

**CHARTER TOWNSHIP OF GARFIELD
ZONING ORDINANCE AMENDMENTS TO ORDINANCE NO. 68**

Amendment No. 1: An amendment to:

- Establish new regulations related to allowable residential uses within commercial zones;
- Address allowable child-care uses within residential and agricultural zones;
- Revise setback and maximum density requirements for multiple-family residential projects;
- Eliminate "group housing" residential projects as a permitted use in all districts
- Amend the quasi-judicial review authority for projects located within the C-H Highway Commercial Zone;

Introduced: January 12, 2016
Adopted: February 9, 2016
Published: February 21, 2016
Effective: February 28, 2016

Amendment No. 2: An amendment to:

- Revise regulations related to appropriate signs within the C-P Planned Shopping Center zoning district;
- To revise regulations pertaining to allowable size of accessory structures in the A-Agricultural zoning district; and
- To correct grammatical errors to the legend of the Garfield Township Zoning Map.

Introduced: April 26, 2016
Adopted: May 24, 2016
Published: May 29, 2016
Effective: June 6, 2016

Amendment No. 3:

At the request of Atwell, LLC, Sun Secured Financing, LLC, and Frederick C. Clous, the following described property situated in the Township of Garfield, Grand Traverse County, Michigan has been rezoned from A-1 Agricultural to R-1 M Multiple-Family Residential:

THAT PART OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER (SW ¼) OF SECTION 23, T27N, R11W, DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23, THENCE N89° 47' 25"W 986.37 FEET ALONG THE SOUTH LINE OF SAID SECTION 23 TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AS MONUMENTED; THENCE ALONG SAID EAST LINE N00° 36' 22" W 500.00 FEET TO THE POINT OF BEGINNING; THENCE N89° 46' 34"W 728.93 FEET; THENCE N00° 35' 28"W 245.92 FEET

PARALLEL TO THE WEST EIGHTH LINE AS MONUMENTED; THENCE N89° 59' 13"W 225.00 FEET; THENCE N00° 35' 28"W 1200.79 FEET PARALLEL TO SAID WEST EIGHTH LINE TO A POINT ON THE SOUTH LINE OF A PARCEL DESCRIBED AS THE NORTH 15 ACRES OF THE PART OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 23, LYING EAST OF THE RAILROAD RIGHT-OF-WAY; THENCE S89° 59' 13"E 953.52 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AS MONUMENTED; THENCE S00° 36' 22"E 1449.39 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 30.43 ACRES OF LAND MORE OR LESS. SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD IF ANY.

Introduced: May 24, 2016
Adopted: July 26, 2016
Published: August 4, 2016
Effective: August 11, 2016

Amendment No. 4: An amendment to:

- To revise regulations pertaining to allowable size of accessory structures in the A-Agricultural zoning district; and

Introduced: April 26, 2016
Adopted: August 23, 2016
Published: August 27, 2016
Effective: September 3, 2016

Amendment No. 5: An amendment to:

- Revise regulations related to appropriate signs within Planned Unit Developments and the C-P Planned Shopping district;
- To eliminate the "Comprehensive Sign Plan" standards;
- To prohibit concurrent submittal of different applications pertaining to the same parcel; and
- To clarify procedures regarding amendments to existing Planned Developments;

Introduced: February 14, 2017
Adopted: March 14, 2017
Published: March 19, 2017
Effective: March 26, 2017

Amendment No. 6: Never adopted

Amendment No. 7:

At the request of Stone Real Estate Holdings, LLC

PART OF LOT 3 SUPERVISORS PLAT & SE 1/4 OF SW 1/4 SEC 4 T27N R11W COM SE COR LOT 3 THENCE E 100' TH S 230.1' THENCE S 83 DEG 58' W 225' THENCE N 350'M/L TO S LINE FRONT ST THENCE N 61 DEG 8' E ALG SD ST TO E LINE LOT 3 TH S 175.3' TO POB.

The parcel affected by the application and subject to the zoning map amendment request is located at 3525 West Front Street, Traverse City MI 49684 (parcel number 05-004-031-00).

