

## **ARTICLE 6**

### **GENERAL USE REGULATIONS**

#### **SECTION 600 PURPOSE**

This article establishes specific standards and exceptions to standards, for certain uses, structures, and facilities.

The purpose of this article is to provide additional standards for individual uses in order to protect surrounding property values and uses, to provide exceptions for certain uses in districts that will not adversely affect surrounding property owners, and to further protect our natural resources, the public health, safety, and general welfare.

#### **SECTION 609 TEMPORARY SCHOOL FACILITIES**

Temporary school facilities may be approved by the Zoning Board of Appeals provided:

- (1) All temporary structures are adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department.
- (2) The temporary structure shall meet all setbacks for the zoning district where located.
- (3) A land use permit and building permit is obtained prior to placing a structure on the property.
- (4) The temporary permit may be approved for up to a three (3) year period with the ability to be extended upon Zoning Board of Appeal approval. In no instance shall the temporary structure be approved for greater than five (5) years.

#### **SECTION 610 USE OF STRUCTURE FOR TEMPORARY DWELLING**

No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance. No partial structure or other temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time. The Zoning Board of Appeals may approve a temporary dwelling provided:

- (1) The temporary structure is for living while constructing a new dwelling or repairing a dwelling damaged by wind, fire, or other natural disasters.
- (2) The temporary structure is adequately served by water and sanitary facilities as approved by the Grand Traverse County Health Department or applicable agency.
- (3) The temporary structure shall meet all setbacks for the zoning district where it is located.
- (4) A land use permit and building permit is obtained prior to placing temporary structure on property.
- (5) The temporary permit shall be valid for a one (1) year period with the ability to be extended for one (1) additional year period upon Zoning Board of Appeal approval. For an extension of the temporary permit, the Zoning Board of Appeals shall find that there has been meaningful progression towards completion of the permanent structure.

#### **SECTION 611 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures may be established provided the following standards are met:

##### **A. Regulations and Conditions**

- (1) **WITHIN ALL DISTRICTS EXCEPT "R-1," "R-2," "R-R" AND "A" DISTRICTS:** A use may be regarded as accessory if it is incidental or insubstantial in and of itself or in relation to the principal use. The accessory use or structure shall comply with the various development standards of this ordinance such as setbacks, clear vision areas, landscaping, height, lighting,

etc. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.

- (2) WITHIN THE "R-1," "R-2," AND "R-R" DISTRICTS: Accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building.

An accessory building not attached and not made a part of the principal building shall be permitted provided that:

- (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;
- (b) The structure meets the minimum side yard setback, is not located in any front yard, does not exceed more than twenty-five percent (25%) of a required rear yard, and is located a minimum of 10-feet from the rear yard property line;
- (c) The structure shall not exceed a size equal to the ground floor area of the principal building and shall not exceed one (1) story or eighteen (18) feet in height; and
- (d) The structure may not be placed closer to the side street lot line than the side yard setback of the principal building on a corner lot.

- (3) WITHIN THE "A" AGRICULTURAL DISTRICT:

- i. Lots measuring less than two (2) acres: subject to the standards of Paragraph (2), above.
- ii. Lots of two (2) acres or more: subject to the dimensional standards of § 325 A Agricultural (See Attached Dimensional Standards).

## **SECTION 612 HOME OCCUPATIONS**

Home occupations are permitted within the primary structure of the residence provided the home occupation is incidental to the residential use of the home and provided the following conditions can be met:

### **A. Regulations and Conditions**

- (1) The portion of the home devoted to the home occupation shall not exceed twenty-five percent (25%) of total floor area of one (1) story of the dwelling;
- (2) Home occupations shall not be permitted in an accessory structure;
- (3) No outdoor activities shall be carried on in connection with the use;
- (4) The equivalent of one (1) full time employee may be permitted to assist the owner/occupant;
- (5) The essential character of a lot or structure in terms of use or appearance will not be changed to the slightest degree by the establishment of a home occupation or its activities;
- (6) Noise, glare, fumes, odors, or electrical interference are prohibited;
- (7) Not more than one (1) client, patron, or patient is permitted at any time;
- (8) Deliveries and pick-ups by tractor trailers are prohibited; and
- (9) One (1) wall sign up to 3 sq. ft. identifying the home occupation may be permitted.

