

MAIN DRIVES WILL BE PLOWED REGULARLY AND SNOW WINDROWED ALONG CURB LINE. PERIODICALLY, SNOW WILL BE MOVED TO MAIN STORMWATER BASIN.

LANDSCAPE COMPLIANCE PLAN



NOTE:
ADDITIONAL EASEMENTS MAY BE
REQUIRED FOR SNOW STORAGE,
STORMWATER, PUBLIC WATER AND
PUBLIC SEWER

BOUNDARY LINE ADJUSTMENTS AND EASEMENT EXHIBIT

Part of the Southwest 1/4 of Section 23, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan, more fully described as:

BEGINNING at said South 1/4 corner of said Section 23; thence N 88°13'15" W, 986.41 feet; thence N 00°57'43" E, 661.83 feet; thence S 85°48'42" E, 71.25 feet; thence N 82°30'13" E, 32.45 feet; thence S 79°41'00" E, 103.30 feet; thence S 89°02'29" E, 271.45 feet; thence N 90°00'00" E, 0.00 feet; thence N 00°57'31" E, 131.76 feet; thence N 69°26'22" E, 63.87 feet; thence N 00°57'31" E, 494.47 feet; thence N 87°49'48" E, 97.85 feet; thence S 68°36'08" E, 252.66 feet; thence S 88°18'05" E, 119.57 feet; thence S 00°57'33" W, 1235.77 feet to the POINT OF BEGINNING.

Containing 21.58 gross acres, more or less.

Subject to and together with agreements, covenants, easements, and restrictions of record.

PROPOSED LEGAL DESCRIPTION (SOUTH22)

SOUTH22 BOUNDARY
216 DWELLING UNITS PROPOSED

EXISTING
GROSS AREA = 21.58 ACRES
NET AREA = 19.07 ACRES

ADDITIONAL ROW TO BE GRANTED TO ROAD COMMISSION = 0.35 ACRES

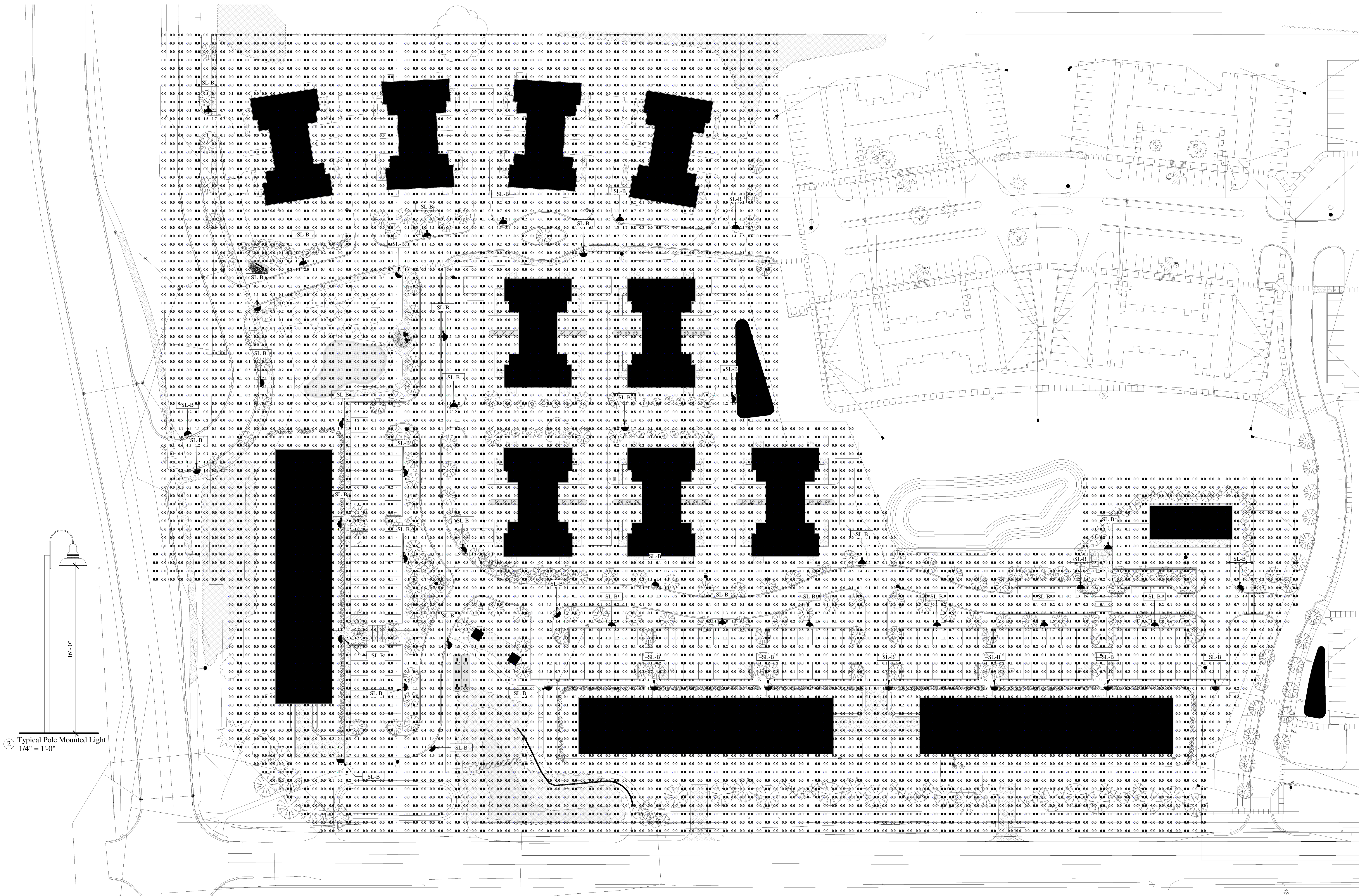
PROPOSED
AFTER LOT LINE ADJUSTMENT AND ROW REMOVAL
GROSS AREA = 21.58 ACRES
NET AREA = 19.30 ACRES
UNIT DENSITY = 11.19 UNITS PER NET ACRES

RIDGE45 BOUNDARY
400 DWELLING UNITS

EXISTING
GROSS AREA = 38.65
NET AREA = 37.59 ACRES
UNIT DENSITY = 10.64 UNITS PER NET ACRE

PROPOSED
AFTER LOT LINE ADJUSTMENT
GROSS AREA = 38.06 ACRES
NET AREA = 37.01 ACRES
UNIT DENSITY = 10.81 UNITS PER NET ACRE

PROPOSED NEW DEVELOPMENT
Traverse City, MI.



① Typical Pole Mounted Light
1/4" = 1'-0"

② Site Photometric Points
1" = 50'-0"

Calculation Summary @ Grade - Calculation Points = 10x10'

Label	Average	Maximum	Minimum	Avg/Min	Max/Min
Detail Filled Region	0 fc	3 fc	0 fc	0.0	0.0

Lighting Fixture Schedule

Manufacturer	Model	Count	Description	Luminaire Lumens	Wattage
Cooper Industries, Inc.	MODERN EPIC	45	DECORATIVE AREA LUMINAIRE	1914 lm	100 W

PROJECT NUMBER
XXXXX
DATE: 2021.07.30
DRAWN BY: NTH
CHECKED BY: PO

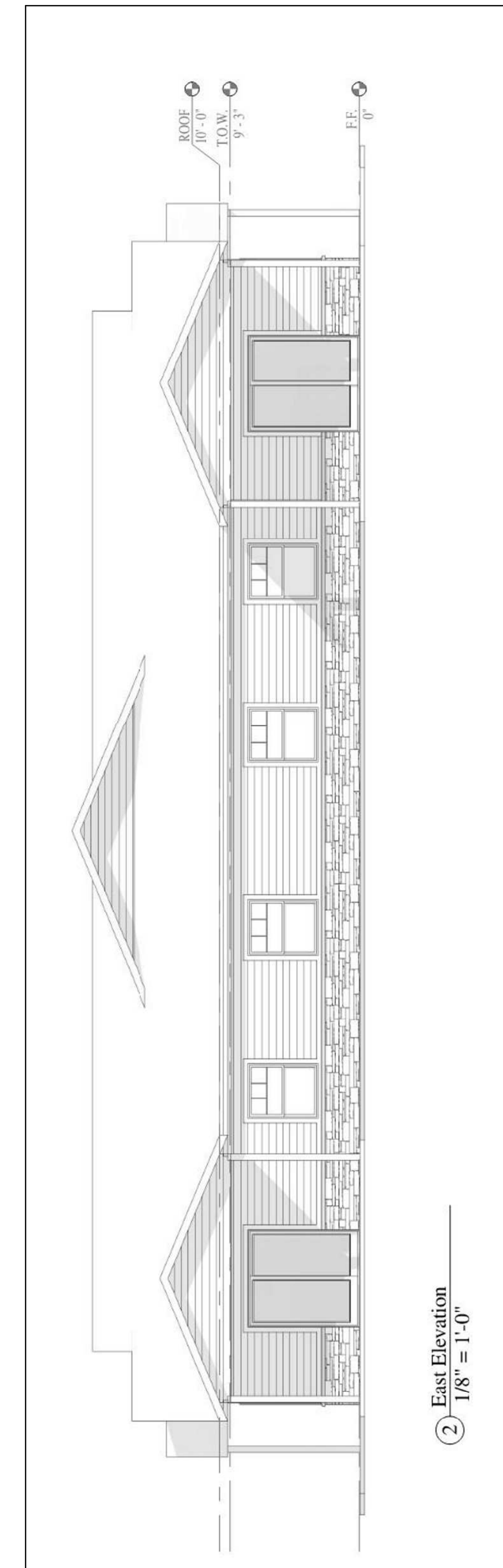
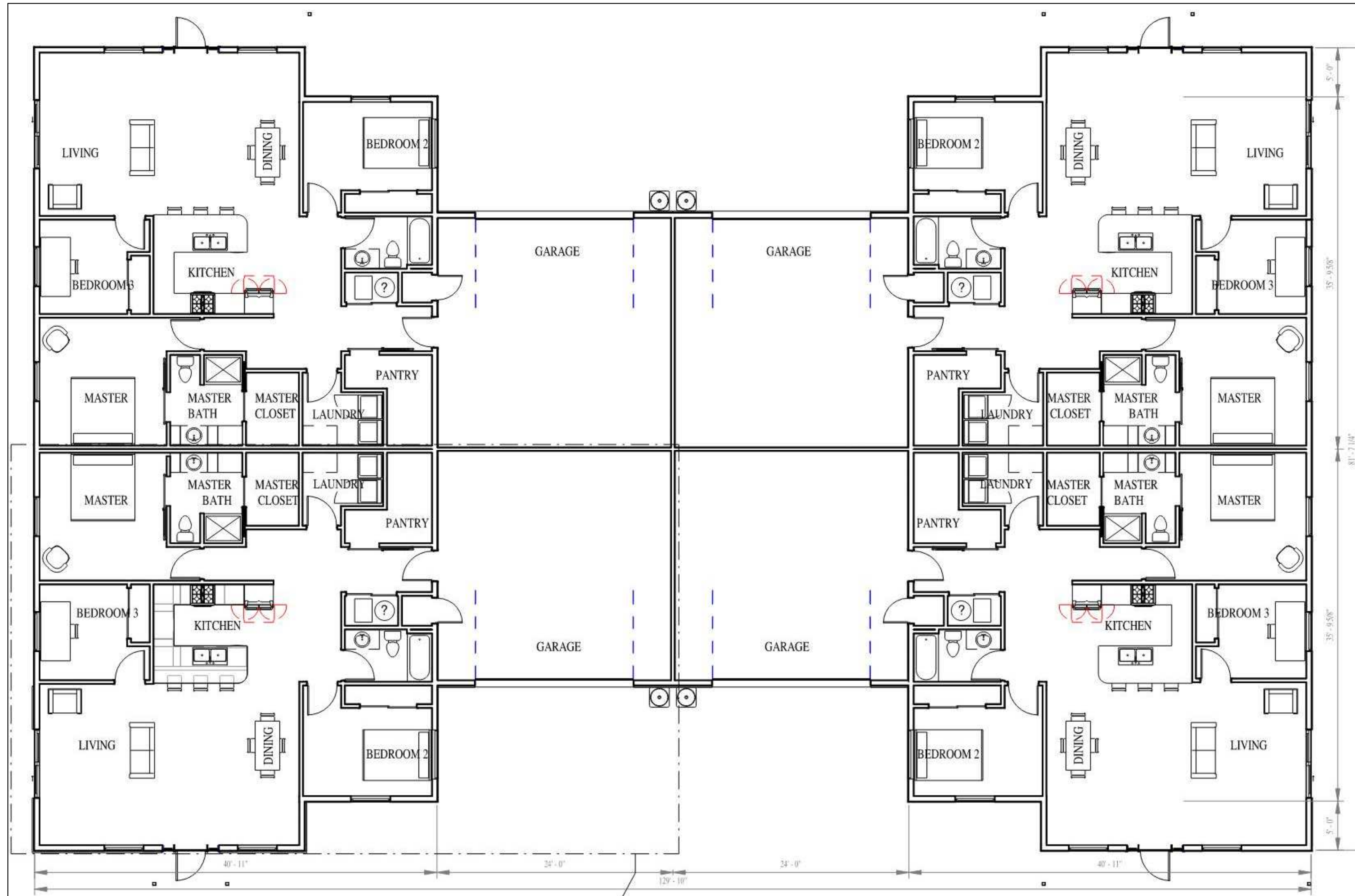
Revision Schedule