Property situated in the Township of Garfield, Grand Traverse County, Michigan has been rezoned from R-3 Multiple-Family Residential to C-O Office Commercial.

Introduced: June 13, 2017
Adopted: July 11, 2017
Published: July 14, 2017
Effective: July 21, 2017

Amendment No. 8:

At the request of Midwest MFD, LLC and encompassing the following properties;

05-023-025-00

PT SE1/4 SW1/4 SEC 23 T27N R11W BEG S1/4 COR TH N 89DEG 47'W 328.86' TH N 00DEG 37'W 1317.64' TH S 89DEG 53'E 328.82' TH S 00DEG 37'E 1318.2' TO POB CONTAINS 9.95 AC EXC RD ROW

05-023-026-00

PT SE1/4 SW1/4 SEC 23 T27N R11W COM S1/4 SEC COR TH N 89DEG 06'W 657.57' TO POB TH N 89DEG 06'W 328.84' TH N 00DEG 05'E 1315.17' TH S 89DEG 07'E 328.1' TH S 00DEG 05'W 1315.22' TO POB EXC RD ROW

05-023-026-10

PT SE1/4 SW1/4 SEC 23 T27N R11W COM S1/4 SEC COR TH N 89DEG 06'W 328.77' TO POB TH N 89DEG 06'W 328.77' TH N 00DEG 05'E 1316.22' TH S 89DEG 12'E 328.8' TH S 00DEG 05'W 1318.64' TO POB EXC RD ROW.

situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from A-Agricultural to R-3 Multi-Family Residential.

Introduced: July 25, 2017
Adopted: September 12, 2017
Published: September 17, 2017
Effective: September 24, 2017

Amendment No. 9:

At the request of Serra Works of Traverse City, LLC and encompassing the following property;

05-014-005-00 940 Boon Street

situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been conditionally rezoned by way of a map amendment from C-2 General Commercial with restrictions to C-G General Commercial with amended restrictions.

Introduced: November 14, 2017

Adopted: January 9, 2017

Published: January 14, 2017

Effective: January 21, 2017

Amendment No. 10:

At the request of Christopher and Anita Scussel, the following property; 28-05-014-005-00 situated in the Charter Township of Garfield, Grand Traverse County, Michigan, has been conditionally rezoned by way of a map amendment from C-2 General Commercial with restrictions to A-Agricultural with new restrictions, subject to the execution of the Conditional Rezoning Agreement by the Scussels and the Township.

Introduced: February 27, 2018

Adopted: March 27, 2018

Published: April 1, 2018

Effective: April 8, 2018

Amendment No. 12:

At the request of the owners and their representatives and encompassing the following properties;

05-015-042-10 and 05-015-044-00

situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from R-1 One-Family Residential to R-3 Multi-Family Residential.

Introduced: April 10, 2018

Adopted: May 22, 2018

Published: May 27, 2018

Effective: June 3, 2018

Amendment No. 13:

A. THAT **Article 3, Section 322 C-P Planned Shopping Center**, BE AMENDED to read in its entirety as follows:

SECTION 322 C-P (PLANNED SHOPPING CENTER)

PURPOSE It is the intent of the C-P (Planned Shopping Center) 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, Assembly, and Indoor Entertainment Center
- (2) Bakery, Coffee Shop
- (3) Bar, Tavern, Night Club
- (4) Clinics
- (5) Commercial District Housing Developments - subject to § 725
- (6) Department Stores
- (7) Financial Institutions
- (8) Grocery Stores
- (9) Hardware Stores
- (10) Hotels subject to the conditions specified in § 320.B (5)
- (11) Live Work Units
- (12) Offices
- (13) Personal and Business Services
- (14) Pet Shops provided they are completely enclosed and insulated from noise
- (15) Professional Studios
- (16) Recreation Facility
- (17) Restaurants and Outdoor Seating provided the area is delineated by a curb or similar barrier
- (18) Retail Establishment not including second hand stores

Minimum Lot Area:	15,000 sf
Minimum Lot Width:	60 ft
Maximum Building Height (A):	
• 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.

S

(1) General

Applications for development, redevelopment, 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 developments, redevelopments, 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 outlots 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.