## **SECTION 613 OUTDOOR STORAGE**

Unless specifically permitted in this Section, no land in any District shall be used in whole or in part for the storage of unused or discarded equipment or materials, or the storage of unlicensed cars, boats, salvage,

waste and junk outside of properly authorized buildings within said District. For purposes of this section, "outdoor storage" is divided into residential and non-residential districts and uses, as described below.

#### **A. Regulations and Conditions**

##### **(1) Commercial Districts or Uses**

- (a) Except as otherwise noted in this ordinance, commercial activities and accessory uses shall be carried on in completely enclosed buildings or screened areas.
- (b) Outdoor storage of inventory is permitted within the side or rear yard provided such inventory is appropriately screened from public view by a fence, wall, landscaping, or combination thereof, and provided further that no storage may occur within a no-build buffer zone or required landscaping area. Also see § 515, Fences and Walls.
- (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.

##### **(2) Industrial Districts or Uses**

- (a) Except as otherwise noted in this ordinance, industrial activities and accessory uses shall be carried on in completely enclosed buildings or screened areas.
- (b) Outdoor storage of inventory is permitted within the side or rear yard provided further that no storage may occur within a no-build buffer zone or required landscaping area.
- (c) The outdoor storage of inventory may be permitted without screening provided the inventory is unused and in new condition, not used as a commercial display or advertising area, and is not visible from regional arterial roads as indicated in the master plan. Outdoor storage not meeting the above requirements, including used or discarded material, shall be effectively screened. Also see § 515, Fences and Walls.

##### **(3) Prohibited in Commercial and Industrial Districts:**

- (a) The storage of inventory in areas designated for uses such as walking, parking, vehicular travel, green space, landscape buffer, or stormwater and snow retention 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.

##### **(4) Residential Districts**

- (a) The storage of licensed vehicles, recreational vehicles, and boats is permitted as a reasonable accessory use provided that such vehicle is owned by the resident, is in operable condition, and is kept within the rear yard, side yard, or driveway of the residence.

##### **(5) Prohibited in Residential and Agricultural Districts:**

- (a) Storage of vehicles, recreational vehicles, or any motor vehicle which is not licensed for use upon the highways of the State of Michigan or is inoperable, except when kept in a completely enclosed building.
- (b) The storage upon any property of building materials unless there is in force a valid building

- permit issued by the Charter Township of Garfield.
- (c) The storage or accumulation of junk, trash, scrap materials, rubbish or refuse of any kind including but not limited to unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind.

## **SECTION 614 HEIGHT EXCEPTIONS**

### **A. Regulations and Conditions**

#### **(1) Structural Appurtenances**

- (a) When a given use is permitted in any District, the following kinds of structural appurtenances may be permitted to exceed the height limitations for authorized uses:
  - (a) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles, and similar appurtenances provided such structural elements do not exceed twenty per cent (20%) of the gross roof area and provided further that each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.
  - (b) Appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks; elevator and stairwell penthouses, ventilators, bulkheads, fire and hose towers and cooling towers.

#### **(2) Commercial and Industrial Districts**

- (a) In any commercial or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.
- (b) In those commercial or industrial districts not requiring yard setbacks, any portion of a principal building may be erected to a height in excess of that specified for that particular district, provided that such portion is set back from all street, lot, and required yard lines one (1) foot from each one (1) foot of additional height.

### **B. Agency Review**

Any exception in height permitted by 1 or 2 above shall only be permitted following review and approval by Grand Traverse Metro Emergency Services Authority and the FAA.

## **SECTION 615 LIMITED RESIDENTIAL USES IN COMMERCIAL DISTRICTS**

The purpose of this section is to permit and encourage the incorporation of livable spaces above or within approved commercial businesses.

### **A. Regulations and Conditions**

With the exception of the C-O District, residential units are permitted in any commercial zoning district provided the following standards are met:

- (1) The structure street front facade at street level shall be occupied by non-residential uses.
- (2) The residential use shall be a secondary use to the building.
- (3) The residential unit shall have separate services for water, sewer, electric and gas from the commercial use(s).
- (4) Commercial and residential entrances shall be separated and readily distinguishable.
- (5) Parking for residential units shall be off-street and separate from commercial parking whenever possible.
  - (a) Designated residential parking spaces shall be clearly marked and shall have a minimum of one (1) parking space per unit.