No.	Description	Date

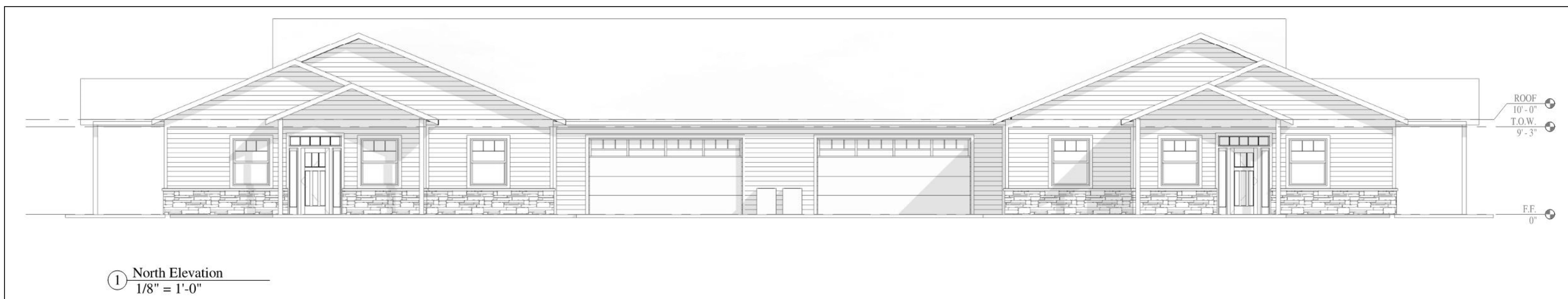
Conceptual
Photometric Plan

E 400

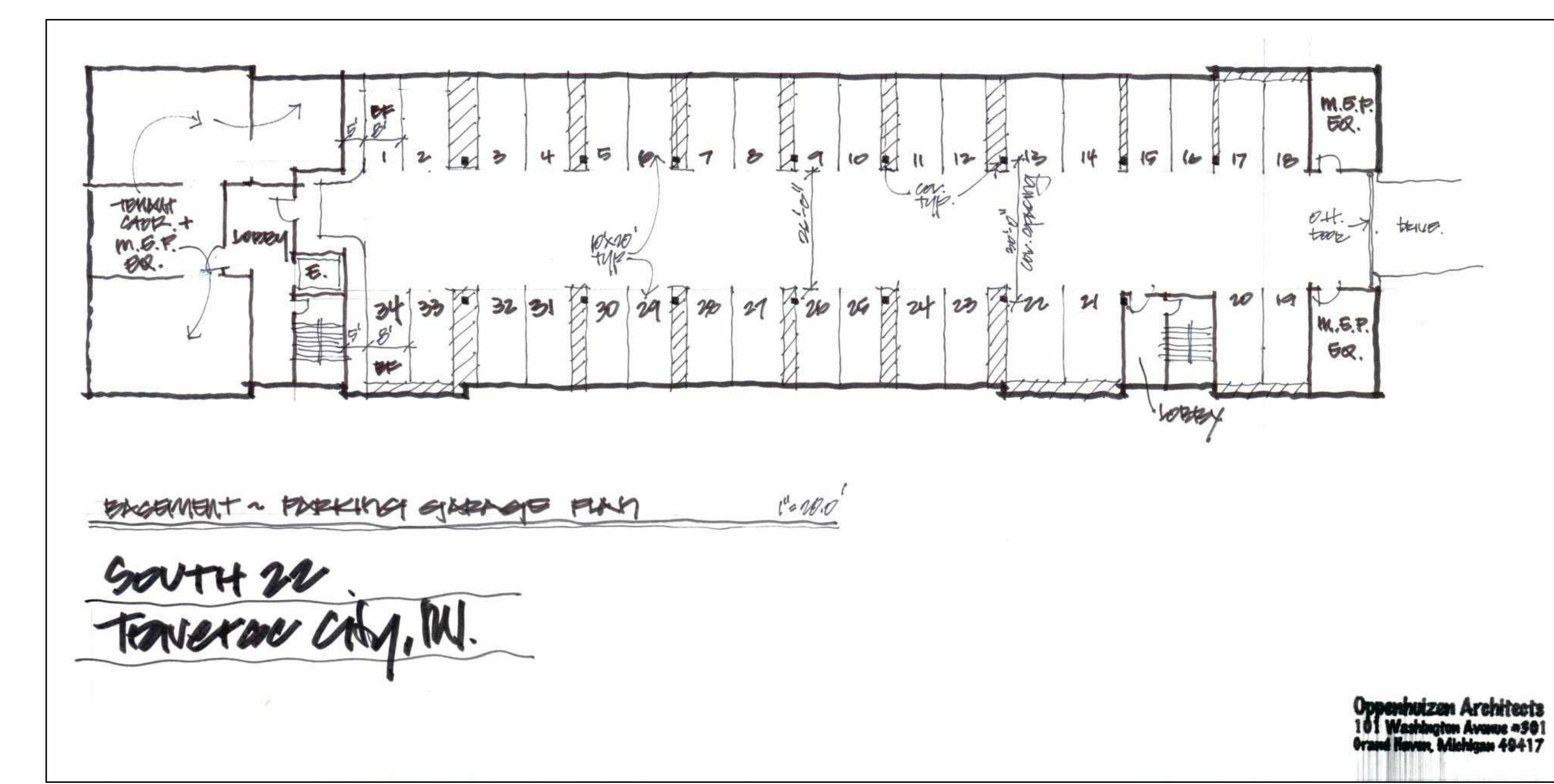
I:\ACTIVE PROJECTS\2021\TC_South27\Westwind\TC_South27\Drawings\INTD_20210729.rvt
 2021.07.29 10:44:04 AM



② East Elevation
1/8" = 1'-0"



① North Elevation
1/8" = 1'-0"




PLAN DATE: 8/1/2021 PC SUBMITTAL FOR INTRODUCTORY MEETING

PROJECT: SOUTH 22 MULTI-FAMILY HOUSING DEVELOPMENT
CLIENT: HAMMOND INVESTMENT PROPERTIES, LLC
 1435 FULTON ST. GRAND HAVEN, MI 49417

LOCATION: SECTION 23, T27N - R11W, GARFIELD TWP, GRAND TRAVERSE COUNTY, MICHIGAN

PROJECT NO.: 2016-161_2

APARTMENT BLDG CONCEPT PLAN

 Charter Township of Garfield Planning Department Report No. 2021-107		
Prepared:	August 3, 2021	Pages: 2
Meeting:	August 11, 2021 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Serra Automotive Zoning Ordinance Text Amendment – Introduction	

BACKGROUND:

The applicant, Serra Traverse City, LLC, is proposing a text amendment to the Zoning Ordinance regarding freestanding signs allowed in the C-L, C-G, and C-H zoning districts. The proposed text amendment would make two changes to Section 630.E. Signs Permitted in C-L, C-G, and C-H Commercial Districts:

- The current regulation states only one freestanding sign is allowed along any major thoroughfare (Section 630.E. (2)(a)). The proposed text amendment would add the words “per parcel” to the end of this statement.
- The proposed text amendment would also add a new subsection, Section 630.E. (2)(a)(ii), which would include the following language:
 - Individual tenants within a multi-tenant parcel, along any major thoroughfare, where the lot exceeds 100 feet of road frontage, shall be allowed (2) freestanding signs, not more than forty (40) square feet each, provided they have a minimum distance of 100 feet between each freestanding sign and each sign identifies a different entity.

The full Zoning Ordinance text amendment application including the impact statement, proposed text, and exhibits is attached to this report.

APPROVAL CRITERIA:

To focus the discussion on factors relevant to approving a Text Amendment, the following approval criteria are included below for reference:

Section 421.F Approval Criteria of Zoning Text Amendment

In its review of an application for zoning text amendment, the Township should consider, but is not necessarily limited to, the criteria as defined in § 421.F.(1) Master Plan Consistency through § 421.F.(5) Other Factors. No single factor is controlling; instead, each must be weighed in relation to the other standards.

The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

(1) Master Plan Consistency

A text amendment should be consistent with the intent and purpose of the adopted master plan.

(2) Changed Conditions

The Township shall consider whether any conditions have changed since the zoning ordinance was adopted that might justify the amendment.

(3) Health, Safety, and Welfare

The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas.

(4) Public Policy

Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.

(5) Other Factors

The Township may consider any other factors relevant to a zoning text amendment application under state law.

STAFF COMMENTS:

Staff offers their comments on the potential issues for consideration of this application. An initial review of the factors relevant for approval of the application raises the following issues.

- The Master Plan does not include language addressing signage on commercial corridors throughout the entire Township. The Barlow Garfield Neighborhood Plan contains the area where the Serra dealerships are located. This plan anticipates “The neighborhood will allow sites to be designed at a scale that encourages a neighborhood character appropriate for the surrounding area. Site design will reinforce the development principles through consistency in building setback and placement, landscaping and planting elements, and other site features.” Since there are several sites within the Barlow Garfield neighborhood zoned either C-L or C-G, the proposed text amendment would make it more difficult to achieve site designs which promote a neighborhood character.
- The proposed text amendment would affect the C-L, C-G, and C-H zoning districts. In addition to the Barlow Garfield neighborhood, there are other areas in the Township with several sites in these zoning districts including along US 31, South Airport Road, Veterans Drive, and Front Street. The proposed text amendment could end up encouraging the proliferation of excess signage along these corridors which would impact those surrounding areas.
- The application follows a previous request in 2017 by Serra Works for several variances from the sign regulations in the Zoning Ordinance. The application references a July 19, 2017 staff report for the Zoning Board of Appeals which mentions that requesting a text amendment is an option to Serra. This report also mentions that auto dealerships have options in terms of signage, specifically stating “Most of the time, however, the manufacturers provide several options for signage based on the local sign regulations.” Staff has seen examples of automobile dealership signage in other communities which have multiple names on one sign, including from different companies. Staff also notes multi-tenant freestanding signs are common throughout the C-L, C-G, and C-H districts which meet the existing Township sign regulations. The applicant needs to demonstrate why the text amendment is needed and why they cannot meet the current sign regulations.