Introduced: June 12, 2018

Adopted: July 10, 2018

Published: July 15, 2018

Effective: July 22, 2018

Amendment No. 14:

- 1) Institutional Uses allowed by Special Use Permit in R-1
- 2) Corrected redundancy of Golf Course Listed Twice as an allowed Use.

Introduced: August 14, 2018

Adopted: September 11, 2018

Published: September 16, 2018

Effective: September 23, 2018

Amendment No. 15

Section 512 Access Management Amendment. Replace in its Entirety. Please see Resolution 2019-02-T

Introduced: January 8, 2019

Adopted: February 12, 2019

Published: February 17, 2019

Effective: February 24, 2019

Amendment No. 16

U-Haul Proposed Language-Denied by Township Board- November 13, 2018 based on the finding of facts presented by the planning commission.

Amendment 17

At the request of the owners, Dennis and Arlene F. Banton, and their representatives and encompassing the following properties;

05-021-048-00

situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from A – Agricultural to R-3 Multi-Family Residential.

Introduced: November 13, 2018
Adopted: December 11, 2018
Published: December 19, 2018
Effective Date: December 26, 2018

Amendment 18

At the request of the owners, Tim and Lisa Schaub, and their representatives and encompassing the following properties;

05-008-022-02 and 05-007-021-00

situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from A-Agricultural to R-2 One and Two Family Residential.

Introduced: May 28, 2019
Adopted: June 25, 2019
Published: June 30, 2019
Effective Date: July 7, 2019

Amendment 19

A. THAT **Article 7, Section 712 Automobile Laundries**, BE AMENDED to read in its entirety as follows:

SECTION 712 AUTOMOBILE LAUNDRIES

A. REGULATIONS AND CONDITIONS

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

Introduced: July 23, 2019
Adopted: August 13, 2019
Published: August 19, 2019
Effective Date: August 26, 2019

Amendment 20

A. THAT **Article 7, Section 749 Golf Courses and Country Clubs**, BE AMENDED to read in its entirety as follows:

SECTION 749 GOLF COURSES AND COUNTRY CLUBS

A. REGULATIONS AND CONDITIONS

- (1) These regulations shall not include stand-alone golf-driving ranges and miniature golf courses.
- (2) The site area shall be a minimum of fifty (50) acres and have its main ingress and egress from a major thoroughfare, as classified on the Master Plan of Garfield Township.
- (3) All principal and accessory buildings, structures, and parking areas shall not be less than eighty (80) feet from any property line of abutting residentially used or zoned land.
- (4) Development features shall be so located as to minimize any possible adverse effects upon adjacent property. The Zoning Administrator may require that any principal and accessory buildings and structures be buffered by landscaping determined by the Zoning Administrator to be appropriate for minimizing potential adverse impacts on any neighboring property.
- (5) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be enclosed with a protective fence six (6) feet in height, with entry limited by means of a controlled gate.

Introduced: July 23, 2019
Adopted: August 27, 2019
Published: September 1, 2019
Effective Date: September 8, 2019

Amendment 21

B. THAT **Article 3, Section 315 R-3 E. DIMENSIONAL STANDARDS (Per Dwelling Unit), subsection Minimum Yard Setbacks (A)**, BE AMENDED to read as follows:

SECTION 315 R - 3 (MULTIPLE FAMILY RESIDENTIAL)

E. DIMENSIONAL STANDARDS (Per Dwelling Unit):

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

C. THAT **Article 3, Section 312 DIMENSIONAL REGULATIONS, Table 3.3**, BE AMENDED as follows:

Table 3.3, Under Zoning District, R-3, Minimum Yard Setbacks, Side, **replace “20” with Note “(N)”**

Table 3-3 – Notes to Dimensional Standards, add Note N. as follows:

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

Introduced: July 23, 2019
Adopted: August 13, 2019
Published: August 19, 2019
Effective Date: August 26, 2019

Amendment 22

At the request of Chick-fil-A and their representatives and encompassing the following properties;

- Parcel No. 05-016-002-10;
- Parcel No. 05-016-007-10;
- The portion of Parcel No. 05-016-007-00 that is within 366 feet of the right-of-way of US 31 and located between Parcel No. 05-016-002-10, No. 05-016-007-10, and No. 05-016-002-00, with any remaining portion of Parcel No. 05-016-007-00 to be zoned as R-1 – One Family Residential.

situated in the Charter Township of Garfield, Grand Traverse County, Michigan have been rezoned by way of a map amendment from C-L Local Commercial to C-G General Commercial.

