

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING**

Wednesday, August 26, 2020 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 – August 12, 2020

4. Correspondence

5. Reports

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

6. Unfinished Business

- a. PD 2020-127 – Serra Automotive CRA – Auto Wash Public Hearing
- b. PD 2020-125 – Requirements for Siting Solar Energy Systems – Discussion
- c. PD 2020-126 – Zoning Ordinance Use Chart Project – Update #3

7. **New Business**
8. **Public Comment**
9. **Other Business**
10. **Items for Next Agenda – September 9, 2020**
 - a. TBD
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, or TDD #922-4412.

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
August 12, 2020**

Call Meeting to Order: Chair Racine called the August 12, 2020 Planning Commission meeting to order at 7:00pm.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

Present: Robert Fudge, Joe McManus, Joe Robertson, Pat Cline, and John Racine

Absent and Excused: Steve Duell, Chris DeGood

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)

Sych asked Commissioners to add Item 7b - Village at LaFranier Woods PUD Land Division.

McManus moved and Robertson seconded to approve the agenda as amended

Yeas: McManus, Robertson, Fudge, Cline, Racine

Nays: None

3. Minutes (7:03)

a. July 22, 2020

Fudge moved and Robertson seconded to adopt the minutes of July 22, 2020 as amended changing the verbage in item 6b to read "Planning Commissioners still wanted for there to be ordinance control over what type . . ."

Yeas: Fudge, Robertson, Cline, McManus, Racine

Nays: None

4. Correspondence (7:05)

Sych said that on Commissioner desks was a report pertaining to item 7b, an email regarding the Oak Leaf Village development, and the PZ News from August 2020 which contains an article regarding the Supreme Court decision on short term rentals.

5. **Reports (7:06)**
Township Board Report
 No report

Planning Commissioners
 No reports

Staff Report

Sych commented on the status of the Grand Traverse Oral Surgery center. Hannon added that Staff is working on Redevelopment Ready Communities efforts and will be traveling to Canton Township for a site visit. The RRC will do a full evaluation of township procedures which include interviews of stakeholders and recent applicants.

6. **Unfinished Business**

- a. **PD 2020-122 – 3077 Garfield Conditional Rezoning – Update #4 (7:10)**
 Deputy Planner Hannon said that the applicant has not brought forth any new information. If the applicant does not update the application by the September regular meeting of the Planning Commission, the application will be considered expired.

Cline moved and Robertson seconded THAT application Z-2020-03, submitted by Premier Space Solutions for the conditional rezoning of a portion of Parcel #05-014-077-00 BE FURTHER TABLED until the applicant submits its updated application materials to address outstanding items.

Yeas: Cline, Robertson, McManus, Fudge, Racine
Nays: None

7. **New Business**

- a. **PD 2020-119 – Serra Automotive CRA – Car Wash Introduction (7:12)**
 The applicant is proposing a car wash pursuant to a Conditional Rezoning which was amended and restated in 2018. A wash bay was approved without any noise generating mechanicals in 2018. As part of the agreement, any modifications to the wash bay would require planning commission review and approval following a public hearing. A noise study was completed in 2018 and still applies to the application. Staff stated that the proposed car wash meets all requirements listed in Section 712.

McManus moved and Robertson seconded THAT a public hearing be scheduled for application Z-2017-03A at the Garfield Township Planning Commission meeting on August 26, 2020.

Yeas: McManus, Robertson, Fudge, Cline, Racine
Nays: None

- b. 2020-123 Village at LaFranier Woods Land Division (7:18)**
 Sych stated that this application was approved last month and is now pursuing MSHDA funding. The applicants intend to divide the project into four phases and a land division would create four parcels. Easements and maintenance agreements associated with utilities and amenities would be drafted for each parcel. Sych said that this could be completed by providing a Minor Amendment to the PUD. The applicant would need to provide all agreements and easements pertaining to the land division. Applicant Shirley Woodruff said that the MSHDA deadlines are coming up and MSHDA would like indication of support from the Garfield Township Planning Commission that they would approve the minor amendment. Woodruff has completed a land division application and is moving as quickly as possible. Commissioners discussed the minor amendment and the phases.

Robertson moved that the Planning Commission is supportive of reviewing and approving a minor amendment to the Village of LaFranier Woods PUD subject to the submittal of the appropriate land division application, easement agreements and maintenance agreements for the road, utilities, stormwater systems and access to the shared open spaces. Fudge supported the motion.

*Yeas: Robertson, Fudge, McManus, Cline, Racine
 Nays: None*

8. Public Comment (7:35)

None

9. Other Business (7:35)

Commissioners inquired about a gas line on Hammond Road.


10. Items for Next Agenda – August 26, 2020 (7:39)

- a. **Public Hearing - Serra Automotive CRA - Car Wash**
- b. **Redevelopment Ready Communities – Verbal Update**
- c. **Zoning Ordinance Use Chart Project – Update**
- d. **Requirements for Siting Solar Energy Systems - Discussion**

PC members asked about guidelines for meeting in person and talked further about the car wash as mentioned in item 7a.

11. **Adjournment**

Fudge moved and McManus seconded to adjourn the meeting at 8:48pm.



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

John Sych

From: Lisa Schaub <lschaub63@gmail.com>
Sent: Tuesday, August 18, 2020 8:42 PM
To: John Sych
Cc: Tim Schaub; Jesse Mitchell
Subject: Re: Harris Hills update

Hi John,

When the Governor shut down our state and we lost our ability to work in construction (non-essential) we made the decision to delay the project. Even just before we returned to work May 7th the Michigan State police arrived to watch Tim working alone on his backhoe, as the property owner, needing to be busy doing something. They drove to both access ends and watched him and decided not to stop him from pushing dirt, alone, in an effort to reduce some dirt piles and make it look nicer (we apologize to Lone Tree for creating an undesirable neighboring parcel).

We decided it wasn't the right time to take out a \$1.5m loan for the project that West Shore Bank (with VP Jordan Solowejj) was more than willing to provide to us, and thereby risk everything we own for the sake of 40 homes for strangers. We are now waiting for the results of the presidential election. If Trump wins we will proceed next year. If he does not, we know the land is a great investment, but we will not be providing homes for a trending socialist population who want everything without working for it. We won't be developing if the project becomes unsustainable, or if we feel our tyrannical Governor will continue to unilaterally choose businesses that are "winners" or "losers" and shut us down again as her mood swings warrant.

Land so close to the city will always be a commodity and this piece of land will become a long-term investment. With that said, should Pres. Trump win his reelection, we know that more people will wish to escape the cities and our development will be profitable. As capitalists/entrepreneurs, we will assess the risks, and if favorable, we hope to break ground early next year.

Regards,

Lisa Schaub
T.L. Schaub Land, LLC

Sent from my iPhone

On Aug 18, 2020, at 1:49 PM, John Sych <jsych@garfield-twp.com> wrote:

Hi Lisa,

At last week's Planning Commission meeting, some of the Planning Commissioners asked the status of Harris Hills. I indicated no permits have been requested. Would you like to provide any update to the Planning Commission?

Thank you,

John

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

August 10th, 2020

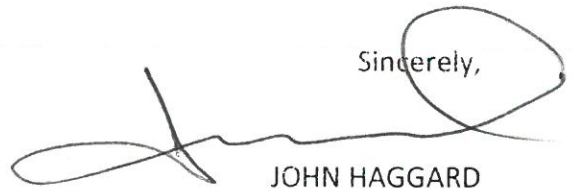
Garfield Township Planning Commission
3848 Veterans Dr.
Traverse City, MI 49684

RE: Case#Z-2017-03A Submitted by Sera Works of Traverse City to install a mechanized automobile laundry with the Conditional Rezoning Agreement. Parcel#05-014-005-00


To Whom it May Concern,

Upon reviewing the above Article, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changed of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,



JOHN HAGGARD

 Charter Township of Garfield Planning Department Report No. 2020-127			
Prepared:	August 19, 2020	Pages:	4
Meeting:	August 26, 2020 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Serra Automotive CRA – Car Wash Public Hearing		
Applicant:	Serra Works of Traverse City, LLC		
Owner:	Serra Works of Traverse City, LLC		
File No.	Z-2017-03A		
Parcel No.	05-014-005-00		

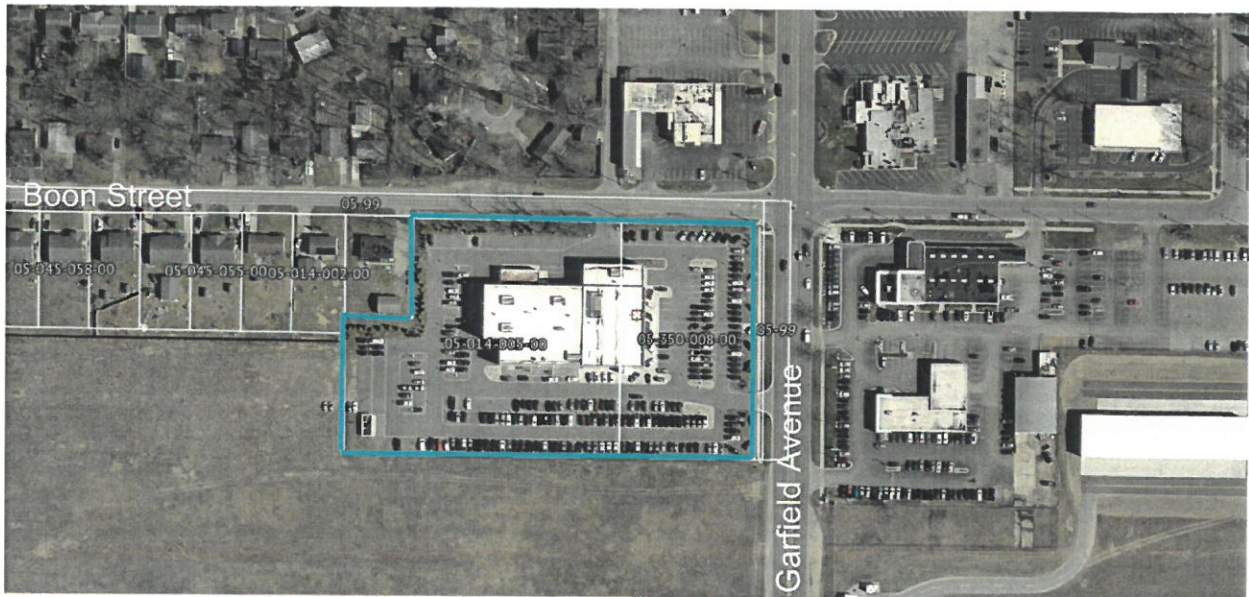
PURPOSE OF APPLICATION:

A Conditional Rezoning Agreement between Serra Works of Traverse City, LLC and Garfield Township was originally approved in 2008 and then amended and restated in 2018. As part of the Agreement, a “wash bay” was approved without any noise generating mechanicals customarily associated with an automated car wash, such automatic dryers, brushes, conveyors, and mitter curtains. As condition of the Agreement, any modification to the “wash bay” to include noise generating mechanicals requires review and approval, following a public hearing, by the Planning Commission. The proposal is to construct an automobile laundry (hereinafter referred to as “car wash”).

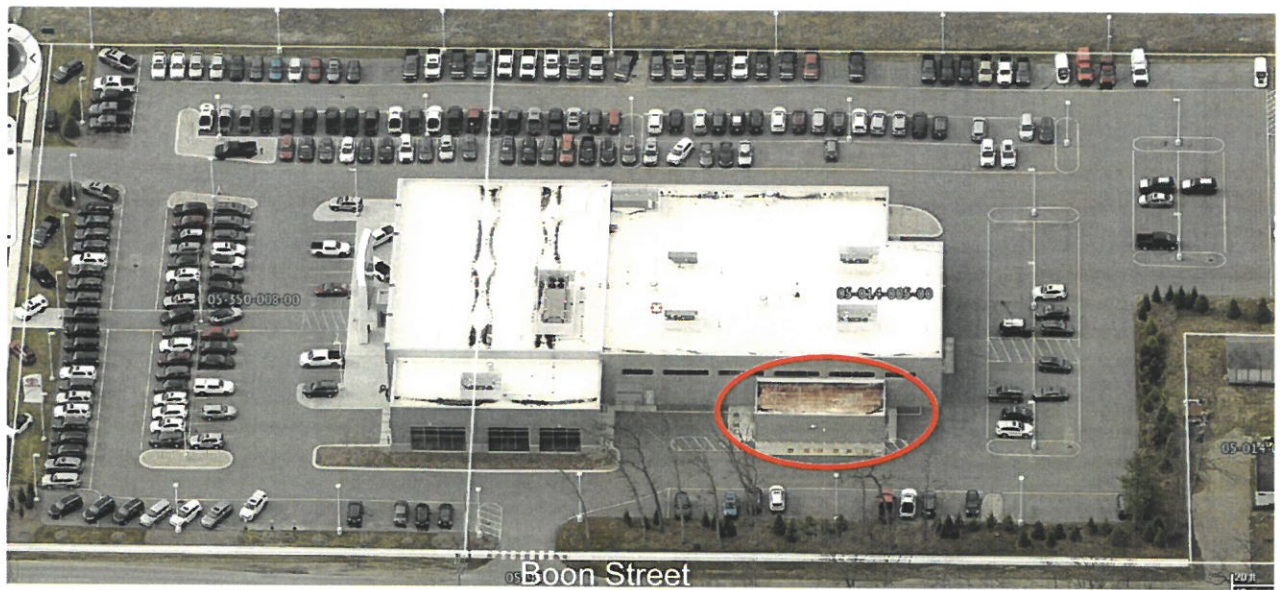
SITE LOCATION:

Located at the southwest corner of Boon Street and Garfield Road, the Serra site consists of two parcels that together comprise 4.57 acres in area. Parcel 05-014-005-00 (940 Boon Street) is covered by the Conditional Rezoning Agreement while Parcel 05-350-008-00 (1302 S. Garfield Avenue) is zoned C-G General Commercial. The car wash is proposed to be in the north half of Parcel 05-014-005-00. The north side of Boon Street is located within the City of Traverse City.

Aerial image of the Serra site (property lines highlighted in blue):



Aerial image of the Serra site facing south (proposed car wash highlighted in red):



Street view image of the Serra site facing south (side of proposed car wash identified by red arrow):



Street view image of the Serra site facing southeast (west door of proposed car wash location identified by red arrow):



CONDITIONAL REZONING AGREEMENT:

Conditions of the approved Conditional Rezoning Agreement related to the car wash state:

- A noise study shall be performed **prior to approval and following installation of mechanicals**, if approved, demonstrating that noise will not be detrimental to the surrounding neighborhoods.
- The automobile laundry shall not be open to the public.

A noise study was previously prepared for the site by the Noise Consultancy, LLC in 2018. The noise study applies to the Insta-Kleen car wash that is proposed to be installed. The study finds that:

- The noise levels produced by a mechanized car wash are in line with the ambient sound level currently experienced by adjacent neighborhoods.
- At the Garfield Township property line, the sound level will be 56-58 dBA, whereas steady traffic is at 55-65 dBA. Individual events, such as noise generated by airport operations, often exceed this level.
- In light of the above findings, it is the consultant's opinion that "there will be no detrimental acoustical impact to the adjacent residential neighborhoods of either Garfield Township or Traverse City from the operation of the proposed car wash, as the blowers will only be operated with the exit door closed."

According to the applicant, measurements within the study were taken at the car wash at the Serra service center located at 1747 S. Garfield Avenue and at the actual Toyota building site by the proposed car wash area.

SECTION 712 AUTOMOBILE LAUNDRIES:

Section 712 of the Zoning Ordinance has the following conditions regarding car washes:

- All such facilities shall be connected to a public water and sewer system.
- All washing activities shall be carried out within a building.
- No equipment shall be located closer than one hundred (100) feet to any property zoned or used for residential purposes.

The proposed car wash meets all the requirements listed in Section 712. The nearest property zoned and used for residential purposes is located 130 feet to the west of the car wash.

A set of plans has been submitted for the Insta-Kleen car wash. According to the applicant, the plans are for another Serra owned dealership in Okemos, Michigan but represent the same system located at 1747 S. Garfield Avenue. 1747 S. Garfield Avenue is the location of the Serra Cadillac, Subaru, Audi and Volkswagen dealerships. The plans represent the same system that is proposed for the Serra Toyota dealership on Boon Street.

RECOMMENDATION:

As required by the Conditional Rezoning Agreement between the applicant and the Township, a public hearing must be held for the application. If, following the public hearing, the Commission is satisfied with the application, then the following motion is suggested:

MOTION THAT Application Z-2017-03A, submitted by Serra Works of Traverse City, LLC for mechanized auto wash at 940 Boon Street, BE APPROVED, subject to the following conditions:

1. A noise study shall be performed following installation of the car wash mechanicals demonstrating that noise will not be detrimental to the surrounding neighborhoods.
2. The automobile laundry shall not be open to the public.

Additional information deemed necessary by the Planning Commission should be added to the motion.