ACTION REQUESTED:

If, following Commissioner discussion, the Commission is prepared to schedule the application for a public hearing, then the following motion is suggested:

MOTION THAT application Z-2021-01 BE SCHEDULED for public hearing for the September 8, 2021 Planning Commission Regular Meeting.

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

Attachments:

1. Zoning Ordinance Amendment Application and Proposal.



Charter Township of Garfield

Grand Traverse County

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

ZONING ORDINANCE AMENDMENT (ZOA) 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

Map Amendment (Rezoning)
Text Amendment
Conditional Rezoning

PROJECT / DEVELOPMENT NAME

APPLICANT INFORMATION

Name:
Address:
Phone Number:
Email:

AGENT INFORMATION

Name:
Address:
Phone Number:
Email:

OWNER INFORMATION

Name:
Address:
Phone Number:
Email:

CONTACT PERSON

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

Applicant:

Agent:

Owner:

PROPERTY INFORMATION

Property Address:

Property Identification Number:

Legal Description:

Zoning District:

Master Plan Future Land Use Designation:

Area of Property (acres or square feet):

Existing Use(s):

Proposed Use(s):

REQUIRED SUBMITTAL ITEMS

A complete application for a Zoning Ordinance Amendment 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

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.

For Map (Rezoning) Amendment only, the following must be included:

Site Diagram

- Ten complete stapled 11"x17" paper sets
- One digital set (PDF) only

Supporting Information

- Ten paper copies of the Impact Statement for Map (Rezoning) Amendment
- One digital copy of the Impact Statement for Map (Rezoning) Amendment (PDP only)

For Text Amendment only, the following must be included:

- Ten paper copies of the Impact Statement for Text Amendment
- One digital copy of the Impact Statement for Text Amendment (PDF only)

For Conditional Rezoning only, the following must be included:

Site Development Plan

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

Supporting Information

- Ten paper copies of the Impact Statement for Conditional Rezoning
- One digital copy of the Impact Statement for Conditional Rezoning (PDF only)
- Ten paper copies of the Offer of Conditions for Conditional Rezoning
- One digital copy of the Offer of Conditions for Conditional Rezoning (PDF only)

Digital items to be delivered via email or USB flash drive

IMPACT STATEMENT FOR ZONING ORDINANCE MAP AMENDMENT

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. Rezoning should be consistent with the intent and purpose of the adopted master plan.
2. Adverse Impacts on Neighboring Lands. The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.
3. Suitability as Presently Zoned. The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.
4. Changed Conditions. The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.
5. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.
6. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
7. Size of Tract. The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no

intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.

8. Other Factors. The Township may consider any other factors relevant to a rezoning application under state law.

IMPACT STATEMENT FOR ZONING ORDINANCE TEXT AMENDMENT

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. A text amendment should be consistent with the intent and purpose of the adopted master plan.
2. Changed Conditions. The Township shall consider whether any conditions have changed since the zoning ordinance was adopted that might justify the amendment.
3. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas.
4. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
5. Other Factors. The Township may consider any other factors relevant to a zoning text amendment application under state law.

IMPACT STATEMENT FOR CONDITIONAL REZONING

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. Rezoning should be consistent with the intent and purpose of the adopted master plan.
2. Adverse Impacts on Neighboring Lands. The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.
3. Suitability as Presently Zoned. The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.
4. Changed Conditions. The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.
5. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.

6. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
7. Size of Tract. The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.
8. Other Factors. The Township may consider any other factors relevant to a rezoning application under state law.

OFFER OF CONDITIONS FOR CONDITIONAL REZONING

A written offer of Conditions as described in § 422.B(3) of the Zoning Ordinance. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested.

1. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
2. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
3. Any use or development, proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance, may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.
4. Any use or development, proposed as part of an offer of conditions that would require a variance under the terms of this ordinance, may only be commenced if a variance for such development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.
5. Any use or development, proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance, may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner.

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 Zoning Administrator in the case of a Site Diagram, or the Director of Planning in the case of an Administrative Site Plan or a Site Development Plan, the requirement to submit a Site Diagram, an Administrative Site Plan or 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:

1. The Zoning Administrator may waive a particular element of information or data otherwise required for a Site Diagram upon a finding that the information is not necessary to determine compliance with this ordinance.
2. 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.

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? If yes, has a Utility Agreement been prepared?			
2. Will a community wastewater system be installed? If yes, has a Utility Agreement been prepared? If yes, provide construction plans and specifications			
3. Will on-site disposal be used? If yes, is it depicted on plan?			
B. <u>Water Service</u>			
1. Does project require extension of public water main? If yes, has a Utility Agreement been prepared?			
2. Will a community water supply be installed? If yes, has a Utility Agreement been prepared? If yes, provide construction plans and specifications			
C. <u>Public utility easements required?</u> If yes, show on plan.			
D. <u>Stormwater Review/Soil Erosion</u>			
1. Soil Erosion Plans approved by Soil Erosion Office? If so, attach approval letter. If no, are alternate measures shown?			
2. Stormwater Plans approved by Township Engineer?			

If so, attach approval letter.

If no, are alternate measures shown?

Note: Alternate measures must be designed and sealed by a registered Engineer.

E. Roads and Circulation

- 1. Are interior public streets proposed?
 If yes, has Road Commission approved (attach letter)?
- 2. Will public streets connect to adjoining properties or future streets?
- 3. Are private roads or interior drives proposed?
- 4. Will private drives connect to adjoining properties service roads?
- 5. Has the Road Commission or MDOT approved curb cuts?

If yes, attach approved permit.

OTHER INFORMATION

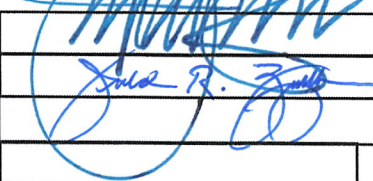
If there is any other information that you think may be useful in the review of this application, please attach it to this application or explain it on a separate page.

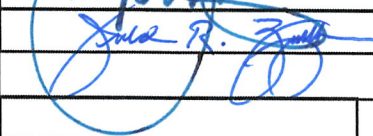
REVIEW PROCESS

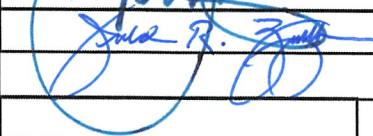
- 1. Upon submittal of this application, Staff will review the materials submitted and will, within ten (10) working days, forward a determination of completeness to the applicant. If the submission is incomplete or noncompliant with the Zoning Ordinance, it will be returned to the applicant for revision. 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. Following the public hearing, the Planning Commission will make a recommendation on the application to the Township Board.
- 4. Prior to making a decision, the Township Board will hold a second public hearing on the application. Following the public hearing, the Township Board will make a decision to approve or deny the application.
- 5. If a Conditional Rezoning is approved or approved with conditions, the decision of the Township Board shall be incorporated into a written report and decision order.

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: 

Applicant Signature:  JOSEPH D. SZARDA

Agent Signature:  JERALD R. ZEZULKA, EXEC. MGR

Date:

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 JOSEPH O. SERDA 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:  _____

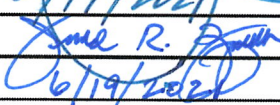
Date: 6/19/2021

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:  _____ JOSEPH O. SERDA

Date: 6/19/2021

Applicant Signature:  _____ JERALD R. REZULKA, EXEC. MGR

Date: 6/19/2021

Required Site Plan Elements Checklist (See § 956 of the Zoning Ordinance) Site Diagram (SD) / Administrative Site Plan (ASP) / Site Development Plan (SDP)	SD	ASP/ SDP
A. Basic Information		
1. Applicant's name, address, telephone number and signature		
2. Property owner's name, address, telephone number and signature		
3. Proof of property ownership		
4. Whether there are any options or liens on the property		
5. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent		
6. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, gross and net acreages and frontage		
7. A vicinity map showing the area and road network surrounding the property		
8. Name, address and phone number of the preparer of the site plan		
9. Project title or name of the proposed development		
10. Statement of proposed use of land, project completion schedule, any proposed development phasing		
11. Land uses and zoning classification on the subject parcel and adjoining parcels		
12. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan, as well as their name, address and telephone number		
B. Site Plan Information		
1. North arrow, scale, and date of original submittal and last revision		
2. Boundary dimensions of natural features		
3. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five percent (25%), beach, drainage, and similar features		
4. Proposed alterations to topography and other natural features		
5. Existing topographic elevations at two-foot intervals except shown at five-foot intervals where slopes exceed 18%		
6. Soil erosion and sediment control measures as required by the Grand Traverse County Soil Erosion Department.		
7. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures		
8. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities		
9. Proposed finish floor and grade line elevations of any structures <i>*Required only for habitable construction within the floodplain on site diagrams and administrative site plans.</i>	*	
10. Existing and proposed driveways, including parking areas		
11. Neighboring driveways and other vehicular circulation features adjacent to the site		
12. A dimensional plan indicating the location, size and number of parking spaces of the on-site parking areas, and shared parking areas		
13. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		
14. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site		
15. Location and dimensions of curb cuts, acceleration, deceleration and passing lanes		
16. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		
17. Location of water supply lines and/or wells		
18. Location of sanitary sewer lines and/or sanitary sewer disposal systems		
19. Location, specifications, and access to a water supply in the event of a fire emergency		
20. Sealed (2) stormwater plans including the location and design of storm sewers, retention or detention ponds, swales, wastewater lines, clean out locations, connection points and treatment systems		
21. A utility plan including the location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		
22. A sign plan indicating the location, size and specifications of all signs and advertising features, including cross sections		
23. A lighting plan including exterior lighting locations with area of illumination illustrated by point values on a photometric plan, Kelvin rating, as well as the type of fixtures and shielding to be used		
24. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, vegetation belts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		
25. A Landscape plan and table identifying the species, size of landscape materials, and number proposed, compared to what is required by the Ordinance. All vegetation to be retained on site must also be indicated, as well as, its typical size by general location or range of sizes as appropriate		
26. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)		
27. Changes or modifications required for any applicable regulatory agencies' approvals		

Zoning Ordinance Amendment Proposal

Impact Statement for Text Amendment

Agent: Jessica Collins, Project Manager – Facilities Account Manager (AGI)

Applicant: Serra Traverse City, LLC
Owner: Serra Works of Traverse City

Impact Statement for Zoning Ordinance Text Amendment

Introduction

Serra Works is proposing a Text Amendment per the recommendation set forth in the Township of Garfield's Zoning Board of Appeals Staff Report dated July 19th, 2017 (see Exhibit A, page 2, item 1-d and 2-a). Automobile manufacturers and other franchises require their retailers to display specific signage to remain brand compliant. Remaining brand compliant has a direct impact on the business's revenue and therefore, if they cannot remain brand compliant due to municipal code, the business may experience a hardship.