Introduced: January 14, 2020
Adopted: February 11, 2020
Published: February 16, 2020
Effective: February 23, 2020

Amendment 23

At the request of Good News Automotive and their representatives of Parcel No. 05-310-001-00, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from I-G General Industrial to C-G General Commercial.

Introduced: May 13, 2020
Adopted: May 26, 2020
Published: May 31, 2020
Effective: June 7, 2020

Amendment 24

At the request of the owners at 3479 Veterans Dr. and their representatives of Parcel No. 05-016-038-00, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from R-1 One-Family Residential to C-O Office Commercial.

Introduced: June 23, 2020
Adopted: July 14, 2020
Published: July 19, 2020

Effective: July 26, 2020

Amendment 25

An Amendment to establish new regulations for solar energy systems, add new language for essential service facilities, and include several new definitions.

A. THAT the following language BE ADDED to **Article 2, Section 201 GENERAL DEFINITIONS:**

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

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

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

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

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

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

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

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

B. THAT **Article 7, SUPPLEMENTAL USE REGULATIONS, Section 737.B (2) (i) Essential Service Facilities,** BE AMENDED to replace "may" with "shall" in the last sentence as follows:

- (i) An above ground Major Essential Service Facility which is fenced or which is housed in an equipment building shall include a sign placard of not more than two square feet which shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities shall include any required hazard warning signage.

C. THAT **Article 7, SUPPLEMENTAL USE REGULATIONS, Section 737.B Essential Service Facilities,** BE AMENDED to add a new subsection (3) which includes 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 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.

D. THAT **Article 7, SUPPLEMENTAL USE REGULATIONS**, BE AMENDED to add the following new section: **Section 775, Solar Energy Systems**, and to include the following language:

SECTION 775 SOLAR ENERGY SYSTEMS

It is the intent of this Section to permit solar energy systems by regulating their siting, design, and installation to protect public health, safety, and welfare, to ensure compatibility with adjacent land uses, and to protect active farmland, prime soils, and forested properties.

A. ACCESSORY SOLAR ENERGY SYSTEMS

- (1) Accessory solar energy systems shall be permitted by right in any zoning district for on-site use.
- (2) Ground mounted solar energy systems shall only be in a side or rear yard and shall meet or exceed required yard setbacks. Placement of ground mounted solar energy systems is not permitted within the required front yard.
- (3) Roof mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning district height regulations.
- (4) Ground mounted solar energy systems shall not exceed 10 feet in height and shall be securely anchored into the ground.
- (5) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

B. PRIMARY SOLAR ENERGY SYSTEMS

- (1) Primary solar energy systems may be permitted by special use permit in any zoning district provided it is demonstrated that the requirements of this section and all other applicable sections of this Ordinance are satisfied.
- (2) All structures and equipment for a primary solar energy system shall be 100 feet from any front property line and 50 feet from any side or rear property line.
- (3) Ground mounted solar energy systems shall not exceed 15 feet in height and shall be securely anchored into the ground.
- (4) Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- (5) Primary solar energy systems shall not include any image except to identify the manufacturer or operator of the solar energy system. All signage shall conform to the requirements of this Ordinance.
- (6) All utility collection lines from the primary solar energy system shall be placed underground.
- (7) Primary solar energy systems shall provide a Type "D" buffer for all adjacent land uses as required in Section 531.G of this Ordinance.
- (8) The primary solar energy system operator shall maintain the facility in good condition, including but not limited to structural repairs and integrity of security measures and maintaining site access to a level acceptable to local emergency response personnel.
- (9) The applicant for a primary solar energy system shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of removal of the system in the event the Township removes the installation as authorized in this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The amount and form of financial surety is to be determined by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. The amount of financial surety shall be reviewed by the Planning Commission every 10 years and may be adjusted by the Planning Commission to reflect increased cost of removal and compliance with the additional requirements set forth herein.
- (10) Any primary solar energy system which has reached the end of its useful life or has been abandoned consistent with this Section of this Ordinance shall be removed and parcel owners shall be required to restore the site.
 - (a) Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a primary solar energy system shall be considered abandoned when it fails to operate continuously for more than one year. The property owner shall physically remove the installation no more than one-hundred and eighty (180) days after the date of discontinued operations.
 - (b) The property owner shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
 - (c) If the property owner fails to remove the installation within 180 days of abandonment or the proposed date of decommissioning, the Township is permitted to enter the property and physically remove the installation.
 - (d) Any decommissioning of a primary solar energy system shall include at minimum:

- (i) Physical removal of all aboveground primary solar energy systems and ancillary solar equipment, structures, equipment, security barriers, and transmission lines from the site.
- (ii) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations. Any hazardous material in the solar panels, electronics and parts are required to provide proper disposal and profiling and documentation of the disposal.
- (iii) Stabilization and re-vegetation of the site as necessary to minimize erosion.

Introduced: December 8, 2020

Adopted: January 12, 2021

Published: January 17, 2021

Effective: January 24, 2021

Amendment 26

An Amendment to update the definitions of major thoroughfares and to allow child care centers in the A-Agricultural zoning district, as follows:

- A. THAT the following definitions within **Article 2, Section 201 GENERAL DEFINITIONS** BE AMENDED with the following language:

Highway: See “Road, Highway”

Major Thoroughfare: See “Road, Major Thoroughfare”

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

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

Road, Primary: See “Road, Collector”

- B. THAT the following language BE ADDED to **Article 2, Section 201 GENERAL DEFINITIONS**:

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

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

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

- C. THAT **Article 3, ZONING, Section 325 A (Agricultural), subsection 325.C Uses Permitted by Special Use Permit, item (7)**, BE AMENDED as follows to allow for Child Care Centers by Special

Use Permit within the A-Agricultural zoning district:

(7) Child Care Center – § 720

Introduced: January 12, 2021

Adopted: March 9, 2021

Published: March 14, 2021

Effective: March 21, 2021

Amendment 27

At the request of Carter-Jones Companies, Inc. (Carter Lumber), the following described property situated in the Township of Garfield, Grand Traverse County, Michigan has been rezoned from A-Agricultural to I-G General Mixed-Use Industrial Business zoning district:

Parcel No. 05-025-014-00

NW 1/4 OF NW 1/4 SEC 25 T27N R11W EXC COM 594' S OF NW COR TH E 264' TH S 330'
TH W 66' TH S 396' TH W 198' TH N 726' TO POB EXC RD R/WS

Introduced: January 12, 2021

Adopted: March 9, 2021

Published: March 14, 2021

Effective: March 21, 2021

Amendment 28

An Amendment regarding the regulations of signs in the C-P district and in Planned Developments, as follows:

E. THAT the entirety of the language within **Article 6, Section 630 SIGNS, Subsection G. Signs Permitted in C-P Planned Shopping Center Commercial Districts** BE REMOVED AND REPLACED with the following language:

G. Signs Permitted in the C-P Planned Shopping Center District and in Planned Developments:

In the C-P Planned Shopping Center district and in Planned Developments, the following signs shall be permitted:

- (1) Applicability. This section shall apply to all new signs, which shall include the following:
 - (a) Removal and replacement of a sign structure.
 - (b) Removal and replacement of wall sign channel letters.

The following shall not be considered new signs:

- (c) Changing the sign face or the sign copy on a sign within an existing sign structure.
- (d) Repair of an existing sign.

- (2) Signs permitted by right.

- (a) Residential Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. One (1) sign for a home occupation or professional service; no illumination of signs is permitted; maximum of 3 square feet per sign.