- (6) Building permits shall be obtained prior to construction or occupancy of the residential unit.
- (7) The occupant(s) of the residential units need not own or be employed by the commercial business to meet the intent of this section.

## **SECTION 617 MANUFACTURED HOMES IN RESIDENTIAL DISTRICTS**

It is the purpose of this Section to establish reasonable requirements for manufactured homes located outside of licensed manufactured home parks and in the Agriculture and RR, R-1 and R-2, R-3 residential districts.

### **A. Regulations and Conditions**

- (1) All manufactured homes permitted by this section shall:
  - (a) Meet the requirements of federal and state guidelines related to manufactured homes.
  - (b) Meet the minimum cross sectional structure width of 24 feet at the time of placement.
  - (c) Be located on an approved lot and meet all Health Department, DPW, Soil Erosion and other applicable agency requirements.
  - (d) Remove all towing mechanisms within 10 days of installation and prior to occupancy of the structure. Under no circumstance shall the undercarriage or chassis be exposed.
  - (e) Incorporate a perimeter wall constructed of concrete or conventional building materials to prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
- (2) Each manufactured dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, particularly with regard to foundation treatment, siding and roofing materials, and perimeter walls.
  - (a) The compatibility of design and appearance shall be determined by the Garfield Township Zoning Administrator. The Zoning Administrator shall base his or her decision on the character, design and appearance of residential dwellings in the neighborhood.
- (3) Zoning Standards  
Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, structure width, access, vehicle parking, and square-footage standards and requirements that would be applicable to a conventional, single-family residential dwelling on the same lot.
- (4) Foundation  
The dwelling shall be attached to a permanent foundation system in compliance with the following requirements:
  - (a) The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces. The foundation shall either not be located above grade or shall include masonry skirting; and
  - (b) Be installed pursuant to the manufacturer setup instruction and shall be secured to the premises by an anchoring system, block foundation, or device complying with the rules and regulations of the Michigan Manufactured Home Commission.
- (5) Orientation  
To the extent possible, manufactured homes that are narrower than twenty (24) feet in width shall be oriented on the lot so that its long axis is parallel to the street.

### **B. Replacement**

Legally existing non-conforming manufactured homes may be replaced when located outside of licensed manufactured home parks in the Residential and Agriculture districts provided the following requirements can be met:

- (1) The existing manufactured home first receives a Demolition Permit from the Garfield Township Building Department for the removal of the existing manufactured home.
  - (a) Failure to comply with (1) above will nullify the right of a property owner to replace the manufactured home and will require any replacement manufactured home to meet the minimum width requirement of the district at the time of replacement.
- (2) Following the approval of a demolition permit, and all applicable land use and building permits, the applicant may replace the manufactured home with another manufactured home that does not meet the minimum width requirement of 24 feet, provided the replacement unit is not less in cross sectional width than the existing unit and, as a consequence of the replacement activity, all other requirements of the Section 617 can be met.
- (3) Manufactured homes subject to replacement under this section shall be replaced within six (6) months from the time of their removal from the property.

### **SECTION 618 TRAFFIC IMPACT REPORTS**

The purpose of the traffic impact report is to identify the impacts on capacity, level of service (LOS), and safety, which are likely to be created by a proposed development. A traffic impact report should identify the improvements needed to:

- (1) Ensure safe ingress to and egress from a site;
- (2) Maintain adequate street capacity on adjacent public streets;
- (3) Ensure safe and reasonable traffic operating conditions on streets and at intersections in the vicinity of a proposed development;
- (4) Avoid creation of or mitigate existing hazardous traffic conditions;
- (5) Minimize the impact of nonresidential traffic on residential neighborhoods in the community; and
- (6) Protect the substantial public investment in the existing street system.

#### **A. Applicability**

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

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

#### **B. Waiver**

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

#### **C. Preparation**

The applicant shall be responsible for preparing and submitting a required traffic impact report. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with

at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author, specifically describing experience in preparing traffic impact studies in Michigan.