Purpose

To allow Serra Works and other automobile dealerships and/or stores to retain their existing freestanding signs, bring the existing signs up to their respected brands standards and conform to municipal code without losing their existing visibility.

Each automobile manufacturer has a set of branding standards that require retailers and/or dealers to represent the brand by meeting specific requirements. It is important for automobile dealerships to comply with branding standards as it boosts revenue in the form of incentives directly from the manufacturer. We have included samples of branding standards from Mazda, Volvo, Volkswagen and Audi for reference (see Exhibits B, C and D).

Master Plan Consistency

The proposed text amendment is consistent with the Master Plan with regards to Commercial parcels.

Changed Conditions

Commercial properties are regularly updated, rebranded, and repurposed. Serra Works particularly, has rebuilt/updated its 4 separately obtained parcels to meet updated brand requirements of each auto brand which has in return enhanced the appearance of the businesses and neighborhood. Within one of the 4 parcels exists two separate automobile brands, where each brand requires their one freestanding identification for the dealer to be brand compliant. All construction upgrades to the parcels have been approved by the Charter Township of Garfield.

Health, Safety and Welfare

Proper roadway identification is necessary for the safe flow of traffic. The ability to identify a business from the roadway improves access, reduces turning conflicts and improves traffic flow. Proper business identification promotes a safe and attractive neighborhood.

Existing Code

Article 6, page 6-11, Section E, item 2

(2) Freestanding signs. One (1) sign, freestanding, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises, subject to the following conditions:

(a) Only one (1) free-standing sign shall be allowed along any major thoroughfare. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot width in excess of 100 feet to a maximum of 80 square feet for free-standing signs.

(i) Lots, parcels, and building sites with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and provided further the second sign does not exceed a maximum of 25 square feet.

(b) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.

Proposed Text Amendment

Article 6, page 6-11, Section E, item 2

(2) Freestanding signs. One (1) sign, freestanding, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises, subject to the following conditions:

(a) Only one (1) free-standing sign shall be allowed along any major thoroughfare, **per parcel**. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot width in excess of 100 feet to a maximum of 80 square feet for free-standing signs.

(i) Lots, parcels, and building sites with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and provided further the second sign does not exceed a maximum of 25 square feet.

(ii) Individual tenants within a multi-tenant parcel, along any major thoroughfare, where the lot exceeds 100 feet of road frontage, shall be allowed (2) freestanding signs, not more than forty (40) square feet each, provided they have a minimum distance of 100 feet between each freestanding sign and each sign identifies a different entity.

(b) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.



Charter Township of Garfield

Grand Traverse County

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

ZONING BOARD OF APPEALS STAFF REPORT

Meeting Date: July 19, 2017 (continued from June 21, 2017 by applicant request)
Case #: 2017-03 Multi-point request (see "Request" below)
Owner: Serra Works
Applicant: Serra Works
Property ID #: 05-013-005-10 and 05-013-004-10
Property Location: 1747/1775 S. Garfield Avenue
Zoning District: C-G General Commercial

Request

A multi-point request has been made by Serra Works, including the following:

1. A request for a variance from Section 630.E.3 to allow 162 square feet of wall signage to be installed on a wall area of roughly 3,405 square feet; the request being greater than the allowed 100 square feet of wall signage.
2. A request for a variance from Section 630.E.2 to allow a fifth pylon sign, and up to 200 square feet for pylon (defined as "freestanding") signs.
3. An interpretation of Section 201 "Building"; whether the design of the applicant's building may be deemed to be two buildings which share a wall and certain common areas.
4. An interpretation of Section 630.E.3 to define "wall"; whether the design in the applicant's building plan may be deemed to have three west-facing "walls".
5. An interpretation of Section 630.M.4; how to measure permitted square footage of sign supports as applied to applicant's existing and requested pylon signs.

The property is zoned C-G General Commercial, and is located at 1747 and 1775 S. Garfield Avenue, with a property number of 05-013-005-10 and 05-013-004-10.

Parcel Overview

The property is approximately 14.68 acres in size, the terrain is relatively flat. The property in recent years was divided into at least 4 parcels with separate businesses that were bought up and buildings demolished. The signage formerly used for these businesses was retained by the current property owner and rebranded by the dealerships that now exist at this location. The property currently is mostly developed into buildings and parking areas. The property has direct frontage on S. Garfield Avenue.

Staff Comments

As stated earlier in this report, the application is divided into five separate requests. I will address each item separately and am recommending that each request be considered separately. As I received a revised request on Tuesday, June 13 (8 days before the public hearing), I have not had adequate time to review the packet and am do not have time to give a comprehensive staff review. However, I did want to at least hit at what I felt was most pertinent in case you do want to make a decision at our meeting June 21 on at least part of the application.

1. **A request for a variance from Section 630.E.3 to allow 162 square feet of wall signage to be installed on a wall area of roughly 3,405 square feet; the request being greater than the allowed 100 square feet of wall signage.** The applicant is arguing the following practical difficulties:
 - a. The applicant is claiming that the property is unique based on the large size (14.68 acres) and road frontage (560 linear feet). However, there are several other properties in the General Commercial district that are comparable, including:
 - i. **Meijer** – 25.11 acres; approx. 1253 feet of road frontage
 - ii. **Buffalo Ridge PUD (including Outback, AMC Cherry Blossom Theater, Lucky's Market)** – 21.83 acres; approx. 770 feet of road frontage
 - iii. **Oleson Foundation property** – 196 acres; approx. 2500 feet of road frontage.
 - iv. **Fox Motors** – 34.29 acres; 1005 feet of road frontage.
 - v. **Williams Auto** – 12.58 acres; 795 feet of road frontage
 - b. The applicant is also claiming that the Section 630 doesn't take into account buildings with large wall areas. I would respond that there are a number of buildings in the General Commercial district like Meijers and other "big box" retailers that also have large wall areas. More importantly, any issues with the Ordinance itself should be taken up by requesting a text amendment to the Zoning Ordinance, not through a variance request.
 - c. The applicant is claiming that the signs allowed by the Zoning Ordinance do not take into account the high speed limit (45 mph) and road design (5 traffic lanes). The applicant has provided some technical studies to show us what a proper sign size would be based on roadway design. While this might present a practical difficulty, it is a very general condition that is found throughout General Commercial zoned areas in the township. US 31, S. Airport Road, and Garfield Road have very similar roadway design and speed limits. Once again, this is an issue that should be brought before the Planning Commission as a text amendment request, not a variance for a specific property.
 - d. Finally, the applicant is claiming that the auto manufacturers are requiring signs that are larger than what is allowed by Garfield Township. Based on past experience with other auto dealerships in this area, this is a common occurrence. Most of the time, however, the manufacturers provide several options for signage based on local sign regulations. During a recent meeting with Serra, I was made aware that they have options as well from at least a couple of their manufacturers. If there are discrepancies between signage required by automobile manufacturers and other franchises, an applicant should approach the Planning Commission for a text amendment for this as well.

Based on the findings of fact above, I am recommending that the wall sign variance be denied.

2. **A request for a variance from Section 630.E.2 to allow a fifth pylon sign, and up to 200 square feet for pylon (defined as "freestanding") signs.**
 - a. The applicant is also requesting this variance request based on the large property dimensions, automobile manufacturer requirements, and sign design guidelines based on roadway design similar to the variance request for the wall signage. My responses are the same.
 - b. In addition, the request for a fifth freestanding sign is based on the applicants claim that they have more frontage than many other similar zoned properties in the township. To this I would make the following comparison:
 - i. **Meijer** – 25.11 acres; approx. 1253 feet of road frontage; 1 freestanding sign

- ii. **Buffalo Ridge PUD (including Outback, AMC Cherry Blossom Theater, Lucky's Market)** – 21.83 acres; approx. 770 feet of road frontage; 1 freestanding sign.
- iii. **Fox Motors** – 34.29 acres; 1005 feet of road frontage. 3 freestanding signs
- iv. **Williams Auto** – 12.58 acres; 795 feet of road frontage; 4 freestanding signs (2 are ground level monument signs)

As stated earlier in this report, the applicant already has 4 pylon signs that the township has allowed to remain, even as the properties in which they were located were combined. It is my opinion that we have already given Serra some leeway on freestanding signage with respect to this and that a 5th sign would give the applicant an unfair advantage over other properties in the General Commercial district.

Based on the findings of fact presented above, I am recommending that the request for a fifth freestanding sign be denied.

3. **An interpretation of Section 201 "Building"; whether the design of the applicant's building may be deemed to be two buildings which share a wall and certain common areas.**
 - a. The applicant is asking the Zoning Board of Appeals to consider the design of the applicant's building to be two separate buildings. Based on the preliminary plan review performed by the Building Department, the Audi/Volkswagen facility is considered to be one building. Furthermore, "building" is defined in our Zoning Ordinance as "Any structure, either temporary or permanent, having a roof and used and built for the shelter or enclosure of persons, animals, chattels, or property of any kind...". The building plans seem to clearly establish that the Audi/Volkswagen "facility" is located under one roof and lacks a clear separation via a fire wall and doors. In fact, the floor plan shows corridors that go throughout the entire "facility".

Based on the findings of fact presented above, I am recommending that the requested interpretation to allow the Audi/Volkswagen facility be determined to be two separate buildings be denied.

4. **An interpretation of Section 630.E.3 to define "wall"; whether the design in the applicant's building plan may be deemed to have three west-facing "walls".**
 - a. I presented the elevation and floor plan drawings to the Garfield Township Building Official and Inspector, who determined that the wall area in question is defined by the Michigan Building Code as a single wall.

Based on the finding of fact presented above, I am recommending that the requested interpretation to consider the west-facing wall segments as three separate walls be denied.

5. **An interpretation of Section 630.M.4; how to measure permitted square footage of sign supports as applied to applicant's existing and requested pylon signs.** The intent of Section 630.M.4 is to allow a sign support structure to be up to 50% of the "permitted" sign area of a freestanding sign. The Planning Director has offered an interpretation of this to include 50% of the maximum allowable square footage for that sign. I believe this is what the applicant was seeking, but am not sure. The public hearing notice and application did not include this request so it cannot be considered at the June 21, 2017 Public Hearing.