Attachments:

1. Conditional Rezoning Agreement – dated March 30, 2018
2. Summary Letter of Acoustical Study and Impact Analysis for Serra Automotive by the Noise Consultancy LLC – dated June 28, 2018
3. Serra Automotive Site Plan set excerpt: Site Plan Sheet CS1-00-01 and Landscaping Plan Sheet LS1-00-01 set prepared by Gosling Czubak Engineering – dated June 8, 2017
4. Insta-Kleen Car Wash Drawings excerpt: Equipment Schedule M1, Equipment Layout M2, and Reclaim Underground P4 – dated May 8, 2019

FIRST AMENDMENT TO AND RESTATEMENT OF
CONDITIONAL REZONING AGREEMENT

APPLICATION # Z 2017-03

Received:

This First Amendment to and Restatement of a Conditional Rezoning Agreement entered into in 2008 and recorded at 2008R-03914 Grand Traverse, County Register of Deeds ("Amendment") is entered into on the 30 day of MARCH, 2018, between Serra Works of Traverse City, LLC, a Michigan limited liability company, of 3118 E. Hill Road, Grand Blanc, Michigan ("Applicant") and the Charter Township of Garfield, 3848 Veterans Drive, Traverse City, Michigan 49684 ("Township"), and provides as follows:

Recitals

A. Applicant is the owner in fee of the following property located at 940 Boon Street in the Township of Garfield, County of Grand Traverse, State of Michigan and more fully described as follows ("Property"):

A part of Lots 15 and 16 of the recorded Plat of Hannah Lay & Co's Fifteenth Addition to the City of Traverse City, more specifically described as: The North 385 feet of the East one-half of the Northeast one-quarter of the Northeast one-quarter, Section 14, Town 27 North, Range 11 West; except the West 100 feet of the North 189 feet thereof; also except the East 251.01 feet of said East one-half of the northeast one-quarter; EXCEPT the North 33 feet of the East 660.37 feet of the Northeast quarter of the Northeast quarter of Section 14, Town 27 North, Range 11 West. Together with an easement over the East 20 feet of land in the township of Garfield, Grand Traverse County, Michigan, described as: part of Lot 16, Hannah, Lay and Company's 15th Addition to the City of Traverse City, a part of Section 14, Town 27 North, Range 11 West, described as commencing at the Northeast corner of said Section 14; thence North 89 6' 30" West along the Section line 660.37 feet; thence South 0 2' 50" West, 33.00 feet to the Point of Beginning; thence continuing 0 2' 50" West, 156.00; thence south 89 6' 30" East parallel to the Section line 100.00 feet; thence North 0 2' 50" East, 156.00 feet; thence North 89 6' 30" West 100.00 feet to the Point of Beginning, for a private drive the exclusive use of the Grantor, his

hears and assigns which is the same easement described in the deed at Liber 316, page 341, Grand Traverse County Register of Deeds, Parcel Identification Number 28-05-014-005-00.

B. The Property is subject to a Conditional Zoning Agreement (the "Agreement") entered into in 2008 and recorded at 2008R-03914 Grand Traverse, County Register of Deeds whereby the Property was rezoned from R-1B, Single Family Residential, to C-2, General Business now C-G, General Commercial.

C. MCL 125.3405 of the Zoning Enabling Act, as amended, provides that a landowner may offer use limitations related to the rezoning of land within a township pursuant to a Conditional Rezoning Agreement ("CRA") and Section 422(G)(2) of the Charter Township of Garfield Zoning Ordinance (the "Zoning Ordinance") provides that any amendment to a statement of conditions must be processed in the same manner as a CRA under MCL 124.3405.

D. The Applicant has requested to amend certain conditions of the Statement of Conditions set forth in the Agreement.

E. By entering into this Amendment, the Applicant and the Township desire to set forth the parties' obligations with respect to the Property and the conditions under which the Township has granted this Amendment to the Agreement.

NOW THEREFORE, the Applicant and the Township hereby declare and agree that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, grants and reservations set forth herein; all of which are for the benefit of the Township and shall run with and bind the Property and all parties having any right, title or interest in all or any portion of the Property, as well as its heirs, successors and assigns.

Agreement and Statement of Conditions

1. **Rezoned Limited Uses.** The Property shall remain rezoned to C-G, Commercial General. With respect to the Township Zoning Ordinance in effect on the date of this Amendment, the Applicant voluntarily offers and agrees that the Applicant may be permitted to conduct all existing permitted, conditional and special land uses in the C-G District, which includes by reference the same uses in the C-L District, Local Commercial, except for the following:
 - a. The property shall not be used for any of the following permitted uses in the C-G and C-L Districts:
 - i. Restaurant and tavern
 - ii. Public assembly buildings
 - iii. Bus passenger terminals and stations
 - iv. Gasoline Service Stations
 - v. Commercial Recreational Facilities
 - vi. Miniature golf, trampoline, or similar public amusement
 - vii. Drive-In Business or Drive-Through Business
 - viii. Sexually Oriented Business

- ix. Indoor Entertainment Center
- x. Mortuaries / Funeral Homes
- xi. Restaurant
- xii. Retail convenience / Retail Food

2. Site Development Conditions. The following site development conditions shall apply:

- a. The healthy vegetation located on the property shall not be removed from a twenty-five (25) foot strip of land south of the Boon Street right of way except as depicted on the Landscape Plan submitted and dated August 10, 2017, to allow construction of a drive and a sidewalk as shown on the site plan submitted on August 10, 2017, and the removal of trees that are obstructions to the approach and departure surfaces for Runway 10 at the Cherry Capital Airport (the "Boon Street Buffer").
- b. The Applicant shall install and maintain in healthy condition a coniferous tree buffer along the Property's north property line which does not abut Boon Street as well as the west property line of the Property adjacent to the residential property to the west. Such buffer shall be installed prior to any occupancy of the property.
- c. There shall be only one curb cut for a drive along Boon Street and the curb cut shall be aligned with the alley to the north as shown on the August 10, 2017, Site Plan, made a part hereof, (the "August 10 Site Plan").
- d. The drive off/on Garfield shall be posted for "No Left Turn" as shown on the August 10 Site Plan.
- e. The planting size of the conifers in the Boon Street Buffer shall be increased from six (6) feet to between eight (8) to ten (10) feet to create a tiered vegetative buffer.
- f. The Automobile Laundry will be labeled a "wash bay" and may be permitted without noise generating mechanicals customarily associated with an automated car wash, such as automatic dryers, brushes, conveyors, and mitter curtains, and shall be subject to the following:
 - i. Any modification to the "wash bay" to include noise generating mechanicals shall first be reviewed and approved, following a public hearing, by the Planning Commission.
 - ii. A noise study shall be performed prior to approval and following installation of the mechanicals, if approved, demonstrating that noise will not be detrimental to the surrounding neighborhoods.
 - iii. The automobile laundry shall not be open to the public.

3. Right to Record. This Conditional Rezoning Agreement may be recorded by the Township with the Grand Traverse County Register of Deeds.
4. Township Right to Rezone. Nothing in this Agreement shall be deemed to prohibit the Township from revising its Zoning Ordinance or rezoning all or any portion of the Rezoned Property to another zoning classification. Any rezoning shall be conducted in compliance with the Township Zoning Ordinance and the Zoning Enabling Act. Upon any such rezoning taking effect, the use of the land so rezoned shall conform as much as possible thereafter to all of the requirements regulating use and development within the new zoning district and ordinance as modified by any more restrictive provisions contained in this Agreement. In the event of a rezoning, the Applicant's use of the property in conformity with this Agreement shall be a legal nonconforming use.
5. Compliance with Conditions. The Applicant shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of the Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
6. Commencement Time Period. Substantial construction of the development as set forth in August 10 Site Plan as allowed and permitted under federal or state law, rule or regulation or the Township Zoning Ordinance must be commenced within 18 months from the date of this Agreement, and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the zoning changes of statement of conditions made pursuant to this Agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
7. Reversion to Prior Zoning for Failure to Commence. If the approved development and/or use of the Property does not occur within the time frame specified under paragraph 6 above, the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Township Planning Commission proceed with consideration of rezoning of the land to its former zoning classification.
8. Subsequent Rezoning of Land. If the Property is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to Section 6 above or otherwise, the statement of conditions imposed under this Agreement shall cease to be in effect. Upon the Applicant's written request, the Township Clerk shall record with the Register of Deeds of Grand Traverse County a notice that the statement of conditions in the Agreement is no longer in effect.
9. Termination. This Agreement may be terminated by written mutual agreement of the parties. If so terminated, the Township Clerk shall sign a document recordable with the Grand Traverse County Register of Deeds that the statement of conditions in the Agreement is no longer in

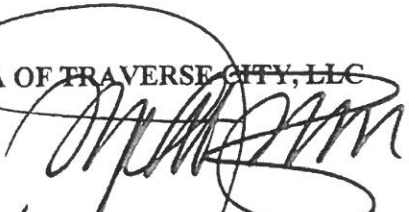
effect.

Applicant, Serra of Traverse City, LLC, a Michigan limited liability company, hereby attests that the conditions imposed by this Amendment to the Agreement were offered voluntarily and are consented to willingly.

Schedule of Documents

DOCUMENT NAME	SHEET #	DATE	SUBMITTED BY:
Site Plan Cover	C00-00-000	N/A	Gosling/Czubak
Existing Site Plan	CD 1-00-01	8-10-17	Gosling/Czubak
Proposed Demolition Plan	CD 1-00-02	8-10-17	Gosling/Czubak
Site Plan	CS 1 -00-01	8-10-17	Gosling/Czubak
Grading Plan	CG 1-00-01	8-10-17	Gosling/Czubak
SESC Plan	CS 1-00-02	8-10-17	Gosling/Czubak
Storm Sewer Plan	CU 1-00-01	8-10-17	Gosling/Czubak
Water & Sewer Service Plan	CU 1-00-02	8-10-17	Gosling/Czubak
Site Details	CN 1-00-01	8-10-17	Gosling/Czubak
Utility Details	CN 1-00-02	8-10-17	Gosling/Czubak
Storm Sewer Details	CN 1 -00-03	8-10-17	Gosling/Czubak
Landscape Plan	LS 1-00-01	12-13-17	Gosling/Czubak
Photometric Plan	PAGE - M OF 1	8-9-17	Keen Technical Solutions LLC
Architectural Plan Cover	Cover	8-10-17	Ghafari Assoc. LLC
Architecture Floor Plan	AE 1- 01-00	Not Dated	Ghafari Assoc. LLC
Architectural Building Elevations	AE 2-00-02	Not Dated	Ghafari Assoc. LLC
Architectural Sign Details	AE2-00-03	SIGNS NOT APPROVED	Ghafari Assoc. LLC
Architectural Concept Rendering	AE 2-00-04	SIGNS NOT APPROVED	Ghafari Assoc. LLC
FAA - Kevin Klein Correspondence	Cherry Capital Airport	10-27-17	Cherry Capital Airport

SERRA OF TRAVERSE CITY, LLC

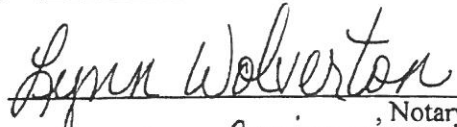


By: Joseph O. Serra
Its: PRESIDENT

STATE OF MICHIGAN)
)SS.
COUNTY OF Genesee)

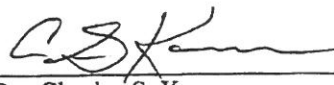
Sworn to before me, a Notary Public in and for said State and County, personally appeared Joseph Serra on behalf of Serra of Traverse City, LLC, a Michigan limited liability company, known to me to be the above described person, who executed the foregoing and acknowledged the same to be his/her free act and deed on this 30 day of March, 2017. 2018

LYNN WOLVERTON
Notary Public, State of Michigan
County of Saginaw
My Commission Expires 12-26-2018
Acting in the County of Genesee



Lynn Wolverton, Notary Public
County of Saginaw, MI
Acting in Genesee County, MI
My Commission Expires: 12/26/2018

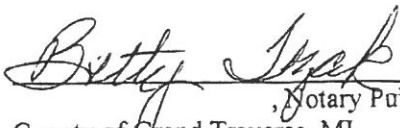
CHARTER TOWNSHIP OF GARFIELD



By: Charles S. Korn
Its: Supervisor

STATE OF MICHIGAN)
)SS.
COUNTY OF GRAND TRAVERSE)

Sworn to before me, a Notary Public in and for said State and County, personally appeared Charles S. Korn, on behalf of the Charter Township of Garfield, known to me to be the above described person, who executed the foregoing and acknowledged the same to be his/her free act and deed on this 2nd day of April, 2018.



Betty Ingh, Notary Public
County of Grand Traverse, MI
Acting in Grand Traverse County, MI
My Commission Expires: 10-1-22

THE NOISE CONSULTANCY, LLC

309 VAN NESTE ROAD
FLEMINGTON, NEW JERSEY 08822



(908)237-0298 ✉ noiseconsultancy@aol.com ✉ www.noiseconsultancy.com

SENT VIA EMAIL

June 28, 2018

Karrie A. Zeits
Sondee, Racine & Doren, PLC
310 W. Front Street, Suite 300
Traverse City, Michigan 49684

Re: Acoustical Study and Impact Analysis
Proposed Car Wash
Serra Automotive – Toyota Project
940 Boon Street
Charter Township of Garfield, MI

Dear Ms. Zeits:

Background

Serra Works of Traverse City, LLC, is proposing to construct an automotive car wash as part of Serra Toyota Traverse City in Garfield Township, Grand Traverse County, Michigan. The car wash will serve only those vehicles being sold and serviced by the Toyota dealership. The Noise Consultancy, LLC (see resume, Appendix F) has been engaged in this matter, and I have conducted an extensive acoustical study and impact analysis on-site in Garfield Township and Traverse City from Thursday May 31 through Saturday June 2.

Executive Summary

Source sound level measurements were conducted of a car wash equipped with the same blowers and rollup door as will be installed at the proposed facility. Those measurements were conducted both in close proximity to the car wash as well at the same distance and orientation to the car wash as are the nearest residences in Garfield Township and Traverse City. As a result of this analysis, a modification has been made to the proposed operations/configuration of the proposed car wash, which will allow the blower cycle to complete prior to opening the exit door. Operated with the exit door closed, the sound level of the car wash will be 56-58 dBA (decibels, measured on the A-scale) at the closest residential property line in Garfield Township, and 45-46 dBA at the closest residential property line in Traverse City.

Ambient sound level measurements were conducted Thursday May 31 through Saturday June 2 in both Garfield Township and Traverse City on either side of Boon Street, at locations that represent the closest residences in both jurisdictions to the proposed car wash. These ambient sound level measurements demonstrated that Boon Street and Garfield Avenues are very active roads, and Traverse City's Cherry Capital Airport is the source of intermittent but intense (loud) noise events.

At the Garfield Township property line there are between 10-25 noise events every 10 minutes that range from 55-65 + dBA. At the Traverse City property line there are 10-25 noise events every 10 minutes that range from 65-75 + dBA, as that property line is closer to Boon Street, where vehicles pass often and fast. Other noise sources in the environment such as aircraft and sirens range from 70-90 dBA.

Executive Conclusion

Serra Toyota is proposing to construct a relatively quiet car wash in a relatively noisy location, adjacent to two busy roads and an airport. The noise levels of the car wash with the proposed modification are well within the ambient sound level currently experienced by the surrounding neighborhoods.

At the Garfield Township property line, the sound level of the car wash will be 56-58 dBA, while steady traffic is in the range of 55-65 dBA, with individual events well above that level. At the Traverse City property line the sound level of the car wash will be 45-46 dBA, while steady traffic is in the range of 65-75 dBA.

It is my opinion that there will be no detrimental acoustical impact to the adjacent residential neighborhoods of either Garfield Township or Traverse City from the operation of the proposed car wash, as the blowers will only be operated with the exit door closed.

Applicable Standards

In Garfield Township, the Conditional Rezoning Agreement (CRA) establishes the standard by which the noise emissions from the proposed automobile laundry's "wash bay" is to be evaluated. The CRA provides in relevant part as follows:

*** 2.f.

- i. Any modification to the "wash bay" to include noise generating mechanicals shall first be reviewed and approved, following a public hearing, by the Planning Commission.

- ii. A noise study shall be performed prior to approval and following installation of the mechanicals, if approved, **demonstrating that noise will not be detrimental to the surrounding neighborhoods.**
- iii. The automobile laundry shall not be open to the public. (Emphasis supplied).

It should be noted that Garfield Township Article 7 Supplemental Use Regulations establishes standards for certain uses. Section 712 Automobile Laundries states that “Noise generated on site from any source [associated with the car laundry] shall not exceed 40 decibels measured at any property line.” This limit is significantly over-restrictive, and without proper regulatory basis and background. It is well below the limit established by most jurisdictions for nighttime noise, much less daytime noise.

In fact, just across Boon Street, in Traverse City, the permissible limits in a residential area are 65 dBA from 7:00 AM to 10:00 PM and 60 dBA from 10:00 PM to 7:00 AM. (§652.04(h)). Garfield Township’s limit on Automobile Laundries is also unique, as in the entirety of Garfield Township’s Zoning Ordinance the only other potential sound source for which decibel limits are established are wind turbines (and the limit is 60 dBA (Section 780)), and they operate at night, when the car wash will not.

This study also demonstrates that the standard set forth in Section 712 is well below the pre-existing ambient sound level in the surrounding neighborhood.