#### D. Contents

A traffic impact report shall contain information addressing the factors listed in subsections (1) through (9) below:

- (1) **Site description:** The traffic impact report shall contain illustrations and narratives that describe the characteristics of the site and adjacent land uses, as well as expected development in the vicinity that will influence future traffic conditions. A description of potential uses and traffic generation to be evaluated shall be provided. A description of the proposed development, including access plans, staging plans, and an indication of land use and intensity, shall be provided.
- (2) **Study area:** The traffic impact report shall identify the geographic area under study and identify the roadway segments, critical intersections, and access points to be analyzed. The focus shall be on intersections and access points adjacent to the site. Roadways or intersections within 1/2 mile of the site, where at least five percent (5%) of the existing peak-hour capacity will be composed of trips generated by the proposed development, shall be included in the analysis.
- (3) **Existing traffic conditions:** The traffic impact report shall contain a summary of the data utilized in the study and an analysis of existing traffic conditions, including:
  - (a) Traffic count and turning movement information, including the source of and date when traffic count information was collected;
  - (b) Correction factors that were used to convert collected traffic data into representative design-hour traffic volumes;
  - (c) Roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (e.g., speed limits and traffic signals), and existing driveways and turning movement conflicts in the vicinity of the site; and
  - (d) Identification of the existing LOS for roadways and intersections without project development traffic using methods documented in the *Highway Capacity Manual 2000* or comparable accepted methods of evaluation. LOS should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.
- (4) **Horizon year(s) and background traffic growth:** The traffic impact report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved by the township, the impact of development shall be analyzed for the year after the development is completed and 10 years after the development is completed.
- (5) **Time periods to be analyzed:** For each defined horizon year, specific time periods are to be analyzed. For most land uses, this time period will be the weekday peak hours. However, certain uses (e.g., major retail centers, schools, or recreational uses) will have characteristic peak hours different than that found for adjacent streets, and these unique peak hours may need to be analyzed to determine factors, such as proper site access and turn lane storage requirements. The Director of Planning shall be consulted for determination of the peak hours to be studied.
- (6) **Trip generation, reduction, and distribution:** The traffic impact report shall summarize the projected peak hour and average daily trip generation for the proposed development and illustrate the projected trip distribution of trips to and from the site, and should identify the basis of the trip generation, reduction, and distribution factors used in the study.
- (7) **Traffic assignment:** The traffic impact report shall identify projected design-hour traffic volumes for roadway segments, intersections, or driveways in the study area, with and without the proposed development, for the horizon year(s) of the study.

- (8) **Impact analysis:** The traffic impact report shall address the impact of traffic volumes of the projected horizon year(s) relative to each of the applicable traffic service standards and shall identify the methodology utilized to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.
- (9) **Mitigation/alternatives:** In situations where the traffic LOS are compromised by the proposed development, or where existing traffic LOS falls below acceptable standards, the traffic impact report shall evaluate each of the following alternatives for maintaining or improving traffic LOS standards by:
  - (a) Identifying where additional rights-of-way are needed to implement mitigation strategies;
  - (b) Identifying suggested phasing of improvements where needed to maintain compliance with traffic service standards; and
  - (c) Identifying the anticipated cost of recommended improvements.

**E. Process for the Review and Preparation of a Traffic Impact Report**

This section provides an outline of the steps to be included in the preparation and review of a traffic impact report.

- (1) The Planning Department shall be consulted for assistance in determining whether a traffic impact report needs to be prepared for a proposed development application, and the topics relevant to the study requirements.
- (2) Following initial completion of a traffic impact report, it shall be submitted to the township’s traffic engineer for review. Once determined to be technically complete, the township traffic engineer shall forward a recommendation for consideration by the township in the application review process.
- (3) Presentation of the township engineer’s recommendation to the Planning Commission and/or Township Board will be included as part of the Planning Department report.
- (4) Negotiations based on the conclusions and findings resulting from the traffic impact report or analysis shall be held with the Township Board. A development agreement, detailing the applicant’s responsibilities and the township’s responsibilities for implementing identified mitigation measures, shall be prepared following the negotiations for action by both parties.