- (ii) Freestanding Signs. One (1) freestanding monument sign per roadway entrance to the development; maximum of 16 square feet per sign. Signs may be illuminated as regulated by Section 630.M.(7) of this Ordinance. The sign may be placed upon an architectural entrance feature provided the height of the entrance feature does not exceed 6 feet and is setback 15 feet from the property line.
 - (b) Office Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. One (1) sign per building; maximum of 40 square feet per sign.
 - (ii) Freestanding Signs. One (1) sign per roadway entrance to the development; maximum of 40 square feet per sign.
 - (c) Commercial Uses in the C-P Planned Shopping Center district and in Planned Developments, and Industrial Uses in Planned Developments.
 - (i) Wall Signs. One (1) sign per exterior storefront. The maximum area per sign shall be the lesser of 100 square feet or 20% of the area of the wall to which the sign is attached. Businesses occupying corner spaces are permitted one (1) sign on the additional exterior wall.
 - (ii) Freestanding Signs. One (1) sign per roadway entrance to the development; maximum of 100 square feet per sign.
 - (d) Mixed Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. The number and size of wall signs shall be based on each type of use included in the development according to the standards of (a) through (c) above.
 - (ii) Freestanding Signs. One (1) sign per roadway entrance to the development. The size of this sign shall be determined by type of use included in the development with the maximum area permitted by (a) through (c) above.
- (3) Signs subject to Planning Commission approval.**
 - (a) Internal directional signs with a maximum of 6 square feet per sign. Such signs shall be placed at logical locations to facilitate traffic within the site. The location and quantity of internal directional signs shall be subject to Planning Commission approval and clearly indicated on an overall site plan.
 - (b) The Planning Commission shall have the ability to modify any of the wall sign standards in Section 630.G.(2) provided all the following criteria are met. Any modification of these standards shall be applicable for only the lifespan of the sign in question and shall not be transferable to any other sign or lot, shall not be considered a variance, and shall not run with the land. The decision of the Planning Commission shall be applicable to only the specific application and shall not be considered to set precedent.
 - (i) The proposed sign(s) shall be designed as an integral part of the development and compatible with the overall design.
 - (ii) Any proposed sign shall be found by the Planning Commission to be appropriate in scale, bulk, and location relative to the site and shall be found to be compatible with surrounding land uses.
 - (iii) The sign does not block the view of other nearby signs to the extent that it would harm the ability of other businesses in the surrounding neighborhood to operate.
 - (iv) For a wall sign, the building is set back greater than two hundred (200) feet from the centerline of the nearest roadway, or the wall to which the sign is attached is greater than five hundred (500) square feet, and the requested increase in wall sign area is not more than fifty (50) percent greater than that allowed in Section 630.G.(2).
 - (v) There are other unique circumstances or existing conditions on the site which warrant consideration by the Planning Commission.
- (4) Signs prohibited under any circumstances.**
 - (a) Prohibited in both the C-P district and in Planned Developments:
 - (i) All signs described in §630.P
 - (ii) Changeable copy signs and Billboard signs.

- (iii) Signs with exposed neon or other exposed lighting source (excepting "gooseneck" style and shielded downward illumination of non-internally illuminated signs).
- (b) Prohibited in the C-P district:
 - (i) Cabinet signs.

F. THAT the entirety of the language within **Article 6, Section 630 SIGNS, Subsection J. Planned Development Signs** BE REMOVED AND REPLACED with the following language:

J. (Reserved)

Introduced: January 12, 2021

Adopted: March 9, 2021

Published: March 14, 2021

Effective: March 21, 2021

Amendment 29

An Amendment regarding the regulations of signs in the C-P district and in Planned Developments, as follows:

A. THAT the entirety of the language in **Section 630.G.(2) (Article 6, Section 630 SIGNS, Subsection G. Signs Permitted in C-P Planned Shopping Center Commercial Districts, (2) Signs permitted by right.)** BE REMOVED AND REPLACED with the following language:

- (2) Signs permitted by right.
 - (a) Residential Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. One (1) sign for a home occupation or professional service; no illumination of signs is permitted; maximum of 3 square feet per sign.
 - (ii) Freestanding Signs. One (1) freestanding monument sign located at each roadway entrance to the development; maximum of 16 square feet per sign; maximum of two (2) signs per roadway frontage. Signs may be illuminated as regulated by Section 630.M.(7) of this Ordinance. The sign may be placed upon an architectural entrance feature provided the height of the entrance feature does not exceed 6 feet and is setback 15 feet from the property line.
 - (b) Office Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. One (1) sign per building; maximum of 40 square feet per sign.
 - (ii) Freestanding Signs. One (1) freestanding monument sign located at each roadway entrance to the development; maximum of 40 square feet per sign; maximum of two (2) signs per roadway frontage.
 - (c) Commercial Uses in the C-P Planned Shopping Center district and in Planned Developments, and Industrial Uses in Planned Developments.
 - (i) Wall Signs. One (1) sign per exterior storefront. The maximum area per sign shall be the lesser of 100 square feet or 20% of the area of the

wall to which the sign is attached. Businesses occupying corner spaces are permitted one (1) sign on the additional exterior wall.

- (ii) Freestanding Signs. One (1) freestanding monument sign located at each roadway entrance to the development; maximum of 40 square feet per sign; maximum of two (2) signs per roadway frontage. For developments which include more than 10,000 square feet of retail space, one (1) freestanding sign along each roadway frontage is allowed in place of another permitted freestanding sign, according to the following:

10,000 - 25,000 square feet of retail space; maximum of 60 square feet per sign
25,000 - 50,000 square feet of retail space; maximum of 80 square feet per sign
More than 50,000 square feet of retail space; maximum of 100 square feet per sign

- (d) Mixed Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. The number and size of wall signs shall be based on each type of use included in the development according to the standards of (a) through (c) above.
 - (ii) Freestanding Signs. One (1) sign located at each roadway entrance to the development; maximum of two (2) signs per roadway frontage. The size and type of this sign shall be determined by type of use included in the development with the maximum area permitted by (a) through (c) above.

Introduced: May 11, 2021
Adopted: June 8, 2021
Published: June 13, 2021
Effective: June 20, 2021

Amendment 30

An Amendment to incorporate the following changes:

- **Article 2: Definitions** – In Section 200: Rules Applying to the Text and Section 201: General Definitions, include several changes to reflect new definitions being added, existing definitions being clarified, and other feedback from the Planning Commission.
- **Article 3: Zoning** – Incorporate the following changes:
 - **Section 312 – Dimensional Regulations and Use Chart** – Rename this section from “Dimensional Regulations” and include both the use chart and explanation of how the chart is organized. The use chart lists the uses in every row; zoning districts in every column; whether the use is permitted by right (R), by special conditions (SC), by special use permit (SUP), or not permitted (blank) in each cell, and a link to any supplemental

conditions.

- **Section 313 – R-1 (One Family Residential) through Section 330 – P-R Park and Recreation District** – Clarify the uses permitted by right, uses permitted by special conditions, and uses permitted by special use permit in each zoning district. The proposed changes provide a consistent name for each use and consistent links to conditions elsewhere in the Zoning Ordinance.
- **Section 616 – Limited Residential Uses in Mixed-Use Industrial and Office Districts** – Include the information in this section under a definition for live-work unit in Article 2, and in the zoning district regulations in Article 3, and repeal this section.
- **Article 7: Supplemental Use Regulations** – Include several changes, primarily focusing on those sections which needed to absorb language for conditions that had been described in Article 3, and other feedback from the Planning Commission.

Introduced: August 24, 2021

Adopted: September 14, 2021

Published: September 19, 2021

Effective: September 26, 2021

Amendment 31

At the request of the owners and their representatives of Parcel No. 05-021-054-00, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from its current split zoning of the A-Agricultural zoning district and C-H Highway Commercial zoning district to the R-3 Multiple Family Residential zoning district. The parcel totaling approximately 18 acres is located at 2105 N. US 31 South, Traverse City (west side of US 31, south of the intersection of US 31 and South Airport Rd), and is described as:

GA 281 A ALL THAT PART SE1/4 SW1/4 LYING WLY US 31 & NLY OLD US 31 EXC N
460' SEC 21 T27N R11W 19 A.