Study Goals

The goal of this acoustical study and impact analysis was to determine the current ambient sound levels across a range of weekday and weekend hours and evaluate whether the sound emissions of the proposed car wash would have detrimental impact on the surrounding residential neighborhoods. If it were determined that there would be impact, to develop and test mitigation measures that would remediate the acoustical impact.

Receptor Locations

The closest residence in Garfield Township is directly to the west of the proposed car wash on Boon Street (see Measurement Location Map and Photos, Appendix B). The property line is approximately 129 feet from the exit of the car wash as detailed on the site plan dated 6/08/2017.

The closest residences in Traverse City are to the north and northwest of the proposed car wash across Boon Street. The property line is approximately 138 feet (to the “split rail fence”) from the exit of the car wash as detailed on the site plan dated 6/08/2017.

Measurement Quality Control

Larson Davis Precision Acoustics Analyzer

Sound Level Meter - Model 831 (ANSI Type I)	Serial# 0002504
Preamplifier - Model PRM831	Serial# 019078
Microphone - Model 377B02	Serial# 115996
Laboratory Certified: PCB Piezotronics, March 12, 2018 (see Calibration Certificates, Appendix E)	

Casella CEL-120/2 Acoustic Calibrator

Serial# 2661883

Laboratory Certified: Casella CEL, October 25, 2017

Kestrel 3000 Wind Meter

Serial# 2180869

Field Calibration Checks:

May 31, 2018	6:12 PM, 7:10
June 1, 2018	7:44 AM, 8:34, 10:35, 11:15, 1:20 PM, 2:32, 3:54, 4:25
June 2, 2018	8:10 AM, 8:56, 9:51, 10:18

Weather:

May 31 6:12 PM	3.2 - 7.4 MPH, 75.7°F, 69.8% RH
June 1 8:33 AM	1.2 - 3.9 MPH, 56.2°F, 78.4% RH
June 1 10:53 AM	0.0 - 3.3 MPH, 59.2°F, 72.7% RH
June 1 1:20 PM	2.9 - 6.3 MPH, 62.6°F, 58.7% RH
June 1 2:32 PM	4.8 - 8.5 MPH, 62.2°F, 57.4% RH
June 2 8:57 AM	0.0 - 1.8 MPH, 59.4°F, 58.8% RH
June 2 10:18 AM	1.6 - 3.9 MPH, 66.6°F, 41.2% RH

Ambient Sound Level Measurement Locations

The primary sources of ambient sound for the residences adjacent to the proposed car wash are: Boon Street, Garfield Avenue and the operations of Traverse City’s Cherry Capital Airport. While flight operations from the airport are the source of the most intense sound events in the environment, those operations are significantly less frequent than the traffic on Boon Street, which is a busy street and cars pass the houses frequently, going fast. Thus, distance from Boon Street was a primary consideration in choosing ambient sampling locations. Vehicles on Garfield Avenue can occasionally be as loud as those on Boon Street, as can be General Aviation aircraft in and out of the airport which were very numerous on Saturday morning.

Ambient sound level measurements in Garfield Township (see Appendix B - Garfield Township Ambient Sound Level Time History Graphs) were conducted at a measured distance of 60.5 feet from the edge of the pavement of Boon Street, which was visually estimated in the field to be the approximate distance from the pavement to the front wall of the adjacent residence in Garfield Township. The goal was to conduct ambient sound level measurements at a location that accurately represents the sound level of vehicles on Boon Street and Garfield Avenue as received at that residence. Further analysis via Google Earth demonstrates that the adjacent house actually sits 50 feet from the pavement on Boon Street (see attached photos and satellite image). Thus, the reported ambient sound levels that were measured at 60.5 feet from Boon Street slightly understate the actual exposure levels for the residence that sits at 50 feet from the road. In other words, the noise experienced at the residence is actually louder than was measured.

Ambient sound level measurements in Traverse City (see Appendix C – Traverse City Ambient Sound Level Time History Graphs) were conducted across Boon Street at a split rail fence approximately 19 feet from the edge of the pavement. This location accurately represents the sound levels at the rear property lines (backyards) of the Traverse City properties at the end of the Arbutus Court cul-de-sac. The southern corner of the residences are approximately another 10 feet to the north. This location is closer to Boon Street than is the Garfield Township measurement location so the sound levels measured at that location are higher, as traffic on Boon Street is the predominant source of ambient sound for these residences.

It should be noted that the Traverse City ambient sound levels, as reported, also represent the ambient sound levels for the middle of the front yard of the Garfield Township residence, 19 feet from Boon Street.

Comparable Source Sound Level Measurements

Extensive sound level measurements were conducted of an existing car wash that utilizes the same equipment as will the proposed car wash (see Appendix D – Source Sound Level Measurements).

Garfield Township receptor - sound level measurements were conducted directly on the axis of the exit of the car wash at 0° (zero degrees) at a distance of 129 feet.

Traverse City receptor - sound level measurements were conducted at an angle 80° (eighty degrees) to the axis of the exit of the car wash at a distance of 138 feet.

Results

Ambient Sound Levels of the Surrounding Neighborhood

In Appendix B is presented a series of time history graphs of the ambient sound levels measured in the Garfield Township residential neighborhood adjacent to the proposed car wash. A review of those graphs demonstrates that there are between 10-25 separate noise events during each 10-minute sampling period that are between 55-65 dBA. In addition, there are a number of noise events above those levels such as on 6/1, vehicles at 69 dBA 8:11 AM and 73 dBA at 8:14 AM, and a helicopter at 85 dBA.

For ease of comparison in one place, those time history graphs are also labeled with the sound levels of the car wash at the nearest Garfield Township property line (56-58 dBA, see below).

In Appendix C are time history graphs of the ambient sound levels in the adjacent Traverse City residential neighborhood. A review of those graphs demonstrates a similar number of noise events, but there the maximum levels range between 65-75 dBA because of the closer proximity of the property line to Boon Street. There was an ambulance at 90 dBA at 8:42 AM Saturday morning.

Again, for ease of comparison in one place, those time history graphs are also labeled with the sound levels of the car wash (45-46 dBA in the case of the Traverse City neighborhood, see below).

Source Sound Levels

The most intense sound sources in the car wash are the blowers at the exit. Sound emissions from the entrance are much less intense. The primary source on the entrance side is the garage door opening, and it is 17 dBA less than the blowers at a comparable distance (67 dBA @ 25 ft v 84 dBA @ 25 ft).

Garfield Township Receptor

Blower sound levels, **exit door open** - when measured at a distance of 129 feet, directly on axis to the exit at 0° (zero degrees) the maximum sound levels ranged from **71-73 dBA** (see Appendix D).

Blower sound levels, **exit door closed** - when measured at a distance of 129 feet, directly on axis to the exit at 0° (zero degrees) the maximum sound levels ranged from **56-58 dBA**. This is the sound level for the closest residential property line in Garfield

Township. Those levels will drop with additional distance into the surrounding neighborhood.

Closing the exit door provides an attenuation of 15 dBA. This was also confirmed by paired readings at 25 feet (84 dBA open v 69 dBA closed).

As stated above, for ease of comparison in one place, the sound level of the car wash (56-58 dBA, Garfield receptor) was also labeled onto the ambient sound level time history graphs in Appendix B.

Traverse City Receptor

Blower sound levels, **exit door open** - when measured at a distance of 138 feet, at an angle 80° (eighty degrees) to the axis of the exit of the car wash the maximum sound levels ranged from **60-61 dBA**.

With the **exit door closed**, the level will drop to **45-46 dBA** at that location. The closed-door study was not conducted as the ambient sound level was 50-52 dBA at the time of the testing. You can't measure a sound which is below the ambient sound level.

The sound level of 45-46 dBA is at the closest residential property line in Traverse City. Those levels will drop with additional distance into the surrounding neighborhood.

As stated above, for ease of comparison in one place, the sound level of the car wash (45-46 dBA, Traverse City receptor) was also labeled onto the ambient sound level time history graphs in Appendix C.

Discussion

Garfield Township Receptor

Sound level measurements conducted at a comparable car wash at a distance and orientation representing the closest residential property line in Garfield Township revealed that operation of the proposed car wash with an open exit door would result in an unacceptable impact of sound levels ranging from 71-73 dBA.

It was thereupon agreed that the blowers would not be operated with the exit door open. Upon retesting the car wash with the exit door closed and blowers operating, the sound level ranged from 56-58 dBA, measured at the same location (see Appendix D).

The car wash will likely be extended so that vehicles can complete the blower cycle prior to the exit doors opening. In this study, the testing was conducted with the blowers

immediately inside the exit doors. In the newly proposed configuration, the blowers will be approximately 14 feet inside the exit door, further reducing the sound levels exiting the building while the blowers are in operation.

Extensive ambient sound level measurements conducted over the course of three days demonstrates that traffic and other noise sources in the environment routinely result in between 10-25 events during each 10 minute period which range between 55-65+ dBA at the Garfield residence (see Appendix B). Some are much higher, such as flight operations from the Traverse City Airport, with the end of the main runway at a distance of approximately 2,000 feet, oriented essentially parallel to Boon Street.

In addition, the ambient sound level measurements representing the Garfield Township residence were conducted at a distance of 60 feet from Boon Street, while the distance to the residence is actually 50 feet. Thus, the ambient sound levels in this report understate the sound levels of the Boon Street traffic at the residence.

The noise levels of the car wash with the proposed modification are well within the ambient sound level currently experienced by the Garfield Township Residence.

Traverse City Receptor

Sound level measurements conducted at a comparable car wash at a distance and orientation representing the closest residential property line in Traverse City revealed that operation of the proposed car wash with an open exit door would result in sound levels of approximately 60-61 dBA. The acoustical remediation measures undertaken to address the Garfield Township receptor will reduce the sound levels for the Traverse City receptors to 45-46 dBA. The permissible limit for such sound under Traverse City's Noise Code is 65 dBA.

Extensive ambient sound level measurements conducted over the course of three days demonstrates that traffic and other noise sources in the environment routinely result in between 10-25 events during each 10 minute period which range between 65-75 dBA at the Traverse City residential property lines (See Appendix C). Some are much higher, such as flight operations from the Traverse City Airport, and an ambulance siren.

Again, the noise levels of the car wash with the proposed modification are well within the ambient sound level currently experienced by the Traverse City residences.

Conclusions

Serra Toyota is proposing to build a relatively quiet car wash in a relatively noisy environment, adjacent to two busy roads and an airport. They have agreed to an extensive

modification of the proposed facility for the sole purpose of reducing sound emissions from their property. The use of the car wash is intermittent and the blowers only operate in the final stage of the washing cycle.

Most of the time sound from the car wash will be masked by the sound from traffic on the two immediately adjacent busy roads, noise from which is both much more frequent and also more intense (louder) than from the car wash. In addition, the proximity to the Airport results in intermittent noise sources that are much louder than the car wash, and in the case of Saturday morning, the buzz of general aviation aircraft was pervasive.

There may be times when the car wash is audible, if someone is listening carefully when there is no masking sound occurring at the same time, however, it will be well below other sound levels common and frequent in the environment and thus will neither be unusual nor intrusive. It will also be at levels approximately 20 decibels below the applicable regulatory standard, across Boon Street in Traverse City.

Therefore, it is my conclusion that there will be no detrimental acoustical impact to the adjacent residential neighborhoods of either Garfield Township or Traverse City from the operation of the proposed car wash, as reconfigured, and as a result will not be disturbing to those neighborhoods.

Sincerely,



Eric M. Zwerling, M.S., INCE, ASA
President

PROPOSED SITE PLAN
 SERRA AUTOMOTIVE - TOYOTA PROJECT
 GRAND TRAVERSE CITY, MICHIGAN

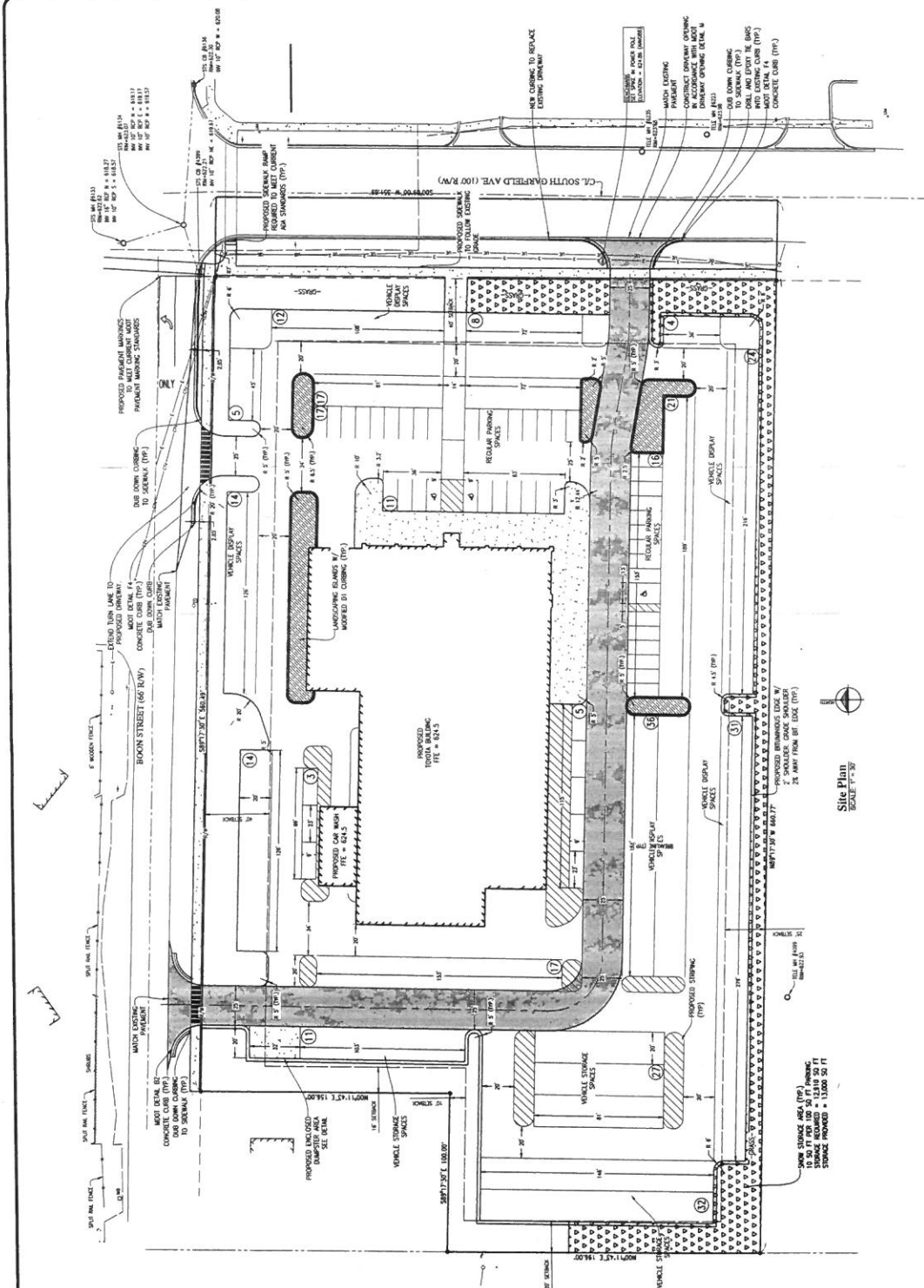
Project No. 20170600120
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CS1-00-00-10

Bostling Technical
 20000 Grand Traverse Ave., Grand Traverse, MI 49735
 Tel: 231.865.4000
 Fax: 231.865.4001
 www.bostling.com

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 Professional Architect
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 Professional Planner
 Professional Designer

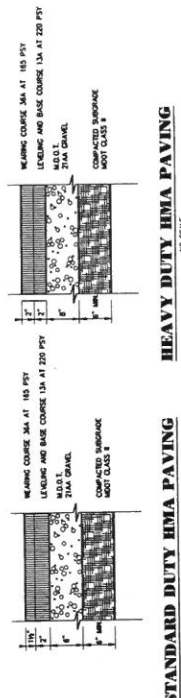
Drawn By: ZCA
 Checked By: DHP
 Date: 6/20/2017
 Scale: 1" = 30'



- SITE PLAN NOTES**
1. FOR BACKGROUND INFORMATION, SEE EXISTING SITE PLAN.
 2. SEE ARCHITECTURAL PLANS FOR THE CONSTRUCTION OF THE BUILDING.
 3. SEE ARCHITECTURAL PLANS FOR THE CONSTRUCTION OF THE SIDEWALK RAMP.
 4. ALL DIMENSIONS MEASURED FROM CURB FACE FROM THE CENTER OF CURVE, IF FROM THE EDGE OF PAVEMENT.