**F. Report Findings**

- (1) If staff finds that the proposed development will not meet appropriate LOS standards, planning staff shall recommend one or more of the following actions by the public or the applicant:
  - (a) Reduce the size, scale, scope, or density of the development to reduce traffic generation;
  - (b) Divide the project into phases and authorize only one phase at a time until traffic capacity is adequate for the next phase of development;
  - (c) Dedicate a right-of-way for street improvements;
  - (d) Construct new streets;
  - (e) Expand the capacity of existing streets;
  - (f) Redesign ingress and egress to the project to reduce traffic conflicts;
  - (g) Alter the use and type of development to reduce peak hour traffic;
  - (h) Reduce background (existing) traffic;
  - (i) Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
  - (j) Integrate design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce vehicular trip generation;



- (k) Implement traffic demand management strategies (e.g., carpool or vanpool programs, flex time, staggered work hours, and telecommuting) to reduce vehicular trip generation; or
  - (l) Recommend denial of the application for development for which the traffic study is submitted.
- (2) The Planning Commission may recommend, and the Township Board may adopt, a statement of principle partially or fully exempting a project from meeting the traffic service standards where it finds that the social and/or economic benefits of the project outweigh the adverse impacts of the project. The Township Board may temporarily exempt certain street locations from some or all of the traffic service standards, owing to special circumstances that make it undesirable or unfeasible to provide further capacity improvements at these locations. These special circumstances may include a finding that there would be significant negative fiscal, economic, social, or environmental impact from further construction, or that a significant portion of the traffic is generated by development outside the control of township. However, where these conditions exist, the Township Board will make every effort to design alternate improvements, and development projects affecting these areas may be required to implement traffic demand management programs and other measures to reduce the impact on these locations as much as possible.

## **SECTION 630 SIGNS**

### **A. Regulations and Conditions**

This section establishes standards to regulate the type, number, physical dimensions, and placement of signs in the Township. Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in Garfield Township without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this ordinance to establish regulations governing the display of signs which will:

- (1) Promote and protect the public health, safety, comfort, morals, and convenience;
- (2) Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- (3) Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
- (4) Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
- (5) Reduce conflict among signs and light and between public and private environmental information systems; and
- (6) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

### **B. Applicability**

- (1) It shall hereafter be unlawful for any person to erect, construct, install, place, replace, locate, re-build, modify, maintain a sign or allow a sign to remain on property in the Township except in compliance with this Section.
- (2) The effect of this Section is:
  - (a) To regulate any sign, display, figure, painting, drawing, message, placard, poster, billboard, or other thing, visible from a public or private right-of-way and that is used, or has the effect of

- being used, to advertise, announce, or identify the purpose of any business, establishment, person, entity, product, service or activity;
- (b) To establish a permit system to allow a variety of sign types in commercial and mixed-use business zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
  - (c) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this Section, but without requirement of a permit;
  - (d) To prohibit all signs that are not expressly permitted by this Section; and
  - (e) To provide for enforcement of the provisions of this Section.
- (3) In the event of conflict between the regulations of this Section and those of other local, state, or federal regulations, the more restrictive regulation shall govern.

### **C. Non-conforming Signs**

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- (1) Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign;
- (2) Re-established after its discontinuance for two hundred and seventy-five (275) days;
- (3) Continued in use after cessation or change of the business or activity to which the sign pertains;
- (4) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent of the appraised replacement cost, as determined by the Zoning Administrator;

### **D. Signs Permitted in RR, R-1, R-2, and R-M Residential Districts**

In the RR, R-1, R-2, and R-M Districts the following signs shall be permitted:

- (1) One (1) non-illuminated sign advertising a home occupation or professional service not to exceed three (3) square feet in area and attached flat against a building wall. This standard shall not apply within the R-3 District.
- (2) One (1) monument sign, not exceeding sixteen (16) square feet in sign face area, which is part of the entrance treatment to a project development, such as platted subdivision, site condominium, multi-family development, or mobile home development. 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 six (6) feet and is setback fifteen (15) feet from the property line.

### **E. Signs Permitted in C-L, C-G, and C-H Commercial Districts**

In the C-L, C-G, and C-H Districts the following signs shall be permitted:

- (1) All signs permitted under Section 630.D.(1).
- (2) Freestanding signs. One (1) sign, freestanding, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises, subject to the following conditions:
  - (a) Only one (1) free-standing sign shall be allowed along any major thoroughfare. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot width in excess of 100 feet to a maximum of 80 square feet for free-standing signs.