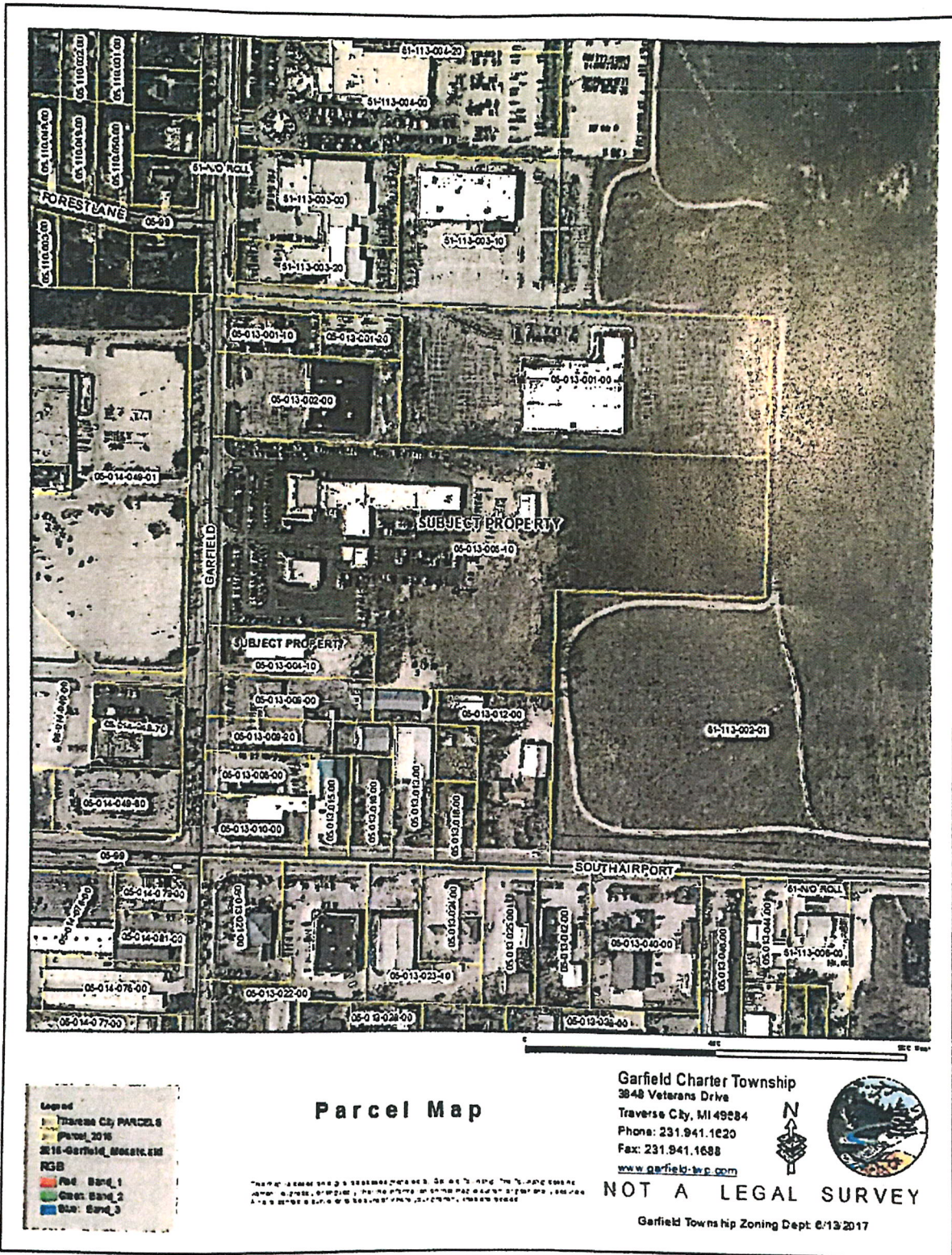
Please feel free to contact me if you have any questions before the meeting.

Sincerely,

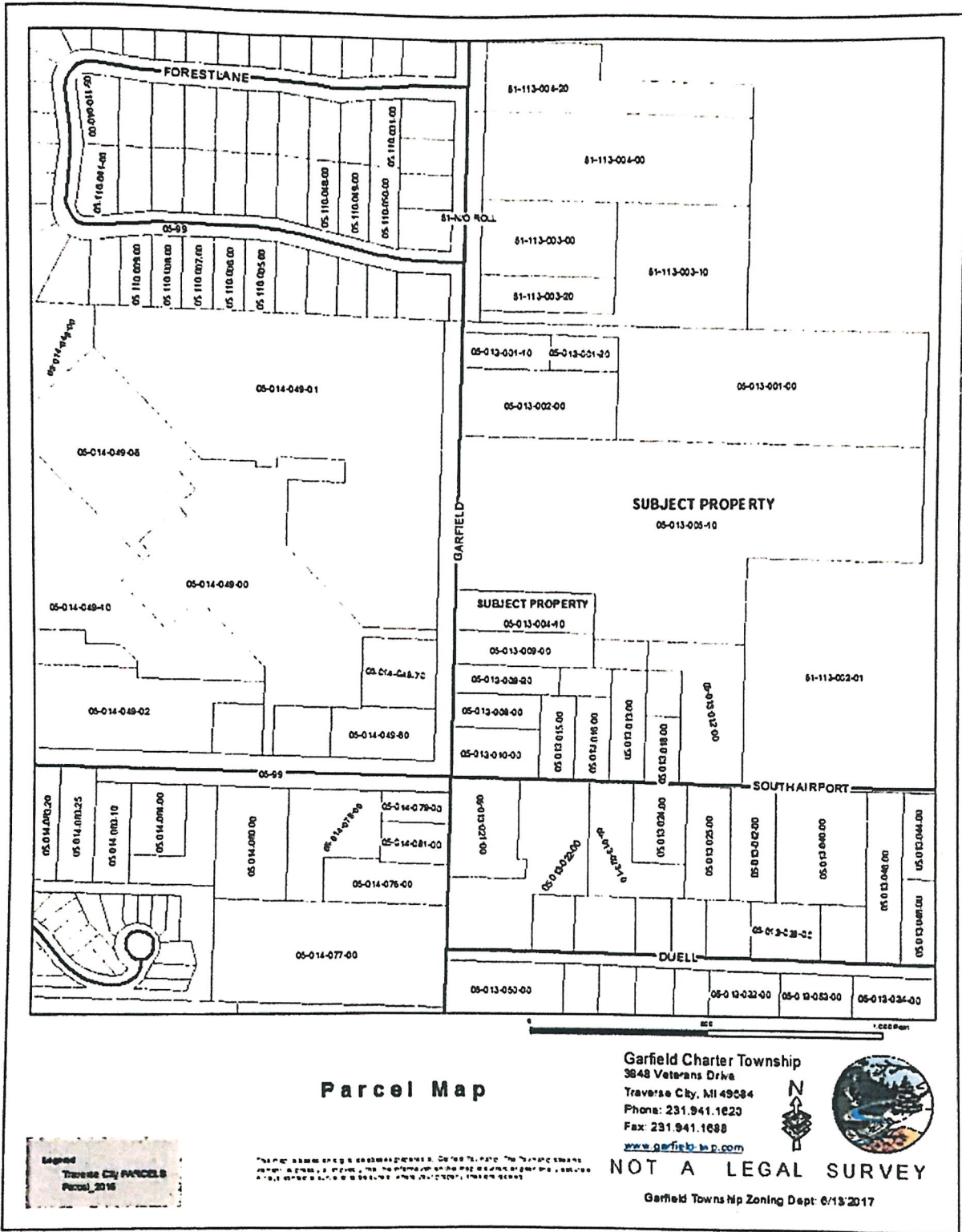


Michael Green, Zoning Administrator
Charter Township of Garfield

Aerial Photo of Subject Property and adjacent lots



Overview Map



Parcel Map

Signed
Traverse City PARCELS
Parcel 2016

This map is a reproduction of a map prepared by the Traverse City Planning Department. It is not intended to be used as a legal document. For more information, contact the Traverse City Planning Department at 231.941.1623.

Garfield Charter Township
3648 Veterans Drive
Traverse City, MI 49684
Phone: 231.941.1623
Fax: 231.941.1688
www.garfield-twp.com



NOT A LEGAL SURVEY

Garfield Township Zoning Dept: 6/13/2017

Exhibit B



mazda

MAZDA CORPORATE IDENTIFICATION PROGRAM



412 N. Cedar Bluff Road, Suite 306, Knoxville, TN 37923
Phone: 1-865-692-1242 Fax: 866-509-6009
E-mail: Mazda@agisign.com



CORPORATE IDENTIFICATION PROGRAM

MNAO's marketplace strategy is to improve the image of dealerships. The Corporate Identification Program supports that strategy and will differentiate the Mazda brand image in the market. Consequently, Mazda Dealers are obligated by their Dealer Agreement with Mazda to participate in a uniform national dealer identification program. AGI is the exclusive supplier for signs that will satisfy Mazda program requirements. Per Mazda's policy you are required to install and maintain a minimum of a pylon sign plus a building mounted Mazda logo and letterset, dealer name, service and directional signage. New Dealers, dealers relocating, dealers renovating or constructing a facility and dealers undertaking representation changes such as but not limited to adding or deleting a brand or changing DBA are required to participate in a survey of signage requirements and subsequently install and maintain all required signage. Dealers are also required to use AGI as the authorized agent for all permitting and installation of signage. Additional signage requirements for Retail Evolution dealers are described inside this brochure. The only exception to the aforementioned requirements is when local codes or governing bodies prohibit the dealer from meeting Mazda minimum signage requirements. In these instances, to show compliance with Mazda requirements, the dealer needs to show proof of an attempt to meet Mazda signage requirements before an exemption is granted. Exemptions will not be granted based on the result of another brand(s) not allowing ample square footage for the required Mazda signage.

GENERAL PROGRAM INFORMATION

SURVEYS

The Mazda dealership exterior sign survey includes:

- Photographing existing signs
- Creating elevation drawings & plot plans or providing digital photo images
- Making sign recommendations

WARRANTY

The standard sign warranty is as follows:

Basic sign defects & materials workmanship..... 1 year
Ballasts & transformers 1 year
Fluorescent lamps & neon..... 30 days
LED's..... Manufacturer's Warranty (typically 5 years)
Warranty coverage begins on the date of installation and includes materials & labor. Warranty does not cover acts of God or vandalism. The warranty will be voided and warranty claims may not be covered if the dealer arranges for the repairs with a local sign company without first contacting AGI.

MAINTENANCE

A maintenance program is available for all signs through AGI. Under the AGI Maintenance plan, the Dealer will receive five (5) year maintenance service plan. This plan includes annual cleanings and sign inspections, on-call service repairs and a re-lamping of illuminated signs in the third year. Review the AGI Maintenance Brochure for additional information.

PRIMARY ELECTRICAL SERVICE

The dealer is responsible for providing primary electrical service within five (5) unobstructed feet of each sign location. New ground signs cannot be installed to one side or another of an existing foundation. This could place the new sign further away than 5' from the primary electrical service. AGI will provide specifications for all electrical requirements. Failure to adhere to electrical specifications, including providing dedicated circuits, will void the sign warranty if the signs are damaged. The dealer will also be responsible for necessary repairs.

PERMITS & VARIANCES

AGI will be responsible for obtaining permits and variances for Mazda dealerships. The Dealer will be advised of all permit and variance fees. The Dealer will be responsible for the permit fees, variance fees, and the staff time associated with obtaining all municipality approvals. All costs associated with permits and variances will be added to the final invoice.

INSTALLATION CONDITIONS

Wall signs – Walls must be flat, vertical, and at least the height of the building sign(s). The wall must be sufficiently constructed to anchor the new signs. "Dryvit" or other similar insulated wall systems without a wood or comparable backing will not support the weight of the building signage. The surface should have at least the strength of ¾" plywood and if plywood is used for support, the plywood needs to totally cover the height and length of the area in which the sign(s) are to be placed. The plywood backing needs to be continuous with no gaps that could weaken its structural integrity.

All wall signs in this program are designed to be individually mounted without the exposure of electrical connections. The connections will be made behind the wall, so it is necessary to have access behind the wall in order to mount the signs on the building. The access must be at least 2' high and 2'-6" wide, span the length of the entire sign and be reached by a ladder through at least the same size opening.

PYLON OR MONUMENT

Mazda's pylons or monument signs have been priced based on normal 3000 PSF soil conditions. The pricing does not include any non-standard conditions such as encountering underground obstructions, including but not limited to, rock formations or utility lines. Dealers are responsible for any and all additional costs that result from encountering non-standard installation conditions. AGI will review all non-standards with the dealer. AGI will review the non-standard quotation with dealer and have signed approval before commencing any work at the dealership.