NOT FOR CONSTRUCTION

Site Plan
 SCALE: 1" = 30'



LEGEND

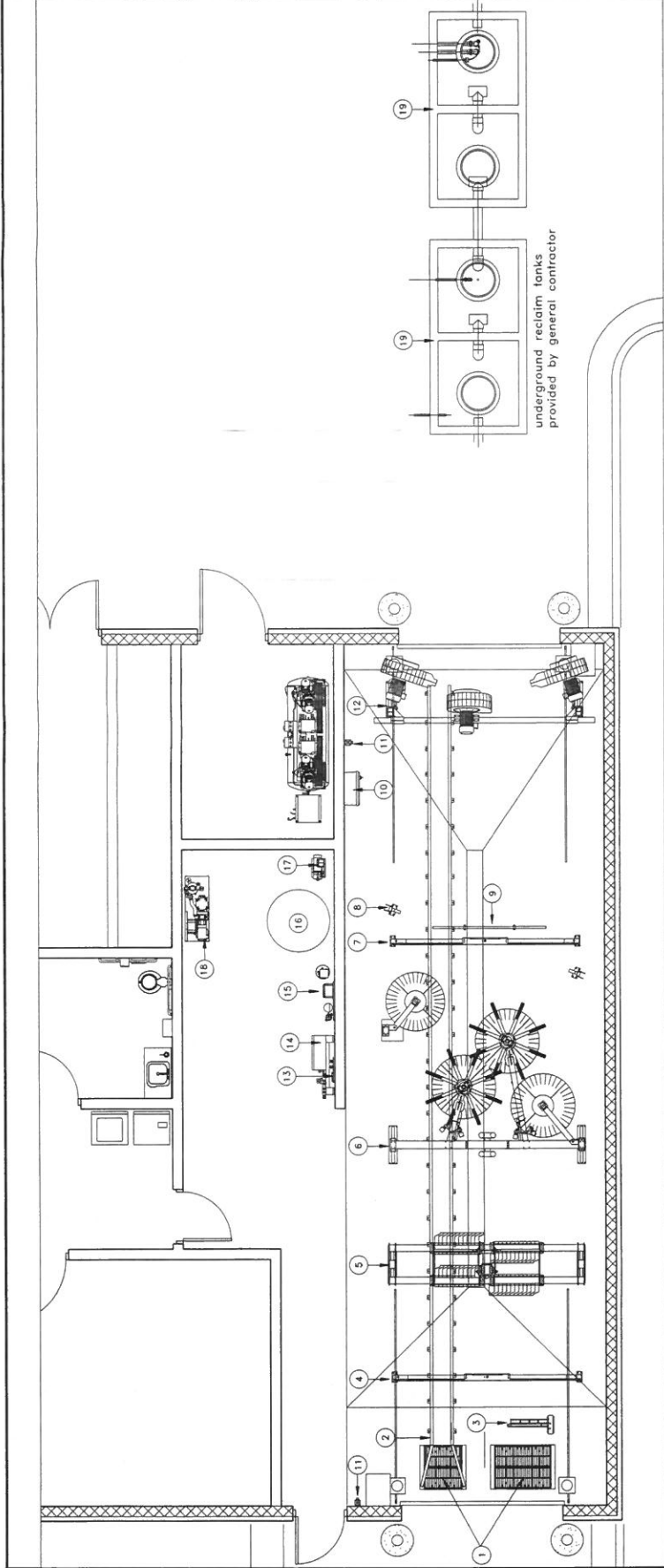
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TABLED DIMENSIONS - STANDARDS

FRONT	= 40 FT
SIDE	= 25 FT
REAR	= 25 FT
REGULAR PARKING SPACES (18'x30' / CUSTOMER)	= 49
MANICATED PARKING SPACES	= 3
VEHICLE STORAGE SPACES	= 233
VEHICLE DISPLAY SPACES	= 325
TOTAL SPACES	

811
 Know what's below.
 Call before you dig.

FOR INFORMATION ONLY. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



EQUIPMENT SCHEDULE

ITEM	QTY	DESCRIPTION	SUPPLIED BY GENERAL BELANGER	SUPPLIED BY GENERAL CONTRACTOR
10	1	AIRCANNON MOTOR STARTER PANEL	X	-
11	2	E-STOPS	-	X
12	1	AIRCANNON 30hp DRYER	X	-
13	1	CYRO WRAP AIR PANEL	X	-
14	1	Insta-KLEEN CONTROL PANEL	X	-
15	1	REVERSE OSMOSIS - SPOT FREE	X	-
16	1	500 GALLON WATER STORAGE TANK	X	-
17	1	1.5hp PRESSURIZATION PUMP SKID	X	-
18	1	RECLAIM SYSTEM	X	-
19	2	1500 GALLON IN-GROUND RECLAIM TANKS	-	X

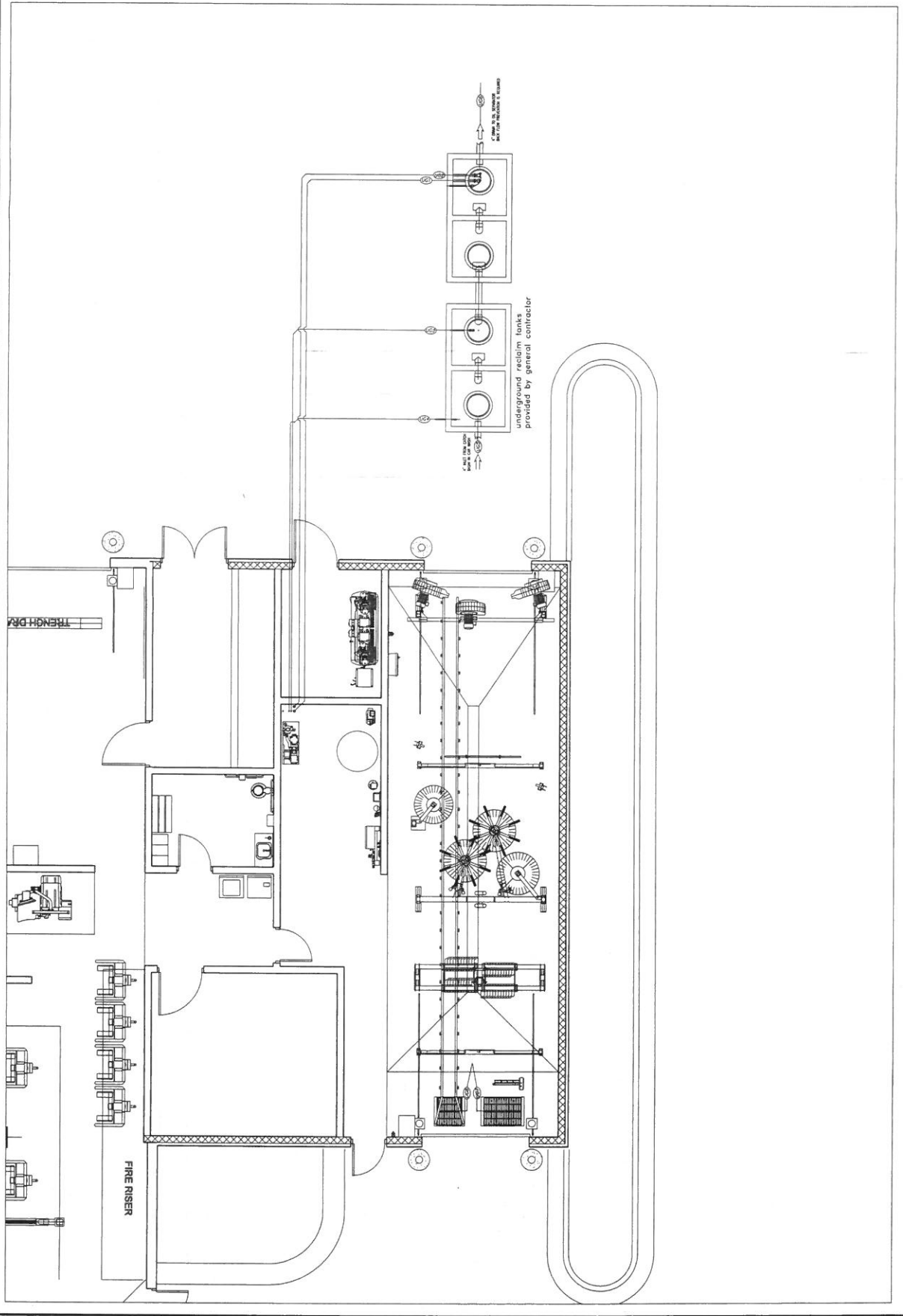
EQUIPMENT SCHEDULE


ITEM	QTY	DESCRIPTION	SUPPLIED BY GENERAL BELANGER	SUPPLIED BY GENERAL CONTRACTOR
1	1	CORRELATOR	X	-
2	1	GUIDE RAIL	X	-
3	1	ACTIVATION TREADLE	X	-
4	1	PRE-SOAK ARCH	X	-
5	1	QUAD WAVE MITTER	X	-
6	1	CYRO WRAPS & LOW SIDE WASHERS	X	-
7	1	RINSE WAX ARCH	X	-
8	2	PHOTO EYES FOR RINSE WAX ARCH	X	-
9	1	RAIN BAR	X	-

REV	DATE	ENGR APPR	DESCRIPTION
HARD COPY IS INTENDED TO BE 22"x34" WHEN PRINTED SCALE(S) ARE NOT ACCURATE FOR ANY OTHER SIZE			

DRAWN: DATE: 5/8/2019
 CHECKED: DATE:
 APPROVED: DATE:
 SCALE: PAPER: 1/4"=1'-0" 22"x34"

MERCEDES BENZ OKEMOS
INSTA-KLEEN CARWASH SYSTEM
RECLAIM UNDERGROUND



		Charter Township of Garfield	
		Planning Department Report No. 2020-125	
Prepared:	August 19, 2020	Pages:	4
Meeting:	August 26, 2020 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	Requirements for Siting Solar Energy Systems - Update		

BACKGROUND:

Recently, there has been an increased interest in developing solar energy systems, particularly solar arrays, in the region. This recent activity is similar to the interest that developed for wind energy systems in the region about a dozen years ago. In response to that interest, the Township developed siting requirements for wind energy systems within the Zoning Ordinance. Following the June and July study sessions of the Planning Commission, staff has been conducting research on solar energy systems and drafting preliminary zoning requirements for discussion by the Planning Commission.

OUTSTANDING QUESTIONS:

In previous discussions, the Planning Commission had some questions regarding solar energy systems. The following comments address some of those concerns:

- Providing an escrow is one option to cover the cost of removing a system should that issue arise. Escrow accounts cannot be invested in interest bearing accounts.
- Escrow and bond amounts will need to be reviewed on a regular basis to ensure that they are of a sufficient amount to cover abandonment and/or decommission costs.
- According to the Township Assessor, solar panels are taxed as personal property whether it's residential or commercial. Based on our research, most utility-scale solar energy systems have panels are ground mounted but do not have foundations.
- Solar panels and their associated parts may be considered hazardous. While we don't have definitive answer yet on this issue, the proposed text requires that disposal occur in accordance with local, state and federal waste disposal regulations.

DRAFT SOLAR ENERGY SYSTEMS REQUIREMENTS:

The following suggested changes to the Zoning Ordinance would permit Solar Energy Systems in the Township. The provisions differentiate between a small Solar Energy System affixed to a building or a freestanding structure and a large Utility-Scale Solar Energy System.

For Section 201 General Definitions, add the following definitions:

Ancillary Solar Equipment: 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.

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.

Utility-Scale Solar Energy System: A solar energy system that meets one or more of the following:

1. Is the primary use of the property;
2. Is primarily used for generating electricity for sale and distribution to an authorized public utility (not intended to be used on-site) and is not located on the roof of a structure.

Insert the following new requirements:

SECTION 775 SOLAR ENERGY SYSTEMS

A. REGULATIONS AND CONDITIONS

1. Solar energy systems shall be permitted in all zoning districts as a permitted use for use on-site with a land use permit. 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 regulations. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
2. Properties in any zoning district that are one (1) acre or less in size are subject to the following:
 - a. Placement of ground mounted solar energy equipment is not permitted within the required front yard.
 - b. Ground mounted solar panels shall only be located in a side or rear yard and shall meet or exceed required yard setbacks.

B. UTILITY-SCALE SOLAR ENERGY SYSTEMS

It is the intent of this Ordinance to permit utility-scale 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. Utility-scale 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.

1. Minimum lot area for a utility-scale solar energy system shall be five (5) acres.
2. All structures and equipment for a utility-scale solar energy system shall be 100 feet from any front property line and 50 feet from any side or rear property line. In addition, all structures and equipment shall be located a minimum of 100 feet from any residential used or zoned property.
3. Utility-scale solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system. All signage shall conform to the requirements of this Ordinance.
4. All utility collection lines from the utility-scale solar energy system shall be placed underground.
5. Utility-scale solar energy systems shall be considered major essential services for the purpose of meeting the screening requirements of Table 531.1 Planting Requirements in this Ordinance.
6. The utility-scale solar energy system operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to local emergency response personnel. The operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s). All landscaping and buffer shall be maintained and replaced within the next growing year should it die.

C. FINANCIAL SURETY

The applicant for a utility-scale 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 must remove the installation. 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.

D. ABANDONMENT AND DECOMMISSION

Any utility-scale 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.

1. Absent of a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a utility-scale 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.
2. 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.
3. 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.
4. Any decommissioning of a utility-scale solar energy system shall include at minimum:
 - a. Physical removal of all aboveground utility-scale solar energy systems and ancillary solar equipment, structures, equipment, security barriers, and transmission lines from the site.
 - b. 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.
 - c. Stabilization and re-vegetation of the site as necessary to minimize erosion.

CHANGES TO ESSENTIAL SERVICE FACILITIES:

In its discussions about Solar Energy Systems, the Planning Commission also talked about adding abandonment and decommission requirements for Essential Service Facilities. The following changes are recommended to Section 737 Essential Service Facilities:

For Section 737.B.2(i) Essential Service Facilities, replace “may” with “shall” as shown below:


- (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 ~~may~~ **shall** include any required hazard warning signage.

For Section 737.B Essential Services Facilities, add the following language:

- (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 of 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.

RECOMMENDATION:

At this point, this information is being provided for further review and discussion by the Planning Commission. If the Planning Commission is generally comfortable with these requirements, staff can introduce formal zoning requirements for solar energy systems.

 Charter Township of Garfield Planning Department Report No. 2020-126			
Prepared:	August 19, 2020	Pages:	2
Meeting:	August 26, 2020 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Use Chart Project – Update #3		

OVERVIEW:

At their July 22, 2020 study session, the Planning Commission reviewed names and definitions for several different categories of retail. Staff has taken the feedback and incorporated it into the proposed Definitions. For the August 26 study session, the Planning Commission is being presented with all the proposed new or changed Definitions and the entirety of Article 3 with the Use Chart and all proposed changes to the district regulation pages. Staff envisions that if the Planning Commission feels comfortable with these proposed changes, that a formal proposal for Amendment to the Zoning Ordinance can be introduced at their study session on September 23 with a public hearing scheduled for October 14.

RETAIL USES:

After discussion at the previous study session, the following categories/definitions are proposed for retail. Proposed definitions for these uses are included in the attachments.

Use Name	C-L	C-O	C-G	C-H	C-P	I-G
Personal Service Establishment	R	R	R	R	R	
Retail Fabricator			SUP			
Retail, Industrial Accessory						R
Retail, Industrial Primary						SUP
Retail, Low Volume	R		R	R	R	
Retail, Medium Volume			R	R	R	
Retail, High Volume			SUP	R	R	
Shopping Center, General			SUP			
Shopping Center, Local	SUP		SC			

Commissioners recommended adding Retail, Medium Volume which Staff has been incorporated into the proposed changes. This allows for three clear retail categories to help fit the character of each commercial district. Staff recommends that the Planning Commissioners review these proposed retail categories and definitions to ensure that the proposed changes are in line with previous discussion.

PARK-RECREATION:

Another proposed change is to the uses listed in the Park-Recreation district. Most of the uses listed there are not currently defined. Many of these uses describe general aspects of parks, accessory uses, or events and activities in parks. Staff recommends the following categories and definitions for parks, with the full proposed definitions included in the attachments:

- **Park, Mini:** For parks generally less than one (1) acre in size, proposed to be permitted by right in all zoning districts.
- **Park, Neighborhood:** For parks generally between one (1) and ten (10) acres in size, proposed to be permitted by right in the zoning districts that currently have “Publicly Owned and Operated Parks,” “Public Areas, Public Parks, and Public and Private Conservation Areas,” or similar listed as a permitted use.

- ***Park, Community – Low Intensity:*** For parks generally greater than ten (10) acres in size, and which provide natural area preservation, passive recreation, or low intensity uses. These types of parks are proposed to be permitted by right in the P-R Park-Recreation district.
- ***Park, Community – High Intensity:*** For parks generally greater than ten (10) acres in size, and which provide active recreation or high intensity uses. These types of parks are proposed to be permitted by special use permit in the P-R Park-Recreation district.

PROPOSED TIMELINE:

If the Planning Commission is comfortable with the proposed changes to the Zoning Ordinance, then the proposed next steps would be as follows:

- September 23, 2020 (study session) – Introduction of Zoning Ordinance Amendment
- October 14, 2020 (regular meeting) – Public Hearing / Recommendation to Township Board

ACTION REQUESTED:

No formal action is requested at this time. If the Planning Commission is comfortable with the proposed changes to the Zoning Ordinance, then the next step would be to introduce a proposed Zoning Ordinance Amendment at the next Planning Commission study session.

Attachments:

1. Definitions – Proposed New and Proposed Changes
2. Article 3 incorporating Use Chart and proposed changes

Definitions – Proposed New Definitions

Airport or Airfield: A facility designed to allow for the takeoff and landing of aircraft.