- (i) Lots, parcels, and building sites with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and provided further the second sign does not exceed a maximum of 25 square feet.
- (b) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure. 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.
- (3) Wall signs for individual establishments. The maximum wall sign area shall be the lesser of 100 square feet or 20% of the wall area to which the sign is attached. More than one sign may be placed on a principal building wall provided that the maximum square footage limitation for the building wall is not exceeded. Wall mounted changeable copy signs are prohibited in all districts.
- (4) Individual tenants within a multi-tenant building. One 40-square foot wall sign per exterior tenant wall. In the instance of a tenant occupying more than one designated tenant unit, the tenant shall be permitted one sign per unit wall provided that no sign exceeds 40-square feet. Tenants occupying corner units shall be permitted an additional 40-square foot sign on the secondary wall. An individual tenant shall not be permitted an individual ground sign. Wall signs shall be located on a primary building wall, and are not permitted on secondary building walls.
- (5) Anchor tenants within a multi-tenant development. In accordance with Section 630.E.(3). A Shopping Center Anchor Tenant includes retail establishments of fifty (50) thousand square feet or more in floor area.
- (6) Shopping center identification. In accordance with Section 630.E.(2). The sign shall identify the commercial center and/or individual tenants within a multi-tenant commercial center. Individual ground signs for tenants are prohibited.

**F. Signs Permitted in C-O Office Commercial Districts:**

In the C-O District the following signs shall be permitted:

- (1) Freestanding signs. One freestanding sign, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property.
- (2) Wall signs. The maximum wall sign area shall be 40 square feet per building.

**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 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.
- (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.

**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.

**I. Signs Permitted in A Agricultural District:**

In the A District the following signs shall be permitted:

- (1) All signs as permitted by Section 630.D.
- (2) Freestanding signs. One (1) sign, per parcel, of not more than fifty (50) square feet in face area to advertise the sale of farm products grown or produced on the premises or to indicate the location of a business or use allowed under the standards of the Agricultural Zoning District.

**J. (Reserved)**

**K. (Reserved)**

**L. Billboards**

**(1) Purpose**

- (a) Protect the Township's distinctive community character and natural landscape.
- (b) Protect the Township's scenic resources, scenic roadsides, and view sheds;
- (c) Enhance the economic base associated with tourism and the community's overall economic well-being by protecting the natural, scenic beauty of the Township;

- (d) To foster and enhance the Township's dark sky policy; and
  - (e) To satisfy the public need for commercial information disseminated by billboards.
- (2) In light of the findings made by the Township (in connection with the 2002 amendment to these regulations) with respect to the extent and sufficiency in number of billboards and outdoor advertising signs within the Township, and, notwithstanding, anything contained in this Section to the contrary, no permit shall be issued for a billboard or outdoor advertising sign if construction of the billboard or outdoor advertising sign will result in there being more than twenty (20) billboard or outdoor advertising sign structures or forty (40) billboard or outdoor advertising sign faces in the Township. Lawfully constructed non-conforming billboards or outdoor advertising signs shall be counted for purposes of this Section.
  - (3) Billboards shall only be located within the I-G and I-L zoning districts. Notwithstanding the provisions of this section, no billboards or outdoor advertising signs shall be permitted in the I-G and I-L zoning districts on any property abutting or within two thousand six hundred forty (2,640) feet of Birmley, Hammond and Hartman Roads.
  - (4) Dimensional Requirements, spacing and lighting:
    - (a) No billboard, advertising sign boards, or advertising structures shall be more than two hundred thirty (230) square feet in area or more than thirty (30) feet in height; and PROVIDED FURTHER, the distance between such billboards or signs shall not be less than one thousand four hundred (1,400) feet).
    - (b) Billboard or highway advertising 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, and greater than 200 candelas per meter squared at all other times. Billboard lighting shall meet the requirements of this Ordinance.
    - (c) Signs with static messages or images that change are permissible, provided the rate of change between two static messages or images is not less than ten (10) seconds. 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.
  - (5) Nonconforming Billboards, due to their location within a zoning district other than the I-G and I-L zoning districts, may not be converted to any form of electronic display, whether static or changeable.
  - (6) Billboards shall be subject to the requirements of Section 630.P.