Introduced: March 22, 2022

Adopted: April 12, 2022

Published: April 17, 2022

Effective: April 24, 2022

Amendment 32

At the request of the owners and their representatives of Parcel No. 05-024-019-30, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been conditionally rezoned by way of a map amendment from its current zoning of the C-G General Commercial zoning district with restrictions to the I-G General Mixed-Use Industrial Business zoning district with new restrictions, subject to the execution of the Conditional Rezoning Agreement between the owners and the Township.

Introduced: June 14, 2022
Adopted: July 12, 2022
Published: July 17, 2022
Effective: April 24, 2022

Amendment 33

An Amendment to incorporate the following changes:

A. THAT **Section 516 Dumpster Enclosures, subsection B.** BE AMENDED to read in its entirety as follows:

B. The enclosure shall be four-sided and constructed with an opaque gate constructed of wood or similar material. Chain link fencing shall not be used for any portion of the enclosure or gate.

B. THAT **Section 534 Wetlands** BE REPEALED AND REPLACED in its entirety with the following language:

SECTION 534 WETLANDS

A. Applicability

This section applies to any wetland which is regulated under Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, except for the following:

(1) Any wetland or portion of wetland for which an applicant has obtained a permit from the State of Michigan to fill or modify such wetland, where such permit has not expired or otherwise been revoked, and where such permit has been submitted to the Township as part of a site plan or land use permit application in accordance with the provisions of this Zoning Ordinance.

B. Delineation

As part of a site plan or land use permit application submitted in accordance with the provisions of this Zoning Ordinance, such application shall be accompanied by a delineation of all wetlands on the site. This delineation shall be conducted by a professional engineer with relevant expertise. This delineation shall be verified by the State of Michigan. Documentation of such verification shall be submitted to the Township.

C. Wetland Setbacks

No structure, parking lot area, or snow storage area shall be located within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a

stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

C. THAT **Section 551.E(6) Snow Storage** BE AMENDED to add **subsection (d) and subsection (e)** with the language to read as follows:

(d) Not be located within twenty-five (25) feet of a wetland regulated under Section 534 of this Zoning Ordinance, per Section 534.C.

(e) Not be located within any required riparian vegetative buffer, per Section 535.C.

D. THAT **Section 611 Accessory Uses and Structure, subsection (a)** BE AMENDED in its entirety to read as follows:

(a) The structure is located a minimum of three (3) feet from any other separate structure on the same lot as measured from the outermost edge of any horizontal projecting element;

E. THAT **Section 613 Outdoor Storage, subsection A. Regulations and Conditions, subsection A. (1) Commercial Districts or Uses, subsection A.(1)(c)** BE AMENDED in its entirety to read as follows:

(c) The Zoning Administrator in the case of a site diagram or administrative site plan, or the approval authority in all other cases, may approve designated areas of product display for large inventory items (boats, campers, trailers, snowmobiles, RV's, swing sets, or similar items) or sales of natural vegetation in the front yard or side yard area for commercial uses, if permitted in the district, provided that such display area shall not be in a no-build buffer zone or required landscaping area, and shall be located to avoid interference with parking lots, vehicular maneuvering lanes, sidewalks, and pathways. The Zoning Administrator shall retain the right to forward the review of any such proposed display area to the Planning Commission for their review and approval.

F. THAT **Section 630.E. Signs Permitted in C-L, C-G, and C-H Commercial Districts, subsection (2) (b)** BE AMENDED in its entirety to read as follows:

(2) (b) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure. Sign luminance shall not be greater than 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset. Sign luminance shall not be greater than 200 candelas per meter squared at all other times. Sign lighting shall meet the requirements of this Ordinance.

G. THAT **Section 630.H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts** BE REPEALED AND REPLACED in its entirety with the following language:

H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts

In the I-G and I-L Districts the following signs shall be permitted:

(1) All signs as permitted by Section 630.E.

Introduced: August 23, 2022
Adopted: September 13, 2022
Published: September 18, 2022
Effective: September 25, 2022

Amendment 34

At the request of the owners and their representatives of Parcels 05-023-042-50 and 05-023-042-60, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from its current zoning of the A-Agricultural zoning district to the R-3 Multiple Family Residential zoning district.

Introduced: August 23, 2022
Adopted: September 13, 2022
Published: September 18, 2022
Effective: September 25, 2022