Auditorium or Assembly Hall: An indoor space used for bringing large groups of people together typically for entertainment or celebration, including theaters.

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.

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

Car Wash, Freestanding: A car wash on a freestanding lot and which is not connected to another use such as a gasoline service station.

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

Commercial District Housing Development: A multiple-family residential development in a commercial district which includes elements contributing to the function of the development as a cohesive site, such as design elements and common open space.

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

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

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

Game or Hunting Preserve, Commercial: A site reserved for the keeping of game or animals and which allows for-profit hunting operations on the site.

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.

Hospital: An institution providing medical, surgical, or other health services to the community, but not including clinics.

Incinerators: Facilities designed for the burning of solid waste.

Keeping of Chickens: Any raising or keeping of chickens on residential property and not including the raising or keeping of chickens as part of an agricultural operation.

Keeping of Fur-Bearing Animals, Commercial: Any keeping of fur-bearing animals for profit.

Keeping of Horses, Personal: Any non-commercial keeping of horses for the personal use of the residents on a property.

Keeping of Livestock: Any raising and keeping of livestock, such as cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area not less than ten (10) acres, except feeder lots.

Keeping of Small Animals: Any raising and keeping of small animals such as poultry, rabbits, and goats.

Limited Residential: Livable spaces incorporated into any approved commercial, office, or industrial businesses including live-work units, upper floor apartments, and similar spaces.

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

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

Off-Site Parking: A parking lot or structure that is accessory to a permitted use in an adjacent commercial district.

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 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 theatres, 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, Accessory: A land use involving the sale of items outside a completely enclosed building as accessory to a primary indoor use.

Outdoor Sales, Major: A primary land use where large items such as automobiles, trailers, boats, or other similar items are sold outside of a completely enclosed building.

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 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.

Park, Mini: A small park or public space, generally less than one (1) acre in size, providing recreational opportunities for 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 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, pavilions, gazebos, benches, dog parks, disc golf courses, 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, amphitheatres, athletic fields, and other uses and structures which may have impacts on surrounding neighborhoods that need to be mitigated, such as noise and parking.

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.

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

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

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

Private Swimming Pool: A recreational swimming pool which is an accessory use to a private residential dwelling.

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.

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

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

Retail, Industrial Accessory: Retail activity that is accessory to a primary industrial use, where such retail activity constitutes 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.

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.

Sale of Mobile Homes: A business where mobile home units are displayed and sold.

Sand or Gravel Pit, Quarry: Land where sand or gravel is extracted from the ground as a key natural resource and taken offsite for processing.

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

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

Taxi Terminal and Dispatch Center: A facility designed for housing taxicab vehicles in between servicing their customers.

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.

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, or similar. Vehicles serviced may include automobiles, trailers, boats, and other motorized vehicles.

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

Waterfront Stairways and Landings: 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 constitutes 15% or less of the overall floor space.

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

Definitions – Proposed Changes

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.

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

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, theaters, and including their ancillary support services.

Industrial or Research Park: A tract of land, greater than five (5) acres in size, which has been planned and developed for multiple uses allowed in the industrial districts, including high tech research and engineering, and which includes generally low-impact uses without the use of any materials having high toxicity, radioactivity, or explosive properties.

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

Outdoor Sales, Temporary: A temporary outdoor sales event is an accessory event to the 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.

Personal Service Establishment: 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.

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.

Restaurant: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building such as lunch counters, outdoor dining areas, dairy bars, bars, taverns, night clubs, coffee shops, and other similar establishments.

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 constitutes 50% or more of the overall floor space.

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, 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.

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.

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

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

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.

The 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

Zoning District	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
	Area (in square feet)	Width (in feet)	In stories	In feet	Front	Side	Rear		
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 (I)	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 (<7)	SC	SC	SC	SC	R								SC		\$ 707
Adult Foster Care, Small Group Home (7-12)	SUP	SUP	SUP	SUP									SUP		\$ 708
Adult Foster Care, Large Group Home (13-20)			SUP			R	R	R	R				SUP		\$ 709
Adult Care Facility (21+)			SUP			SUP	SUP	SC	SUP				R		\$ 710
Agricultural Operation													SUP		
Airport or Airfield										R					
Auditorium or Assembly Hall															
Automobile Showroom								SC							
Bed and Breakfast			SUP	SUP									SUP		\$ 714
Boarding Residence			SUP												\$ 715
Business College or Trade School							R	R			SC	SC			
Campground													SUP	SUP	\$ 716
Car Wash								SC			SUP	SUP			\$ 717
Car Wash, Freestanding								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						\$ 720
Clinic						R	R	R	R	R					
Commercial District Housing Development								SUP	SUP	R					\$ 725
Contractor's Establishment											R	R			
Data Center and Computer Operations											R	R			
Drive-In Business								SUP	R						\$ 730
Drive-Through Business								SUP	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
Essential Service Facility, Minor	R	R	R	R	R	R	R	R	R	R	R	R	R	R	\$ 737
Farm Employees House													SC		
Farm Market									R				SC		\$ 741

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, with Drive-Through						SUP	SUP	SC	R	R					\$ 730
Financial Institution, without Drive-Through						R	R	R	R	R					
Game or Hunting Preserve, Commercial						SUP		SC	SC		SUP	SUP	SUP		\$ 748
Gasoline Service Station															\$ 749
Golf Course or Country Club	SC	SC	SC	SC											
Greenhouse, Commercial													R		
Home Industry													R		
Home Occupation	R	R	R	R				R							
Hospital								SC	SC	R					\$ 750
Hotel or Motel												SUP	SUP		
Incinerators												R			\$ 751
Indoor Entertainment Center								R	SC	R	R	R			
Industrial or Research Park											SC	SC			
Institutional Uses and Structures	SUP	SUP	SUP	SUP		SUP	SUP	SC	SUP		SUP	SUP	SUP		\$ 753
Junk Yards												SUP			\$ 754
Keeping of Chickens	SC	SC	SC	SC									SUP		\$ 755
Keeping of Fur-Bearing Animals, Commercial															
Keeping of Horses, Personal				SC									SC		\$ 755
Keeping of Livestock													R		
Keeping of Small Animals													R		
Kennel								R			R		SUP		\$ 756
Laboratory							R								
Limited Residential						SC	SC				SC	SC			\$ 615
Live-work units										R					
Livestock Auction Yards													SUP		
Lumber Processing and Sawmills											R	R	SUP		
Manufacturing, Heavy											R	R			
Manufacturing, Light											R	R			
Marina						R									
Mechanical Amusement Arcades									R		SUP				
Medical Marihuana Cultivation Facility											SC	SC			\$ 757
Medical Marihuana Residential Cultivation	SC	SC	SC	SC									SC		\$ 758
Metal Plating, Buffering, and Polishing												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
Mobile Home					R										
Mobile Home Subdivision					SC										\$ 759
Mortuary or Funeral Home			SC			SUP					SUP				\$ 760
Office						R	R	R	R	R	SUP				
Off-Site Parking						R	SC	R			SUP	SUP			
Open Space Preservation	SC	SC	SC	SC								SUP	SUP		\$ 428
Outdoor Entertainment Center, Major								R							\$ 761
Outdoor Entertainment Center, Minor															
Outdoor Sales, Accessory								SC			SC				\$ 762
Outdoor Sales, Major							SC	SC	SC		SUP				\$ 762
Outdoor Sales, Minor							SC	SC							\$ 762
Outdoor Sales, Temporary						SC		SC							\$ 762
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											
Park, Community - Low Intensity															
Park, Community - High Intensity															
Passenger Terminal								R	R		R	R			\$ 764
Personal Service Establishment							R	R	R	R					
Personal Wind Energy Conversion System	SC	SC	SC	SC	SC								SC		\$ 765
Pet Grooming Establishment								R			R		R		
Pet Shop								SC		R	SUP				\$ 766
Printing or Publishing Enterprise								R		R	R	R			\$ 767
Private Swimming Pool								SC							\$ 768
Processing Operation	SC	SC	SC	SC							SUP	SUP			
Professional Showroom															
Professional Studio							R								
Recreational Facility							R	R	R	R	SUP				
Recreational Field Complex	SC	SC	SC	SC				R	SC	R	R	R			\$ 769
Recycling Facility												SUP	SUP		\$ 770
Rehabilitation Center															
Restaurant, with Drive-Through							R								
Restaurant, without Drive-Through								SUP	R	R					\$ 771, \$ 730
Retail Fabricator						SC		R	R	R					\$ 771
Retail, Industrial Accessory								SUP							\$ 772
											R	R	R		\$ 611

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
Retail, Industrial Primary											SUP				\$ 773
Retail, Low Volume						R		R	R	R					
Retail, Medium Volume								R	R	R					
Retail, High Volume								SUP	R	R			R		
Roadside Stand															
Sale of Mobile Homes								SUP				SUP	SUP		\$ 774
Sand or Gravel Pit, Quarry								SC							\$ 640
Sexually Oriented Businesses								SUP							
Shopping Center, General								SUP							
Shopping Center, Local						SUP		SC							
Small Warehousing Establishment											R	R			
Solar Energy System	R	R	R	R	R	R	R	R	R	R	R	R	R	R	\$ 775
Solar Energy System, Utility Scale	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	\$ 775
Stormwater Containment, Non-Agricultural													SC		\$ 776
Taxi Terminal and Dispatch Center											R	R			\$ 716
Travel Trailer Park									SUP						
Truck or Rail Freight Terminal											SUP	SUP			
Vehicle Service Center, Major								R	R		SUP	SUP			
Vehicle Service Center, Minor											R	R			
Veterinary Hospital						SC	SC	SC	R		R	R	SUP		
Warehouse or Distribution Center											R	R			\$ 778
Warehouse or Distribution Center, Hazardous Materials												SUP			\$ 779
Waterfront Stairways and Landings	SC	SC	SC	SC		SUP		SUP			SUP	SUP	SUP		\$ 780
WECS								SC			R	R			\$ 790
Wholesaler								SUP	SUP		SUP	SUP	SUP		\$ 792
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) Cemetery
- (2) Dwelling, Single Family
- (3) Essential Service Facility, Minor – § 737
- (4) Home Occupation
- (5) Park, Mini
- (6) Park, Neighborhood
- (7) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Foster Care, Family Home (<7) – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Child Care, Small Group Home (7-12) – § 719
- (4) Golf Course or Country Club – § 749
- (5) Keeping of Chickens – § 755
- (6) Medical Marihuana Residential Cultivation – § 758
- (7) Open Space Preservation – § 428
- (8) Outdoor Storage, Accessory Use – § 613.A (4)
- (9) Personal Wind Energy Conversion Systems – § 765
- (10) Private Swimming Pool – § 768
- (11) Recreational Field Complex – § 770
- (12) Waterfront Stairways and Landings – § 779

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home (7-12) – § 708
- (2) Essential Service Facility, Major – § 737
- (3) Institutional Uses and Structures – § 753
- (4) Solar Energy System, Utility Scale – § 775

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:

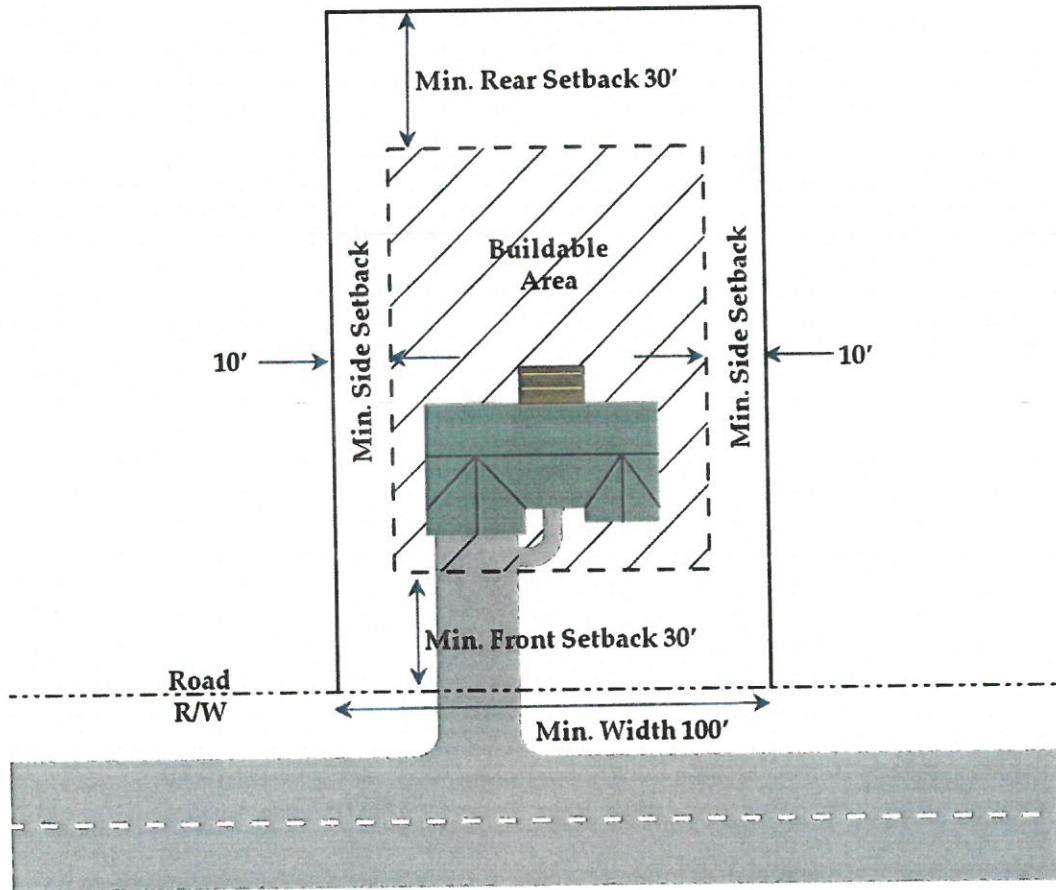
- In Stories: 2 ½ stories
- In Feet: 35 feet

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



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) Cemetery
- (2) Dwelling, Single Family
- (3) Dwelling, Two-Family
- (4) Essential Service Facility, Minor – § 737
- (5) Home Occupation
- (6) Park, Mini
- (7) Park, Neighborhood
- (8) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Foster Care, Family Home (<7) – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Child Care, Small Group Home (7-12) – § 719
- (4) Golf Course or Country Club – § 749
- (5) Keeping of Chickens – § 755
- (6) Medical Marihuana Residential Cultivation – § 758
- (7) Open Space Preservation – § 428
- (8) Outdoor Storage, Accessory Use – § 613.A (4)
- (9) Personal Wind Energy Conversion Systems – § 765
- (10) Private Swimming Pool – § 768
- (11) Recreational Field Complex – § 770
- (12) Waterfront Stairways and Landings – § 779

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home (7-12) – § 708
- (2) Essential Service Facility, Major – § 737
- (3) Institutional Uses and Structures – § 753
- (4) Solar Energy System, Utility Scale – § 775

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):

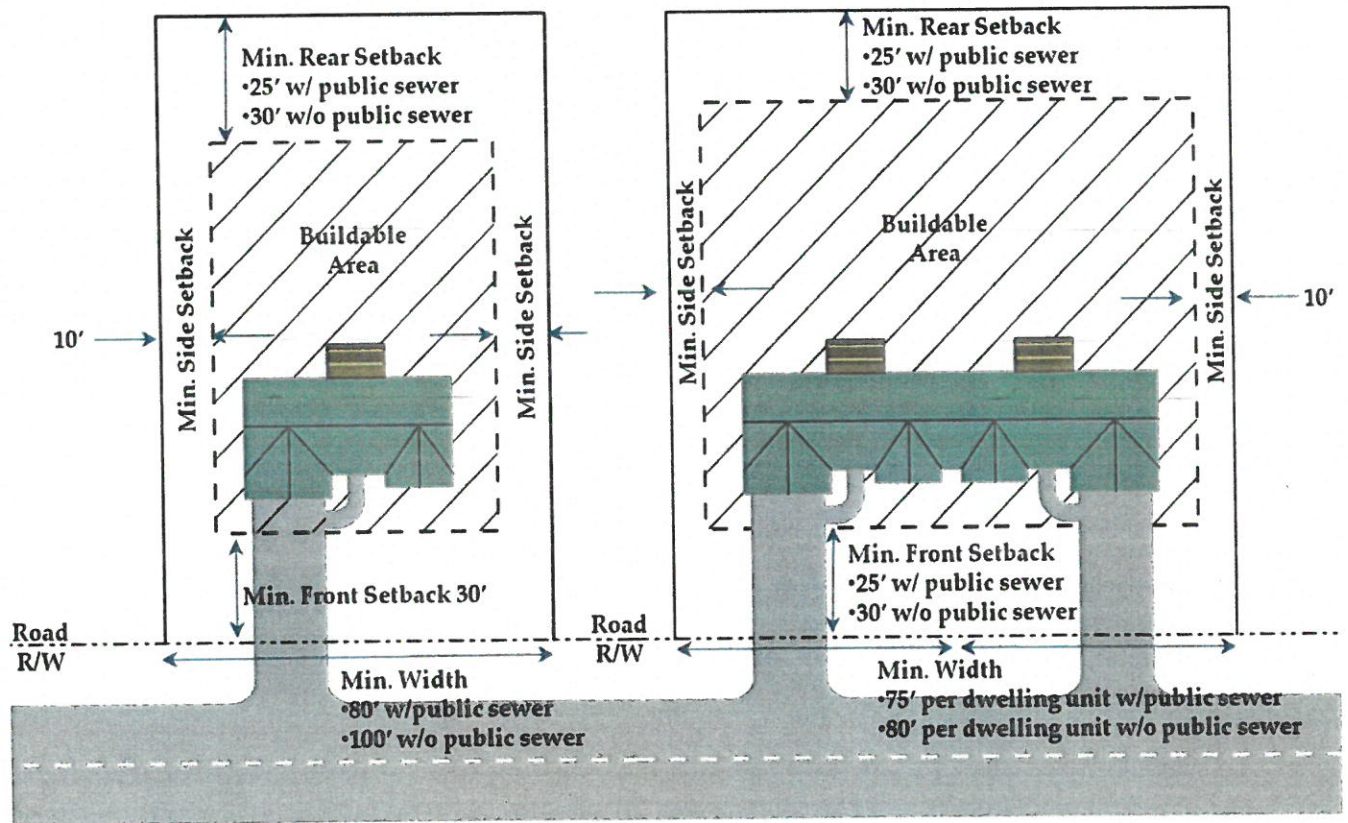
- 1- Family w/ Public Sewer 30'/10'/25'
- 1- Family w/o Public Sewer 30'/10'/30'
- 2-Family w/ Public Sewer 25'/10'/25'
- 2-Family w/o Public Sewer 30'/10'/30'

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) Cemetery
- (2) Dwelling, Single Family
- (3) Dwelling, Two Family
- (4) Essential Service Facility, Minor – § 737
- (5) Home Occupation
- (6) Park, Mini
- (7) Park, Neighborhood
- (8) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Foster Care, Family Home (<7) – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Child Care, Small Group Home (7-12) – § 719
- (4) Golf Course or Country Club – § 749
- (5) Keeping of Chickens – § 755
- (6) Medical Marihuana Residential Cultivation – § 758
- (7) Mortuary or Funeral Home – § 760
- (8) Open Space Preservation – § 428
- (9) Outdoor Storage, Accessory Use – § 613.A (4)

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.