PYLON OR MONUMENT

PYLON

MAZDA FREESTANDING PYLON SIGNS

The freestanding Mazda pylon sign identifies your presence and location to the public. Mazda requires that a freestanding Mazda brand sign be installed at a prominent location. If only one sign is permitted by local ordinance, it should be the largest freestanding Mazda brand sign allowed.

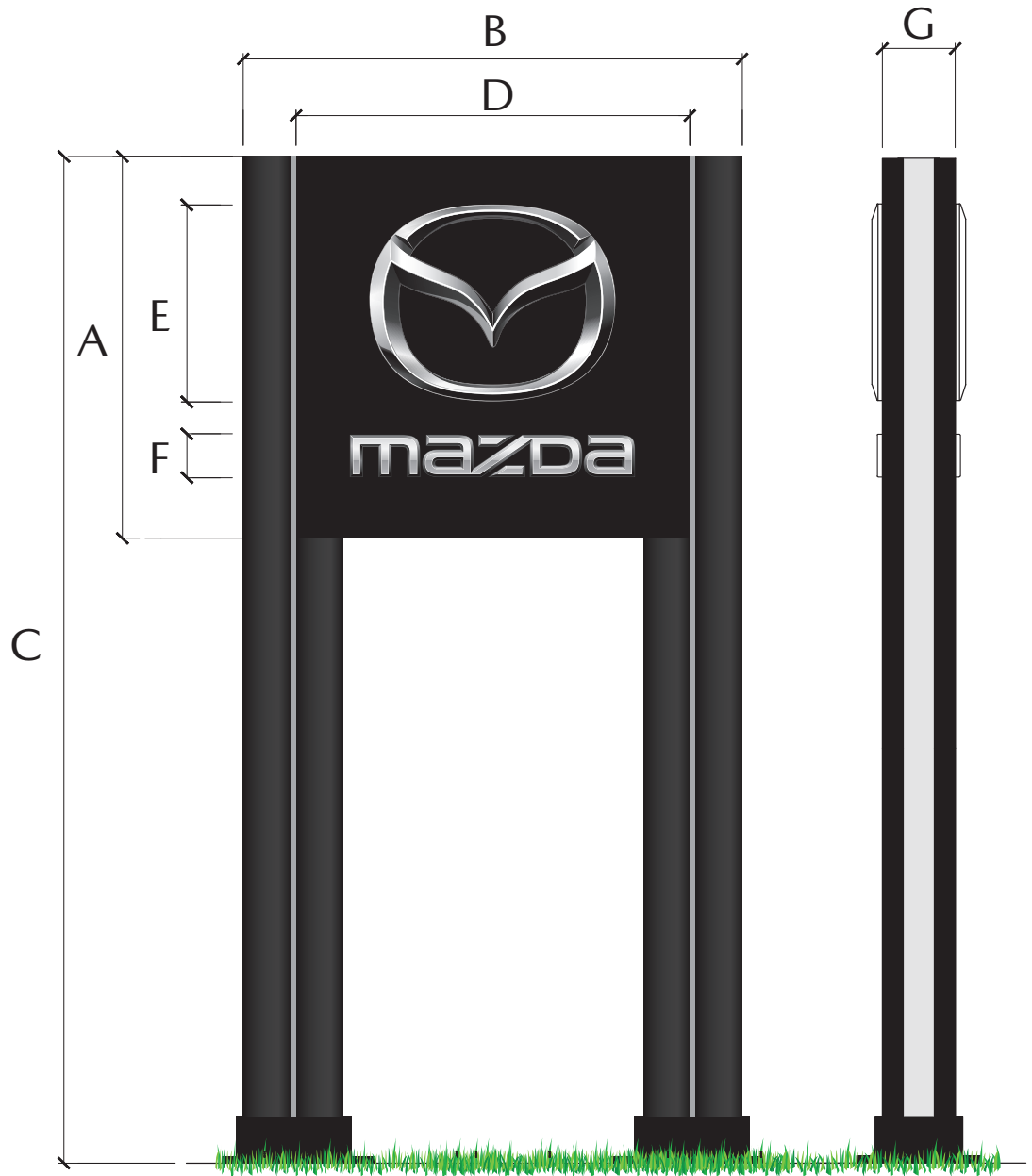
Standard Heights for the Freestanding Pylon:

P-135 @ 31' OAH
 P-135 @ 36' OAH
 P-135 @ 41' OAH

P-100 @ 25' OAH
 P-100 @ 30' OAH
 P-100 @ 35' OAH

P-70 @ 23' OAH
 P-70 @ 28' OAH

P-30 @ 15' OAH



Pylon Sign (P-135, P-100, P-70) Custom heights available for optimum visibility. Standard heights noted on left of page.

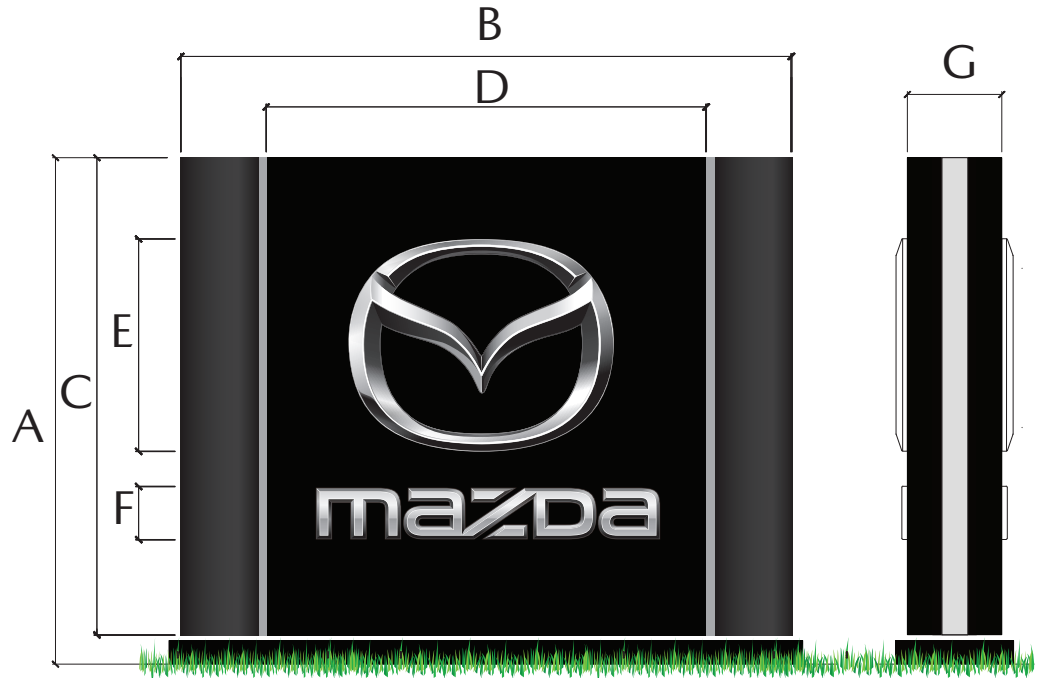
SIGNS	A	B	C	D	E	F	G
P-135	12'-0 3/4"	13'-10 3/16"	Varies	11'-5 1/4"	5'-6"	1'-3 5/16"	1'-10"
P-100	10'-3 1/2"	12'-4 1/2"	Varies	9'-11 5/8"	4'-6"	1'-0"	1'-8"
P-70	8'-8 11/16"	11'-4 13/16"	Varies	8'-11 7/8"	4'-6"	1'-0"	1'-8"
P-30	5'-9 13/16"	8'-4 7/8"	Varies	5'-11 15/16"	3'-0"	9"	1'-8"

PYLON OR MONUMENT

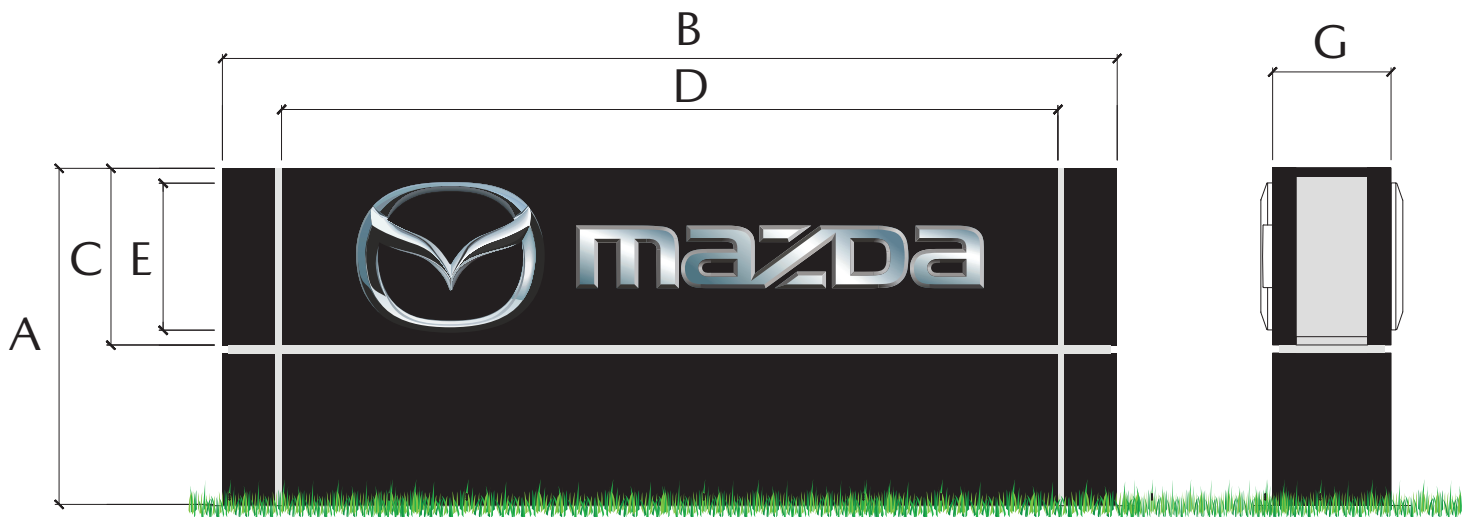
MONUMENTS

MAZDA MONUMENT SIGNS

Certain local ordinances prohibit the use of freestanding pylon signs. For those special applications, a Mazda monument sign may be used. Like the freestanding pylon sign, Mazda requires that a monument brand sign be installed at a prominent location. If only one monument sign is permitted, it should be the largest sign allowed.



SIGNS	A	B	C	D	E	F	G
M-70	11'-5 7/8"	12'-11 1/8"	11'-0 7/8"	10'-6 3/16"	4'-6"	12"	1'-8"
M-30	7'-1 13/16"	8'-7 3/8"	6'-8 13/16"	6'-2 1/2"	3'-0"	9"	1'-4"



SIGNS	A	B	C	D	E	F	G
M-53	6'-10 3/16"	18'-2 13/16"	3'-7 1/4"	15'-9 7/8"	3'-0"	15.3"	2'-4 15/16"
M-32	4'-8 11/16"	14'-1 3/16"	2'-9 1/4"	11'-8 1/4"	2'-0"	12"	2'-4 15/16"

MAZDA LOGO / LETTERSET & DEALER NAME

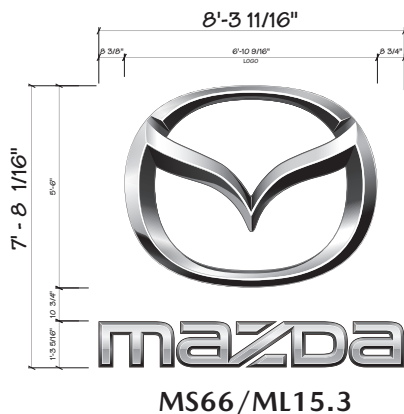
MAZDA DEALER NAME LETTERS

The dealership name sign may not incorporate the Mazda logo as part of the name. These letters are manufactured from a special material that is Black in the daylight but appears White at night when illuminated. The dealership name sign should appear to the right of the Mazda symbol and Mazda letter logo. Additionally, the dealership name sign should not be taller than the Mazda letters.