(10) Personal Wind Energy Conversion Systems – § 765

(11) Private Swimming Pool – § 768

(12) Recreational Field Complex – § 770

(13) Waterfront Stairways and Landings – § 779

C. USES PERMITTED BY SPECIAL USE PERMIT:

(1) Adult Foster Care, Small Group Home (7-12) – § 708

(2) Adult Foster Care, Large Group Home (13-20) – § 709

(3) Adult Care Facility (21+) – § 710

(4) Bed and Breakfast – § 714

(5) Boarding Residence – § 715

(6) Child Care Center – § 720

(7) Dwelling, Multiple Family

(8) Essential Service Facility, Major – § 737

(9) Institutional Uses and Structures – § 753

(10) Solar Energy System, Utility Scale – § 775

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):

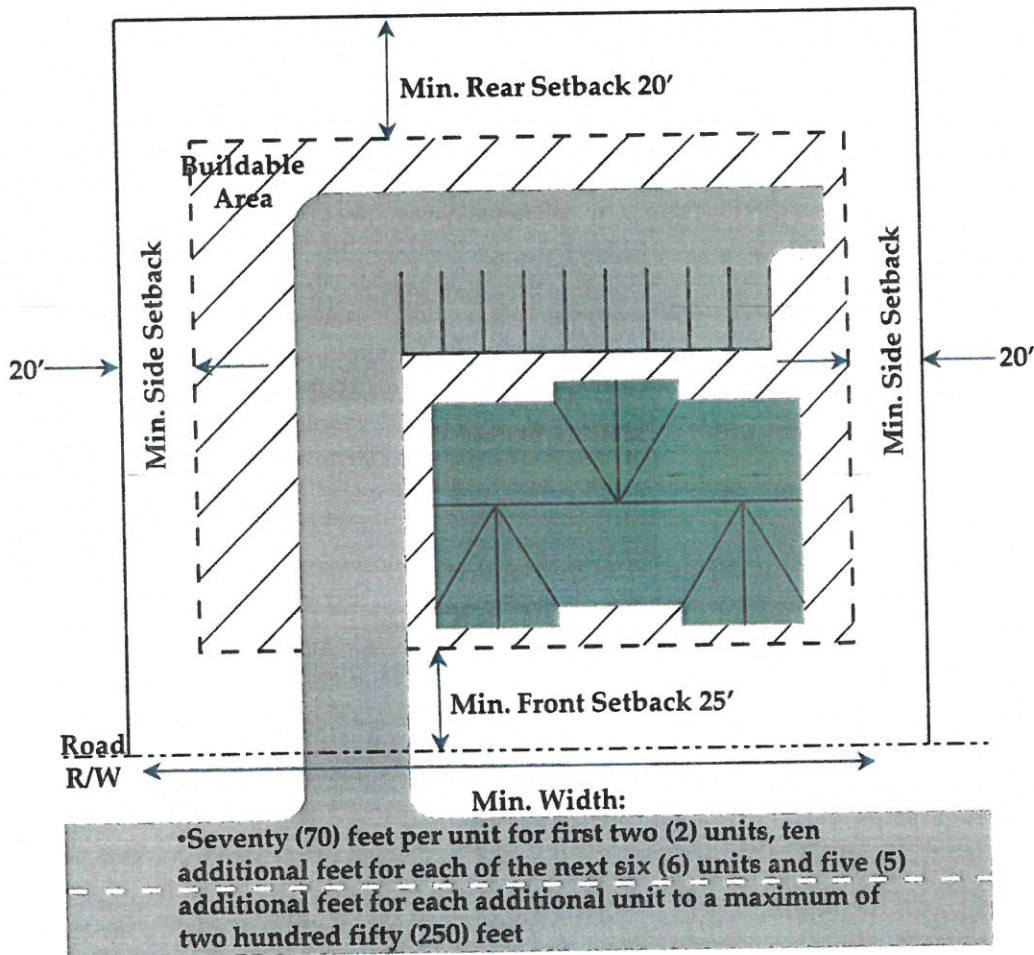
- Front: 25 feet
- Each Side (One-Family): 10 feet
- Each Side (Two-Family): 15 feet
- Each Side (Multi-Family): 20 feet
- Rear: 20 feet

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) Cemetery
- (2) Dwelling, Single Family
- (3) Essential Service Facility, Minor – § 737
- (4) Home Occupation
- (5) Park, Mini
- (6) Park, Neighborhood
- (7) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS

- (1) Adult Foster Care, Family Home (<7) – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Child Care, Small Group Home (7-12) – § 719
- (4) Golf Course or Country Club – § 749
- (5) Keeping of Chickens – § 755
- (6) Keeping of Horses, Personal – § 755
- (7) Medical Marihuana Residential Cultivation – § 758
- (8) Open Space Preservation – § 428
- (9) Outdoor Storage, Accessory Use – § 613.A (4)
- (10) Personal Wind Energy Conversion Systems – § 765
- (11) Private Swimming Pool – § 768
- (12) Recreational Field Complex – § 770
- (13) Waterfront Stairways and Landings – § 779

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Foster Care, Small Group Home (7-12) – § 708
- (2) Bed and Breakfast – § 714
- (3) Essential Service Facility, Major – § 737
- (4) Institutional Uses and Structures – § 753
- (5) Solar Energy System, Utility Scale – § 775

D. ADDITIONAL STANDARDS:

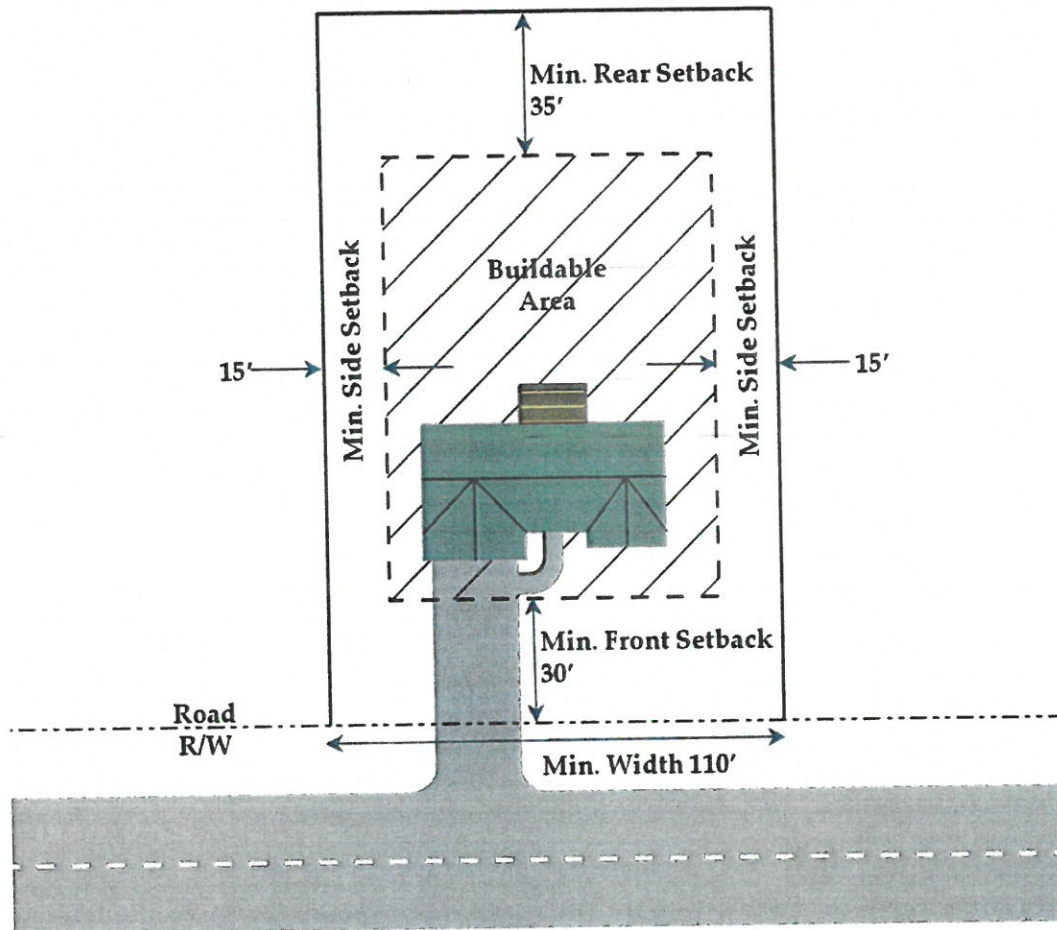
- (1) Driveways for single family residences shall comply with § 511.
- (2) Completion. Any single-family dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within two (2) years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

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 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 (<7) – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Essential Service Facility, Minor – § 737
- (4) Mobile Home
- (5) Park, Mini
- (6) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Mobile Home Subdivision – § 759
- (2) Personal Wind Energy Conversion Systems – § 765

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Child Care Center – § 720
- (2) Essential Service Facility, Major – § 737
- (3) Solar Energy System, Utility Scale – § 775

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 (13-20) – § 709
- (2) Clinic
- (3) Essential Service Facility, Minor – § 737
- (4) Financial Institution, without Drive-Through
- (5) Marina
- (6) Off-Site Parking
- (7) Office
- (8) Park, Mini
- (9) Personal Service Establishment
- (10) Retail, Low Volume
- (11) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Limited Residential – § 615
- (2) Outdoor Sales, Temporary – § 762
- (3) Pet Shop – § 766
- (4) Printing or Publishing Enterprise – § 767
- (5) Restaurant, without Drive-Through – § 771
- (6) Veterinary Hospital

C. USES PERMITTED BY SPECIAL USE PERMIT:

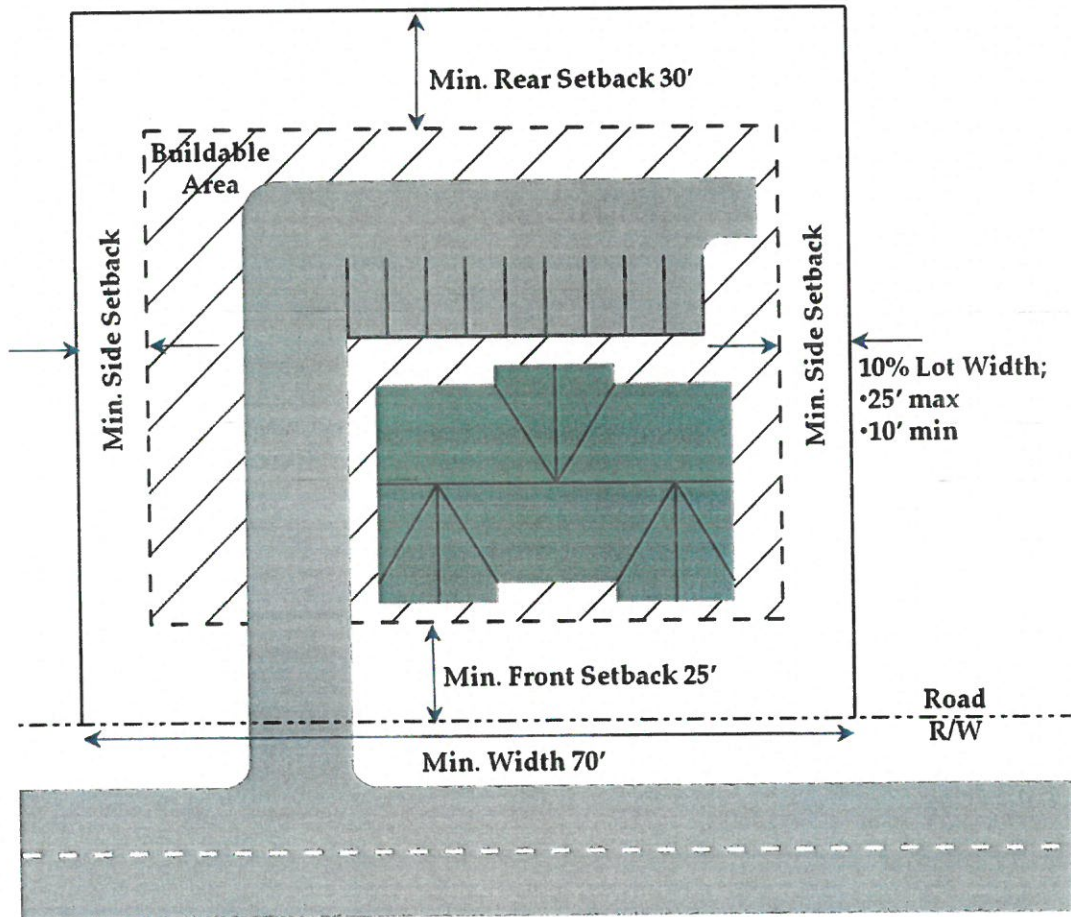
- (1) Adult Care Facility (21+) – § 710
- (2) Child Care Center – § 720
- (3) Essential Service Facility, Major – § 737
- (4) Financial Institution, with Drive-Through
- (5) Gasoline Service Station – § 748
- (6) Institutional Uses and Structures – § 753
- (7) Mortuary or Funeral Home – § 760
- (8) Shopping Center, Local
- (9) Solar Energy System, Utility Scale – § 775
- (10) WECS – § 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.