SIGNS	A	B	C	D	E	F	G
MS45/ML18.7	45"	4'-8 5/16"	18.7"	10'-1 7/8"	15'-7 9/16"	18.7"	Varies
MS36/ML15.3	36"	3'-9"	15.3"	8'-3 11/16"	12'-8 1/4"	15.3"	Varies
MS24/ML12	24"	2'-6"	12"	6'-6 1/8"	9'-5 3/16"	12"	Varies

Available for RE-1 and RE-2 Only



All text to be internally illuminated channel letters.

All elements to be integrated with existing exterior graphics program.

Logo artwork to be provided by Mazda.



Black Backer Panel available
for light background fascia

MAZDA SYMBOL & MAZDA LETTER LOGO SIGNS – PLACEMENT

The Mazda brand mark is comprised of the Mazda symbol and the Mazda letter logo. These elements are fixed, and their proportions should never be altered in any way, nor each element used individually.

The Mazda symbol and Mazda letter logo should be placed in the most prominent position on the dealership. If only one sign is permitted by code or building configuration, that sign must be the Mazda symbol and Mazda letter logo. The preferred location is the front or most visible side of the showroom.

Sign placement on the fascia, in order of preference, is:

1. LEFT-HAND SIDE – If used with dealership name letters, or if used alone and center application is unavailable.
2. CENTER – If used alone without dealership name letters
3. RIGHT-HAND SIDE – If used alone and center or left-hand application is unavailable.

All the elements in the exterior sign package, including the building signage, pylons and directional signs, have been developed as part of the Mazda Dealer Identification Program. As part of the program, the size and placement of these signs will be determined. Contact your region for enrollment with the approved sign vendor.

SERVICE LETTERS

Mazda dealership Service signs identify and direct customers to the Service area of the dealership. Service signs should be installed as close to the service department as possible and the largest size used when possible. Individual Service letters are for use at Mazda exclusive dealerships and are wall mounted.

Mazda Exclusive Dealers

Varies SERVICE

PRE-OWNED PARTS

All Facilities

Varies PRE-OWNED

Varies PARTS

Varies

DIRECTIONALS

DIRECTIONALS

(Includes All Facilities)

Mazda dealership directional signs identify and direct customers to various areas of the dealership. Locations for installing directional signs should be in the area of greatest traffic flow for maximum visibility and customer convenience. Double faced directional have 1-3 panels for copy and arrows. Directional signs may also be wall mounted (single faced), cantilever mounted (double faced) or ceiling mounted (double faced).

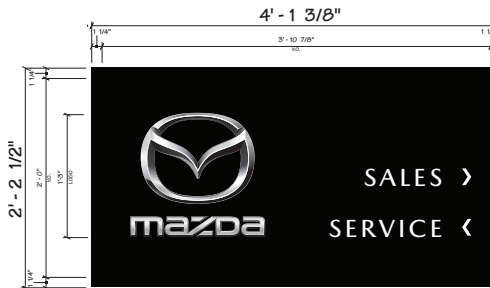
Available Copy
(Any arrow combination)

ENTRANCE
SHOWROOM
SALES
CUSTOMER PARKING
SERVICE
PARTS
SERVICE ENTRANCE
PRE-OWNED

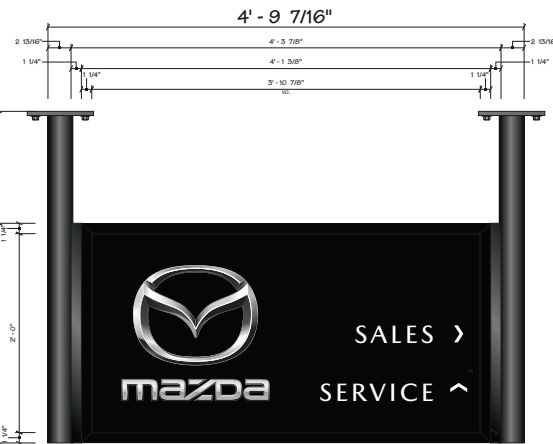
Custom copy available with
MNAO approval.



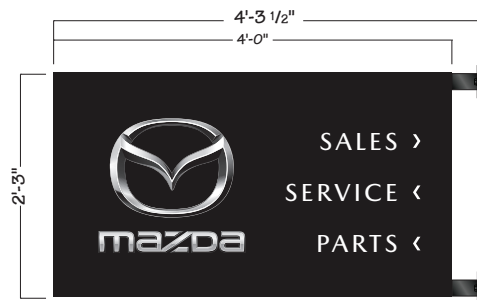
FREESTANDING



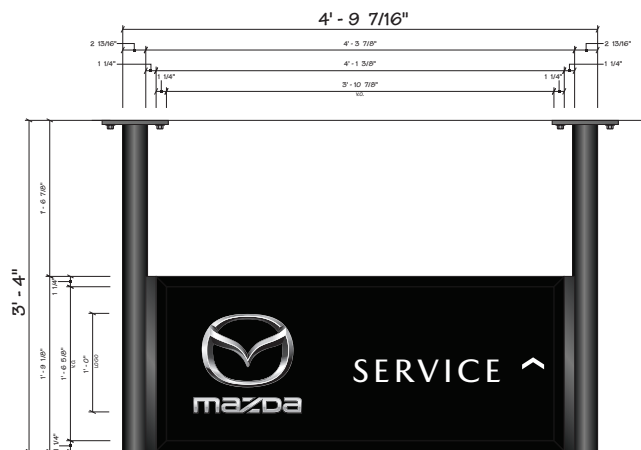
WALL SIGN



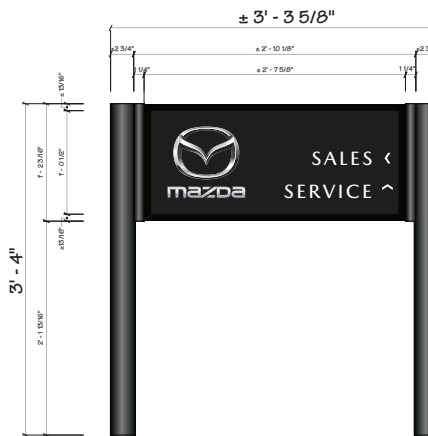
CEILING



CANTILEVER



CEILING



FREESTANDING (3SF)

For additional information regarding the Mazda Corporate Identification Program please contact the AGI Project Management Team | Email: mazda@agisign.com
AGI, Inc., 412 N. Cedar Bluff Road, Suite 306, Knoxville, TN 37923
Phone: 1-865-692-1242 | Fax: 866-509-6009





2.0 FACILITY

2.1 FACILITY IDENTIFICATION AND SIGNAGE

The Volvo Corporate Sign Program supplier must be used for all signage placed at Volvo facilities.

Primary Sign

You must display an approved Volvo Pylon sign in a location approved by us and in a location designated by us based upon the sign site survey performed by our approved contractor. You must maintain that sign and ensure that it is in working condition and in good repair.

Directional Signs

Where determined by us to be applicable, approved directional signs are required in accordance with facility needs and based upon site survey.

CPO Signs

You must display an approved Volvo CPO sign in a location approved by us based upon site survey.

Service Signage

You must install approved Service Signage in accordance with our site survey requirements to clearly identify your Volvo Service entrance. Multi-branded facilities must have clearly identified Volvo service write up and Volvo service drive signage.

DBA Signage

You must have your approved DBA name placed on your facility using Volvo approved signage and in a location specified by us.

Exhibit C

Corporate Identity



Corporate Identity

Primary Signage

Please note that the following Corporate Identity guidelines are the most current requirements set forth by VWoA for all Volkswagen Dealers.

Operating Standard #20

All primary and secondary signs will conform to Volkswagen's Corporate Identity and Trademark Requirements as defined in the Volkswagen Corporate Identification and Trademark Supplement.

Operating Standard #21

Authorized Volkswagen trademarks, including the distinctive logo, will be used exclusively for the identification, advertising and promotion of Volkswagen products and services as defined in the Volkswagen Corporate Identification and Trademark Supplement.

In order to meet Operating Standards #20 and #21, all Volkswagen Dealers must meet each of the following criteria:

- A.** The minimum VWoA exterior corporate identity elements consist of the Ground Sign, Dealer Nameplate, building fascia Clip and Service Sign as well as approved building colors, subject to local sign restrictions.
- B.** VWoA corporate components cannot be used in conjunction with unauthorized identification elements, including but not limited to Dealer Nameplates, Dealer-specific symbols and logos. Dealer will observe this restriction with respect to all Dealer product advertising (new, used, service, parts), Dealer stationery and forms and in such other documents as VWoA may direct. Such use will at all times be in accordance with the Volkswagen Corporate Identification and Trademark Supplement.
- C.** Dealers must not display any unauthorized Volkswagen logos.
- D.** Dealer must not display any unauthorized banners, bunting, streamers, window painting, painted wall signs or balloons.
- E.** All signs displayed are in accordance with the Volkswagen Corporate Identification and Trademark Supplement.
- F.** As needed, interior signage must clearly direct customers to Dealership Sales, Service and Parts departments and to key customer amenities, such as the service reception, waiting areas, children's play area and restrooms.

Nameplate Guidelines

The Volkswagen Dealer Nameplate must be displayed in conjunction with a Volkswagen Clip. Any additional Volkswagen Dealer Nameplates must also be displayed in conjunction with a Volkswagen Clip. The Volkswagen Dealer Nameplate will display Dealer's DBA and is subject to approval by the Volkswagen Corporate Identification Team.

In the event a Dealership is dualed with Audi and only one Nameplate is allowed by local codes or space restrictions, a Volkswagen Nameplate will be installed with a Volkswagen and Audi Clip on either side.

The Volkswagen Dealer Nameplate is the only Dealer name to be displayed on any one side of the facility.

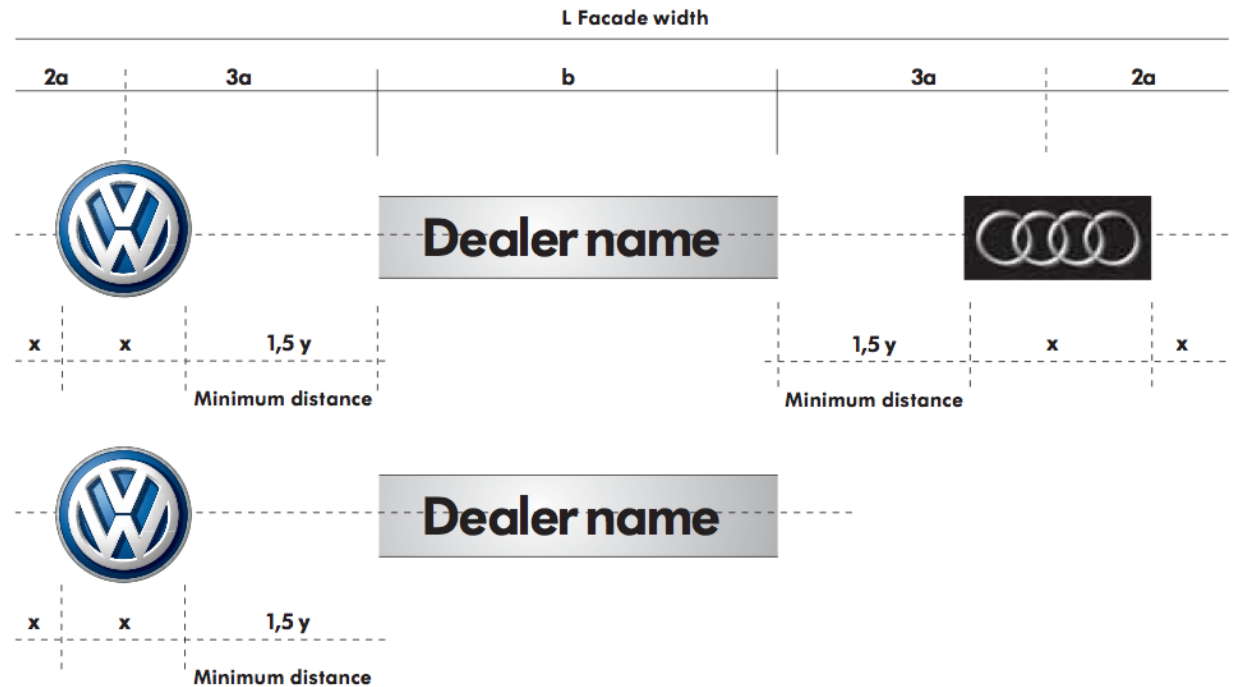
Nameplate Exceptions

If a Nameplate is not allowed by local codes, individual channel letters manufactured and installed by Volkswagen's approved vendor may be substituted for a Nameplate.

Display Guidelines

Formula for the distances

$$a = \frac{L - b}{10}$$



For spacing, including other make signs, contact Volkswagen's approved vendor to request a proposal to be submitted for Volkswagen approval.

Ground Sign Guidelines

Pylons may contain Audi and Volkswagen logos in that order. All other entities, Dealer names, text and brand names are strictly forbidden.

No additional lettering may appear on the pylon.

In the event that a pylon is not permitted due to local ordinance, a twin pole sign may be used.

The twin pole may also accommodate other brands. In the event that more than one make is represented, the following order must be observed:

- Audi
- Volkswagen
- Other makes

If a pylon or twin pole is not permitted by local code, a flag sign may be installed.

Branded premises may not include generic ground signs with Dealer's name or a reader board.



Secondary Signage

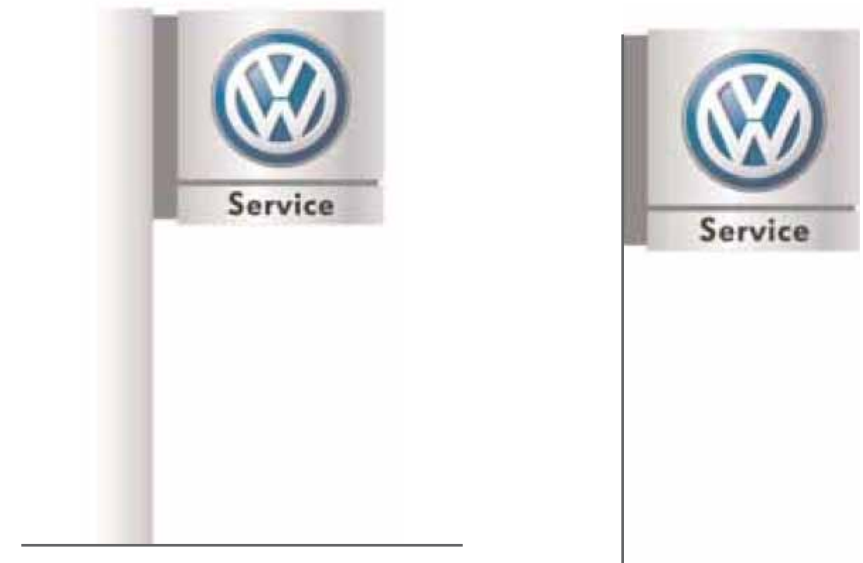
Secondary signage consists of “Service,” “Certified World Auto Pre-owned,” Directional, Regulatory, and “Hours of Operation” signage. It is a prerequisite that all old signage that differs from or is inconsistent with the current Volkswagen image be removed from the premises before the installation of the new Corporate Identification components. **All signage orders from VWoA’s approved vendor are subject to review and approval by the Volkswagen Corporate Identification team. Unless specifically noted, VWoA’s approved vendor must manufacture all secondary signage.** All signage is subject to local ordinances. In the event that a sign is not permitted by local ordinances, the Volkswagen Corporate Identification team will work with Dealer on approved custom solutions.

Service Sign Guidelines

In addition to the primary signage, all Dealers must have a “Service” sign. This sign complements the Volkswagen Nameplate while “lighting the way” for customers seeking service for their vehicles.

Branded and non-Branded-exclusive facilities must have a Volkswagen-approved Service sign, manufactured by VWoA’s approved vendor. Either a Service nameplate, a building-mounted Volkswagen flag sign with “Service” appendage or a pole-mounted Volkswagen flag sign with a “Service” appendage are approved.

Non-Marketplace, multi-brand Dealers may have VWoA- approved or generic Service signage.



World Auto Sign Guidelines

VWoA offers an illuminated “Certified Pre-Owned” building sign that complements the Volkswagen Nameplate. This sign is to be installed over the Pre- Owned Sales entrance and may be accompanied with a Volkswagen Clip.

A “Certified Pre-Owned” ground sign is also available. This flag-style sign may be exclusively Volkswagen or combined with Audi as shown on the right.

For Dealers who elect to display Pre-Owned signage, the guidelines are as follows:

- Branded and non-Branded exclusive dealers must display VWoA-approved Certified Pre-Owned signage.
- Non-Branded, multi-brand dealers may display VWoA-approved or generic World Auto signage.

For Dealers who elect to display a Pre-Owned ground sign, the guidelines are as follows:

- Exclusive Dealers must display VWoA-approved Volkswagen flag sign with Certified Pre-Owned appendage.
- Dual Dealers may display a generic Pre-Owned ground sign.

Branded Facility premises may not include generic ground signs with Dealer’s name or a reader board.

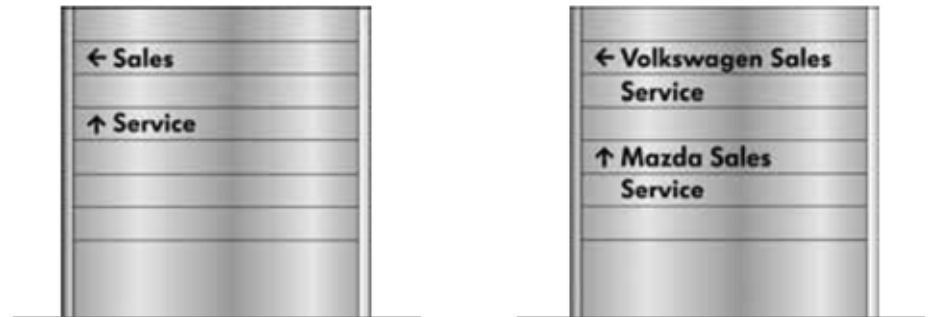


Exterior Directional Sign Guidelines

If applicable, Branded and non-Branded-exclusive facilities must have VVoA-approved directional signage. These signs are designed to direct customers to particular zones on the Dealership property. These signs may feature information on both sides and may be used to direct customers to other makes from the Volkswagen property, provided no logos are used.

If applicable, non-Branded, multi-brand Dealers may have VVoA-approved or generic directional signage.

Logos may not be used on directional signage.



Regulatory Sign Guidelines

Municipal or other regulations often require specific signage for handicap parking or other uses. These signs are available from a VVoA-approved vendor or may be produced locally.



“Hours of Operation” Sign Guidelines

All Dealers must display their Hours of Operation and Roadside Assistance telephone number at the primary entrance as well as at the Parts & Service entrances.

All Branded facilities must have their Hours of Operation and Roadside Assistance telephone number displayed on the sign produced from VVoA’s approved vendor. This sign must be installed on the portal per the approved installation instructions.

All non-Branded facilities may use white or black Volkswagen or neutral lettering on all main customer entry doors, including the front entrance in lieu of sign A-1.

All non-Branded facilities may use white or black Volkswagen or neutral lettering on all main customer entry doors, including the front entrance in lieu of sign A-1.

Secondary door postings for all Dealers may be white or black lettering on glass.

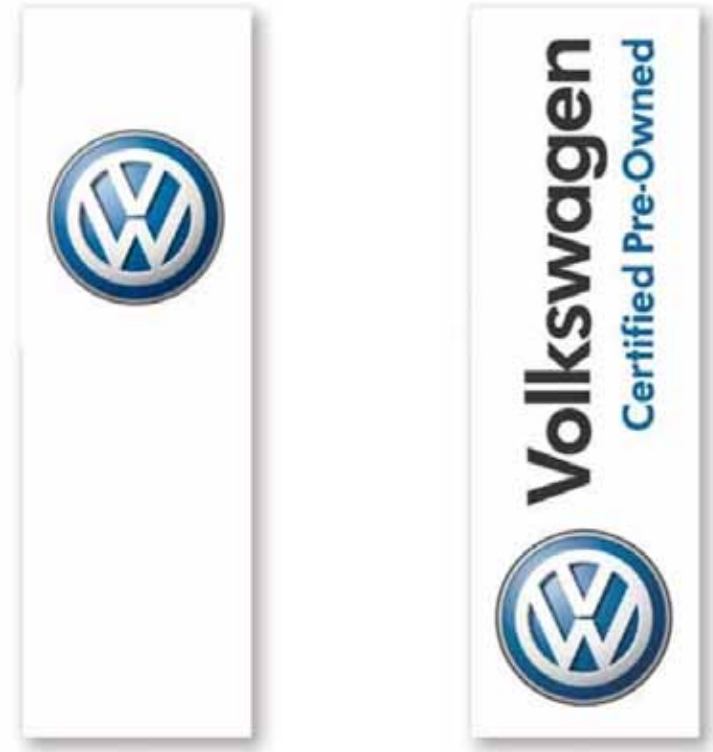
You may utilize Volkswagen’s approved vendor for your banner needs. Contact lettergraphics at 313.964.2300.



A-1

Banners

All permanently displayed Volkswagen banners must be the VVoA-approved banners on flag or light poles. A maximum of three of each design (Volkswagen logo and Volkswagen World Auto) may be displayed.



Miscellaneous Signage

Additional interior signage can be produced to assist customers in the following ways:

Directional signage to further guide customers to Sales, Service and Parts departments, waiting areas, children's play area, restrooms, etc.

Signage for Customer Convenience Amenities, such as:

- Shuttle hours
- Night drop-off instructions
- Complimentary beverages/snacks

Service signage, such as:

- Service Menu Pricing Boards
- Labor Rate Boards

For Branded and non-Branded-exclusive Dealers, all miscellaneous signs must be of brushed aluminum with black lettering in Volkswagen font. These signs may be produced locally or by Volkswagen's approved vendor.

All non-Branded, multi-brand Dealers may either use brushed aluminum with black lettering in Volkswagen font or generic/neutral signs with neutral lettering (i.e., white sign with black lettering).