Not to scale. To be used for illustrative purposes only

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 (13-20) – § 709
- (2) Clinic
- (3) Essential Service Facility, Minor – § 737
- (4) Financial Institution, without Drive-Through
- (5) Laboratory
- (6) Office
- (7) Park, Mini
- (8) Personal Service Establishment
- (9) Pet Grooming Establishment
- (10) Professional Showroom
- (11) Professional Studio
- (12) Rehabilitation Center
- (13) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Limited Residential – § 615
- (2) Off-Site Parking
- (3) Veterinary Hospital

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Care Facility (21+) – § 710
- (2) Child Care Center – § 720
- (3) Essential Service Facility, Major – § 737
- (4) Financial Institution, with Drive-Through
- (5) Institutional Uses and Structures – § 753
- (6) Solar Energy System, Utility Scale – § 775

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):

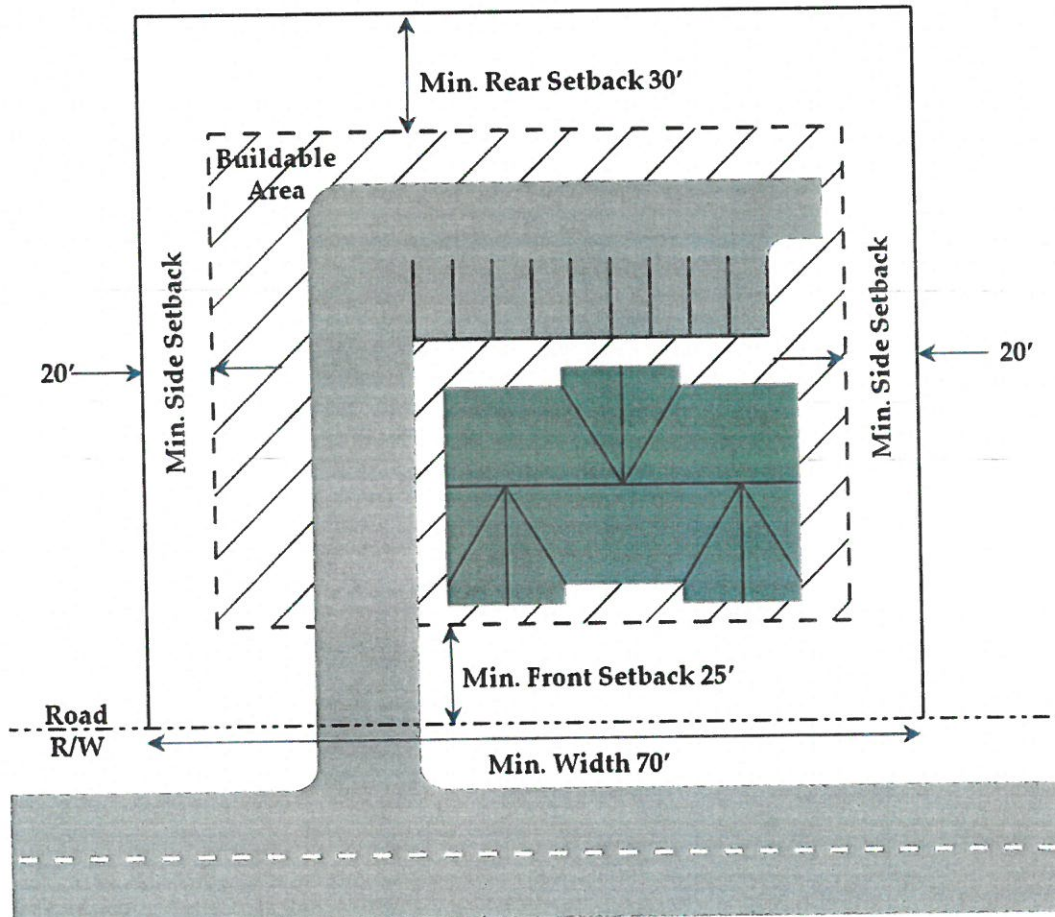
- Front: 25 feet (A)
- Each Side: 20
- Rear: 30 feet

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 (13-20) – § 709
- (2) Business College or Trade School
- (3) Clinic
- (4) Essential Service Facility, Minor – § 737
- (5) Financial Institution, without Drive-Through
- (6) Hospital
- (7) Indoor Entertainment Center – § 751
- (8) Kennel – § 756
- (9) Marina
- (10) Mechanical Amusement Arcades
- (11) Off-Site Parking
- (12) Office
- (13) Outdoor Entertainment Center, Minor
- (14) Park, Mini
- (15) Passenger Terminal – § 764
- (16) Personal Service Establishment
- (17) Pet Grooming Establishment
- (18) Printing or Publishing Enterprise – § 767
- (19) Professional Studio
- (20) Recreational Facility – § 769
- (21) Restaurant, without Drive-Through – § 771
- (22) Retail, Low Volume
- (23) Retail, Medium Volume
- (24) Solar Energy System – § 775
- (25) Vehicle Service Center, Major
- (26) Vehicle Service Center, Minor

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Care Facility (21+) – § 710
- (2) Car Wash – § 717
- (3) Child Care Center – § 720
- (4) Financial Institution, with Drive-Through – § 730
- (5) Gasoline Service Station – § 748
- (6) Hotel or Motel – § 750

- (7) Institutional Uses and Structures – § 753
- (8) Mortuary or Funeral Home – § 760
- (9) Outdoor Sales, Major – § 762
- (10) Outdoor Sales, Minor – § 762
- (11) Outdoor Sales, Temporary – § 762
- (12) Pet Shop – § 766
- (13) Sexually Oriented Businesses – § 640
- (14) Shopping Center, Local
- (15) Veterinary Hospital
- (16) Wholesaler – § 790

C. USES PERMITTED BY SPECIAL USE PERMIT:

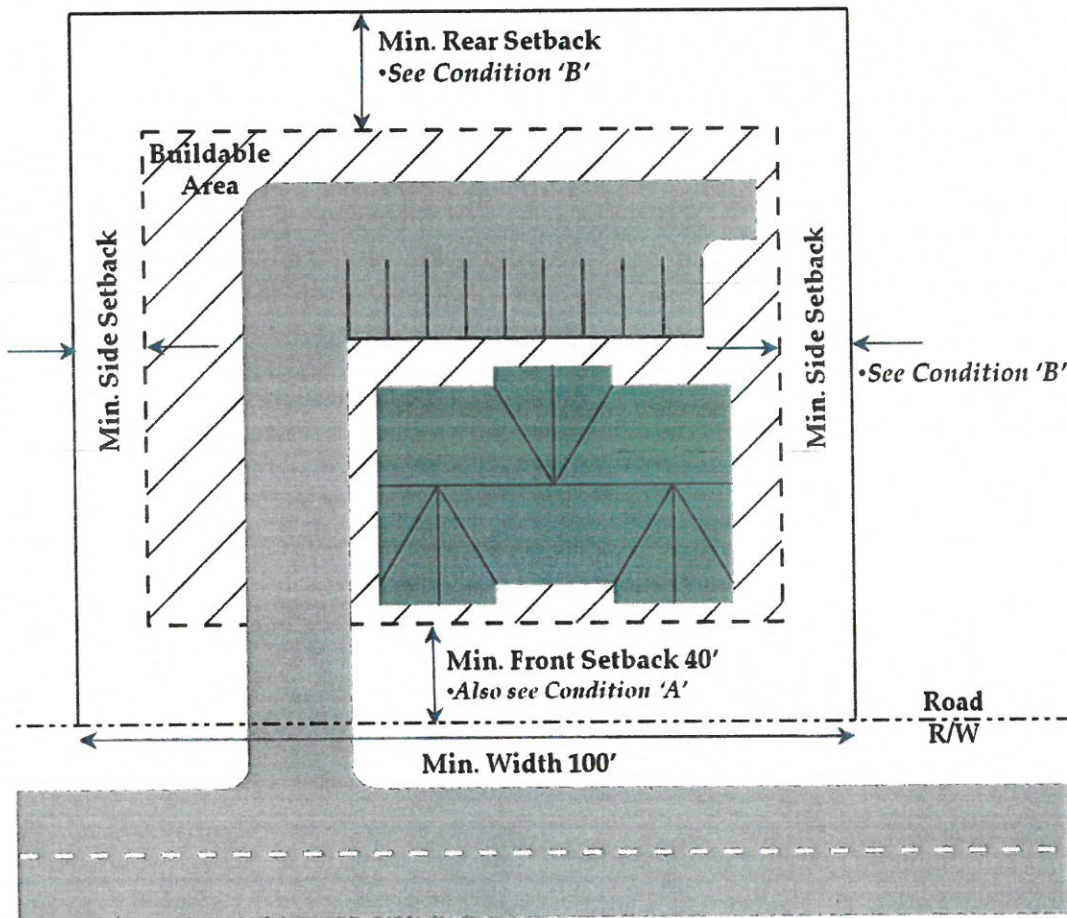
- (1) Car Wash, Freestanding – § 717
- (2) Commercial District Housing Development – § 725
- (3) Drive-In Business – § 730
- (4) Drive-Through Business – § 730
- (5) Essential Service Facility, Major – § 737
- (6) Restaurant, with Drive-Through – § 771 & § 730
- (7) Retail Fabricator – § 772
- (8) Retail, High Volume
- (9) Sale of Mobile Homes
- (10) Shopping Center, General
- (11) Solar Energy System, Utility Scale – § 775
- (12) WECS – § 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.



Not to scale. To be used for illustrative purposes only

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 (13-20) – § 709
- (2) Clinic
- (3) Drive-In Business – § 730
- (4) Drive-Through Business – § 730
- (5) Essential Service Facility, Minor – § 737
- (6) Farm Market – § 741
- (7) Financial Institution, with Drive-Through – § 730
- (8) Financial Institution, without Drive-Through
- (9) Mechanical Amusement Arcades
- (10) Office
- (11) Park, Mini
- (12) Passenger Terminal – § 764
- (13) Personal Service Establishment
- (14) Restaurant, with Drive-Through – § 771 & § 730
- (15) Restaurant, without Drive-Through – § 771
- (16) Retail, Low Volume
- (17) Retail, Medium Volume
- (18) Retail, High Volume
- (19) Solar Energy System – § 775
- (20) Vehicle Service Center, Major
- (21) Vehicle Service Center, Minor
- (22) 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
- (5) Outdoor Sales, Temporary – § 762
- (6) Recreational Facility – § 769

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Adult Care Facility (21+) – § 710
- (2) Child Care Center – § 720
- (3) Commercial District Housing Development – § 725
- (4) Essential Service Facility, Major – § 737
- (5) Institutional Uses and Structures – § 753
- (6) Solar Energy System, Utility Scale – § 775
- (7) Travel Trailer Park – § 716
- (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

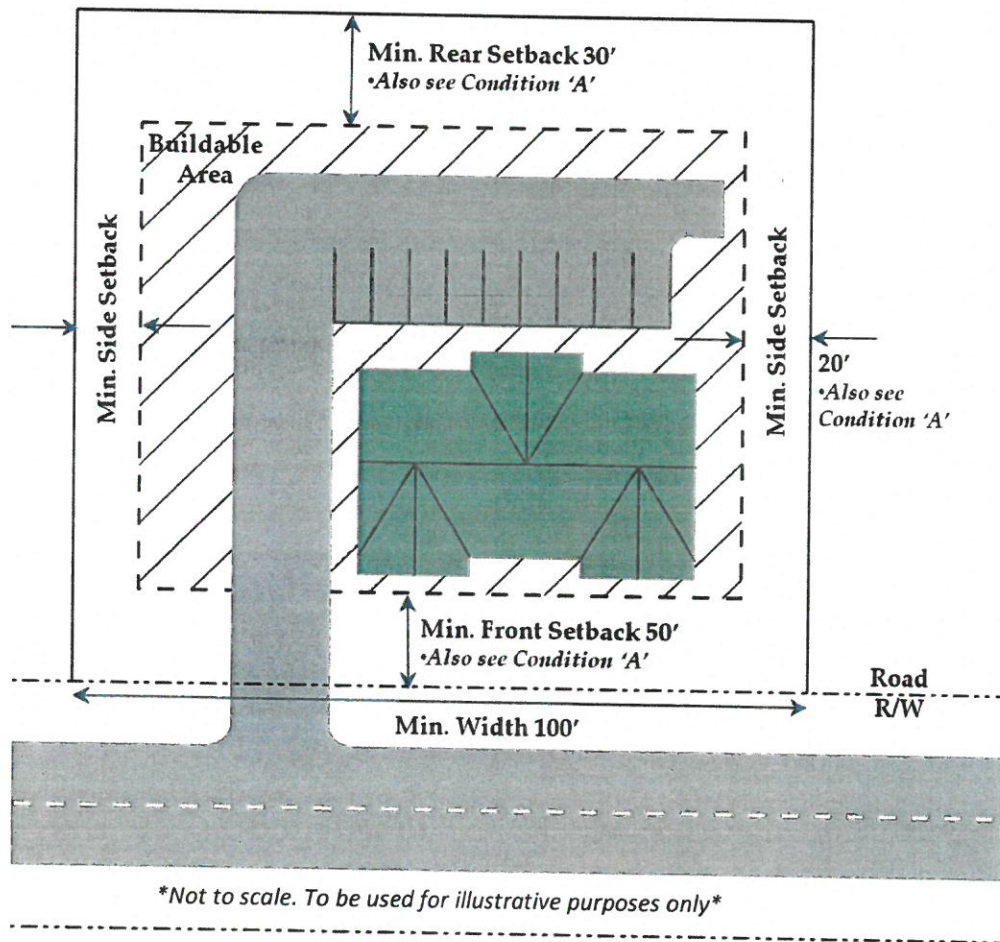
In order to achieve a well-planned center, the Planning Commission may require access to the business facilities from an interior service road at least twenty-four (24) feet wide which shall be established in order to provide the major means of access to the planned commercial area. The site plan layout 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) Clinic
- (3) Commercial District Housing Development – § 725
- (4) Essential Service Facility, Minor – § 737
- (5) Financial Institution, with Drive-Through
- (6) Financial Institution, without Drive-Through
- (7) Hotel or Motel – § 750
- (8) Indoor Entertainment Center – § 751
- (9) Live-work units
- (10) Office
- (11) Park, Mini
- (12) Personal Service Establishment
- (13) Pet Shop – § 766
- (14) Professional Studio
- (15) Recreational Facility – § 769
- (16) Restaurant, with Drive-Through – § 771 & § 730
- (17) Restaurant, without Drive-Through – § 771
- (18) Retail, Low Volume
- (19) Retail, Medium Volume
- (20) Retail, High Volume
- (21) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Essential Service Facility, Major – § 737
- (2) Solar Energy System, Utility Scale – § 775

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.

C. 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
- (5) Indoor Entertainment Center – § 751
- (6) Kennel – § 756
- (7) Lumber Processing and Sawmills
- (8) Manufacturing, Light
- (9) Park, Mini
- (10) Park, Neighborhood
- (11) Passenger Terminal – § 764
- (12) Pet Grooming Establishment
- (13) Printing or Publishing Enterprise – § 767
- (13) Recreational Facility – § 769
- (14) Retail, Industrial Accessory – § 611
- (15) Small Warehousing Establishment
- (16) Solar Energy System – § 775
- (17) Taxi Terminal and Dispatch Center
- (18) Vehicle Service Center, Major
- (19) Veterinary Hospital
- (20) Warehouse or Distribution Center
- (21) Wholesaler – § 790

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Automobile Showroom
- (2) Business College or Trade School
- (3) Dry Cleaning Plant
- (4) Industrial or Research Park
- (5) Limited Residential – § 615
- (6) Medical Marihuana Cultivation Facility – § 757
- (7) Outdoor Sales, Accessory – § 762
- (8) Outdoor Storage, Primary Use – § 763

C. USES PERMITTED BY SPECIAL USE PERMIT:

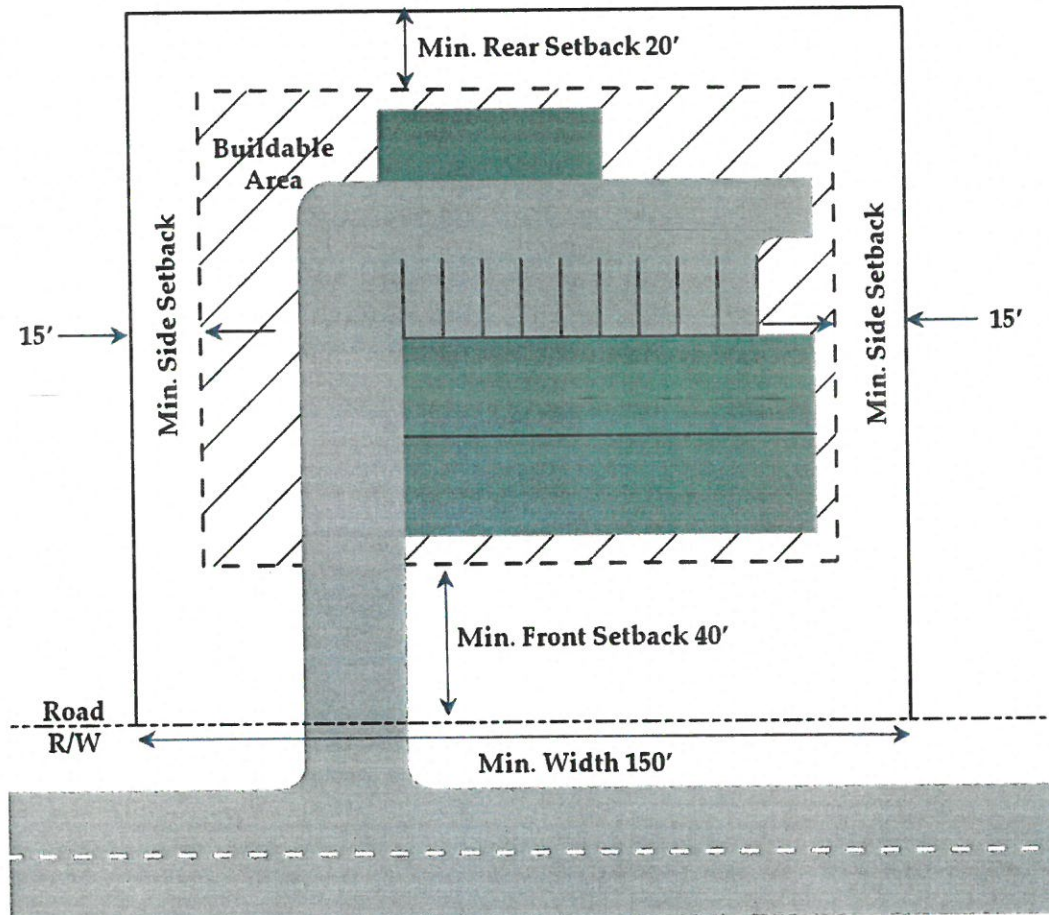
- (1) Car Wash – § 717
- (2) Essential Service Facility, Major – § 737
- (3) Gasoline Service Stations – § 748
- (4) Institutional Uses and Structures – § 753
- (5) Mechanical Amusement Arcades
- (6) Mortuary or Funeral Home – § 760
- (7) Office
- (8) Off-Site Parking
- (9) Outdoor Sales, Major – § 762
- (10) Pet Shop – § 766
- (11) Processing Operation
- (12) Professional Studio
- (13) Retail, Industrial Primary – § 773
- (14) Solar Energy System, Utility Scale – § 775
- (15) Truck or Rail Freight Terminal
- (16) Vehicle Service Center, Minor
- (17) WECS – § 780
- (18) 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.



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
- (5) Indoor Entertainment Center – § 751
- (6) Lumber Processing and Sawmills
- (7) Manufacturing, Heavy
- (8) Manufacturing, Light
- (9) Park, Mini
- (10) Park, Neighborhood
- (11) Passenger Terminal – § 764
- (12) Printing or Publishing Enterprise – § 767
- (13) Recreational Facility – § 769
- (14) Retail, Industrial Accessory – § 611
- (15) Small Warehousing Establishment
- (16) Solar Energy System – § 775
- (17) Taxi Terminal and Dispatch Center
- (18) Vehicle Service Center, Major
- (19) Warehouse or Distribution Center
- (20) Wholesaler – § 790

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Business College or Trade School
- (2) Dry Cleaning Plant
- (3) Industrial or Research Park
- (4) Limited Residential – § 615
- (5) Medical Marijuana Cultivation Facility – § 757
- (6) Outdoor Storage, Primary Use – § 763

C. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Car Wash – § 717
- (2) Essential Service Facility, Major – § 737
- (3) Gasoline Service Station – § 748
- (4) Incinerators
- (5) Institutional Uses and Structures – § 753
- (6) Junk Yards – § 754
- (7) Metal Plating, Buffering, and Polishing
- (8) Off-Site Parking
- (9) Outdoor Entertainment Center, Major – § 761
- (10) Processing Operation
- (11) Recycling Facility
- (12) Sand or Gravel Pits, Quarries – § 774
- (13) Solar Energy System, Utility Scale – § 775
- (14) Truck or Rail Freight Terminal
- (15) Vehicle Service Center, Minor
- (16) Warehouse or Distribution Center, Hazardous Materials – § 778
- (17) WECS – § 780
- (18) Wireless Communication Facility – § 792

D. ADDITIONAL STANDARDS:

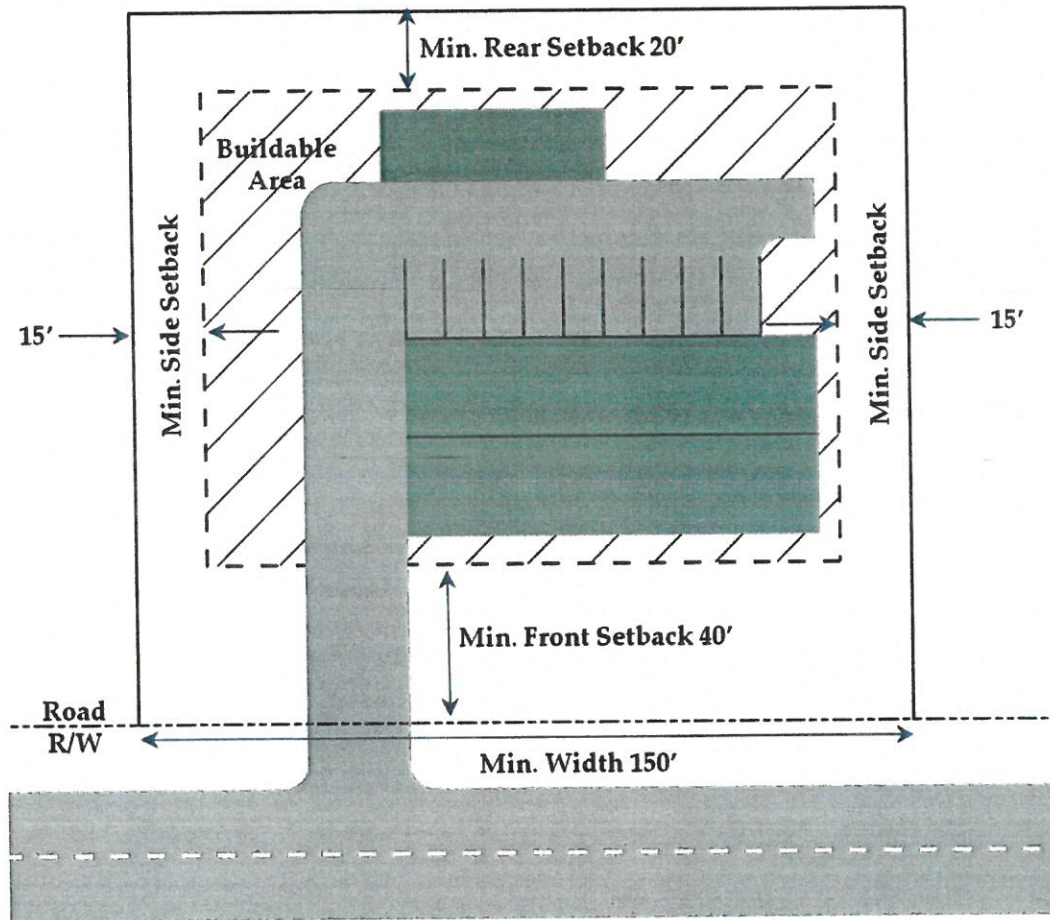
The Provisions of § 323.E Additional Standards shall apply.

E. 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

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) Agricultural Operation
- (2) Cemetery
- (3) Dwelling, Single Family
- (4) Essential Service Facility, Minor – § 737
- (5) Home Industry
- (6) Home Occupation
- (7) Keeping of Livestock
- (8) Keeping of Small Animals
- (9) Park, Mini
- (10) Park, Neighborhood
- (11) Pet Grooming Establishment
- (12) Roadside Stand
- (13) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL CONDITIONS:

- (1) Adult Foster Care, Family Home (<7) – § 707
- (2) Child Care, Family Home (<7) – § 718
- (3) Child Care, Small Group Home (7-12) – § 719
- (4) Farm Employees House
- (5) Farm Market – § 741
- (6) Keeping of Horses, Personal – § 755
- (7) Medical Marijuana Residential Cultivation – § 758
- (8) Stormwater Containment, Non-Agricultural – § 776
- (9) Personal Wind Energy Conversion System – § 765

C. USES PERMITTED BY SPECIAL USE PERMIT:

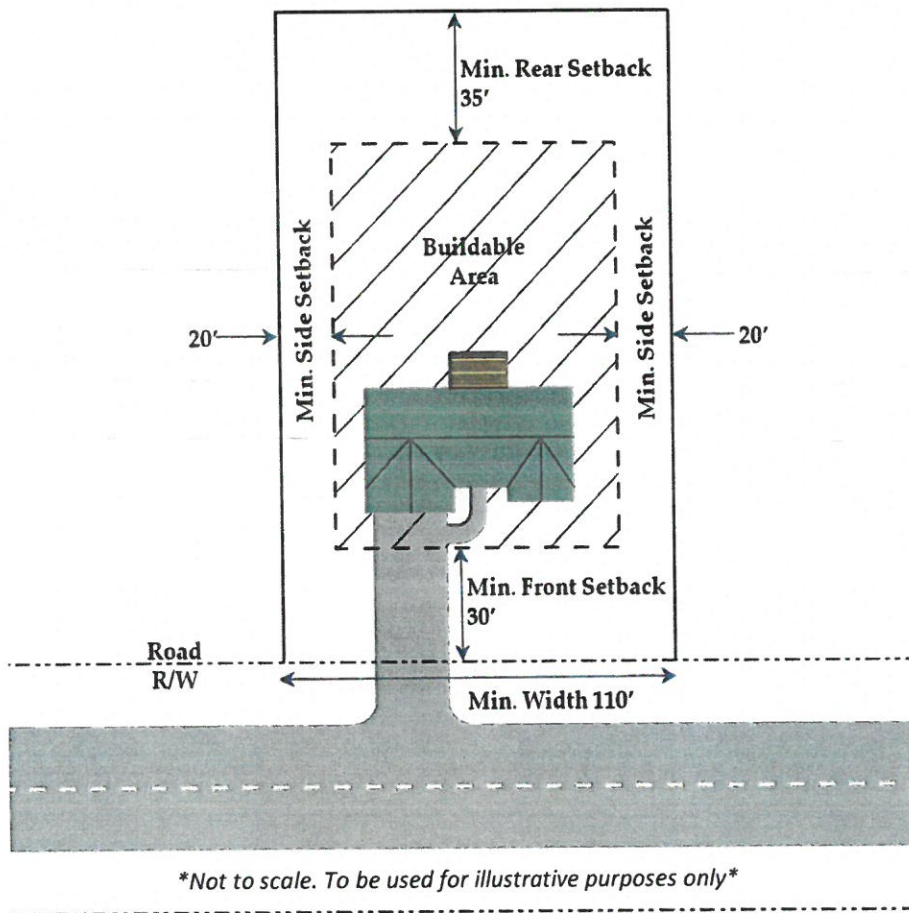
- (1) Adult Foster Care, Small Group Home (7-12) – § 708
- (2) Adult Foster Care, Large Group Home (13-20) – § 709
- (3) Airport or Airfield
- (4) Bed and Breakfast – § 714
- (5) Campground – § 716
- (6) Essential Service Facility, Major – § 737
- (7) Game or Hunting Preserve, Commercial
- (8) Golf Course or Country Club – § 749
- (9) Greenhouse, Commercial
- (10) Incinerators
- (11) Institutional Uses and Structures – § 753
- (12) Keeping of Fur-Bearing Animals, Commercial
- (13) Kennel – § 756
- (14) Livestock Auction Yards
- (15) Lumber Processing and Sawmills
- (16) Outdoor Entertainment Center, Major – § 761
- (17) Recreational Field Complex – § 770
- (18) Sand or Gravel Pits, Quarries – § 774
- (19) Solar Energy System, Utility Scale – § 775
- (20) Veterinary Hospital
- (21) WECS – § 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
- (2) Park, Mini
- (3) Park, Neighborhood
- (4) Park, Community – Low Intensity
- (5) Solar Energy System – § 775

B. USES PERMITTED BY SPECIAL USE PERMIT:

- (1) Campground – § 716
- (2) Essential Service Facility, Major – § 737
- (3) Park, Community – High Intensity
- (4) Solar Energy System – § 775

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.

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

Minimum Lot Width: 110 feet

Maximum Building Height:

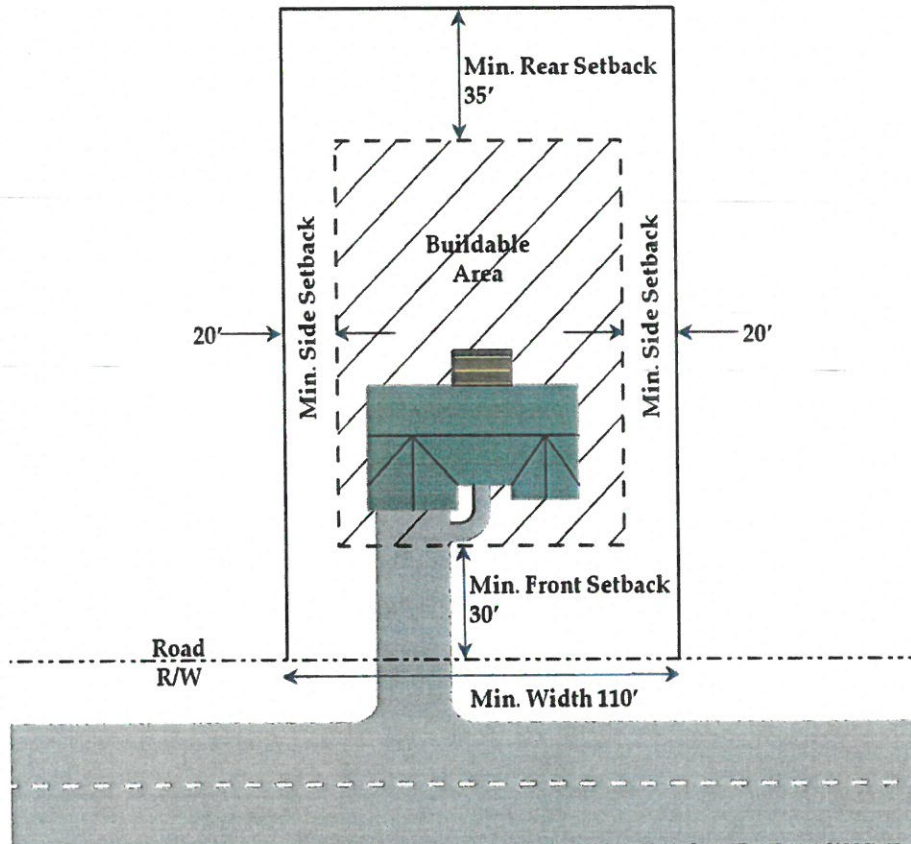
- In Stories: 2 ½ stories
- In Feet: 35 feet

Minimum Yard Setbacks (A):

- Front: 30 feet
- Each Side: 20 feet
- Rear: 35 feet

Maximum Lot Coverage: 20 percent

Minimum Bldg. Cross Section: 24 feet



Not to scale. To be used for illustrative purposes only

SECTION 331 GTC GRAND TRAVERSE COMMONS DEVELOPMENT DISTRICT

PURPOSE:

The Grand Traverse Commons Development District is a jointly planned jurisdictional area established pursuant to the Michigan Joint Municipal Planning Act 226 of 2003, as amended.

A. JURISDICTIONAL AUTHORITY:

The jurisdictional authority for the Grand Traverse Commons Development District shall be the Grand Traverse Commons Planning Commission, established pursuant to the Joint Municipal Planning Act, MCL 125.131, et. seq., and by agreement between the City of Traverse City and the Charter Township of Garfield Township with an effective date of May 14, 2007 and approved by Chapter 1224 of the Codified Ordinances for the City of Traverse City and Section 1 of Ordinance No. 48 for the Charter Township of Garfield.

B. JURISDICTIONAL ZONING:

The Zoning Ordinance for the Grand Traverse Commons Development District shall be, upon its adoption, the *Grand Traverse Commons Development Regulations*, an ordinance intended to implement the concepts outlined in the *Grand Traverse Commons Master Plan* of 2010 as adopted per P.A. 33 of 2008, as amended, being, the Michigan Planning Enabling Act (M.C.L. 124.3801 et seq.).

In the interim, prior to adoption of the Grand Traverse Commons Development Regulations, the provisions of this Ordinance shall apply. However, the Planning Director shall have the authority to waive, modify, or otherwise exempt properties within the Grand Traverse Commons Development District from compliance with this ordinance when said authority is exercised to meet the intent of the Grand Traverse Commons District Plan.

DIVISION 3: OVERLAY ZONES

SECTION 341 Airport Overlay Zone

Notwithstanding any provisions of this Ordinance, any project located in the Airport Overlay Zone shall comply with all standards of 14 CFR Part 77, "Standards for Determining Obstructions to Air Navigation", prepared by the Department of Transportation, Federal Aviation Administration (FAA). In the event of conflict between this Ordinance and any airport zoning regulations, the limitations and requirements most conducive to airport and air travel safety shall govern.

A. Applicability

- (1) Every parcel of land which lies in whole or in part within the Airport Overlay Zone as depicted on the Official Zoning Map is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone.
- (2) The regulations of this Overlay Zone are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

B. Height Limitations:

- (1) Notwithstanding any other provisions of this Ordinance, no area of land and/or water or appurtenances thereof shall be used as to constitute an airport hazard.
- (2) No structure or vegetation shall interfere with or penetrate the critical surface zone, conical or outer horizontal surfaces without prior review and approval by the FAA and when applicable the State of Michigan Aeronautical Department.
- (3) No structure within the inner horizontal surface area shall exceed the elevation of 774 U.S.G.S.
- (4) No structure shall exceed 35 feet in height without first receiving approval by the FAA and Township.

C. Height Exemption:

- (1) Any structure permitted in the district and having a height of 35 feet or less will be allowed to penetrate any surface area and will not be subject to § 341 (B)(2).

D. Conflicting Federal or State Regulations:

- (1) The regulations of the Airport Overlay Zone are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulation Part-77), the State of Michigan (P.C. 23 of 1950 as amended by P.C. 158 of 1976), or any agencies thereof.
- (2) Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

E. Unlawful Land Uses:

- (1) It shall be unlawful to establish a use on any parcel within 3.00 miles (inner horizontal surface area) of the Airport to any use which would:
 - (a) Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by the airport or by aircraft.
 - (b) Make it difficult for aircraft pilots to distinguish between airport lights and other lights or result in glare in the eyes of aircraft pilots using the airport.

- (c) Create air pollution in such amounts as to impair the visibility of aircraft pilots in the use of the airport.
- (d) Would endanger the landing, taking off or maneuvering of aircraft.
- (e) Abnormally attract birds.
- (f) Would otherwise create an airport hazard.

F. Official Zoning Map:

- (1) Mapping of the Airport Zoning Plans also takes into account the need to protect the approaches to the Airport from incompatible land uses that would limit or adversely affect the Airport's ability to serve the communities present and future air transportation needs.
- (2) The Official Zoning Map illustrates the boundary between the inner and outer Airport Overlay Zones as indicated by official adopted documents of the Cherry Capital Airport and based on FAA standards.