**M. General Sign Standards**

**(1) Placement, Height, Ground Clearance, and Projection**

**(a) Freestanding Signs**

- (i) Placement. Freestanding signs may be located anywhere on a site, subject to the following limitations:
  - a. Setbacks. Sign setbacks shall be measured from all lot lines. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from the front, side, or rear property line.
  - b. Under no circumstances shall any portion of a freestanding sign be located within a public right-of-way.
  - c. The Zoning Administrator may require a sign to be further set back from the right-of-way where necessary to provide clear vision areas for motorists and pedestrians.
  - d. A minimum ten (10) foot horizontal separation between any sign and any overhead utility shall be maintained at all times. Any part of a sign, including cables, guys, etc. shall maintain a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other utility pole.

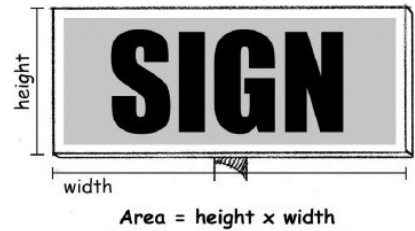
- (ii) Height. The height of any freestanding pylon sign shall not exceed twenty (20) feet. The height of any freestanding monument sign shall not exceed ten (10) feet.
- (iii) Where any portion of a freestanding sign projects over a vehicular driveway or parking area, a minimum ground clearance of fourteen (14) feet shall be maintained. Where any portion of a freestanding sign projects over a public or private sidewalk or pathway, a minimum ground clearance of eight (8) feet shall be maintained.

(b) Wall Signs

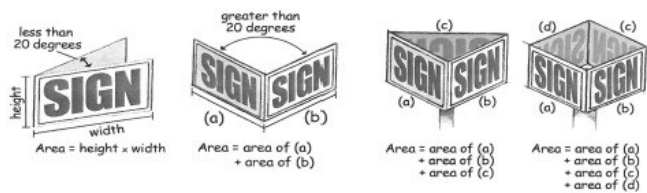
- (i) Placement. Wall signs may be placed on any primary building wall.
- (ii) Height. The height of any wall sign shall not exceed the height of the building. Wall signs may be placed on a primary building wall's parapet provided that the parapet does not exceed a height of six (6) feet above the building's roofline.
- (iii) Projection. A wall sign shall not project from the wall to which it is attached by greater than twelve (12) inches.
- (iv) Ground Clearance. Where any portion of a wall sign projects over a public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet above said walkway.
- (v) Changeable copy wall signs are prohibited.

(2) Measurement

(a) Area Measurement. The area of a sign shall be measured as the area within a single, straight line square or rectangle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles, or other structure necessary to support the sign.



(b) Multiple Faces. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back,



are of equal size, and are no more than twenty (20) degrees apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the sign area.

(2) Supporting Structure

The necessary supports, uprights, or monuments on which a sign is placed may not exceed fifty percent (50%) of the permitted square footage of the sign, excluding those portions of the support below street grade.

(3) Materials

Sign materials shall be made of wood, metal, plastics, masonry, or other durable surfaces approved by the Zoning Administrator.

**(4) Free Speech**

Unless otherwise prohibited in this Section, non-commercial copy (that is unrelated to commercial or business endeavors) may be substituted for commercial copy on any lawful structure.

**(5) Illumination**

Illuminated signs shall not create glare or unduly illuminate the surrounding area. The following provisions shall apply to illuminated signs that are permitted elsewhere in this article.

- (a) Light Sources. Signs shall be illuminated only by steady, stationary, shielded light sources using approved electrical devices. Exposed bulbs are prohibited except where neon or LED bulbs are used as signs.
- (b) Direction and Shielding. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Lighting fixtures shall not be directly visible from or aimed at streets, roads, or properties. To the extent possible, fixtures shall be mounted and directed downward (below the horizontal).
- (c) Back-Lit and Internally-Illuminated Signs. Back-lit and internally-illuminated signs shall not cause excessive glare, and light emitted from such signs shall not encroach onto surrounding properties.
- (d) Motorist Distraction. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (e) Adjacent Residential Use. Where a lot is adjacent to a residential use, back-lit and internally illuminated signs are prohibited on any side or rear building face exposed to view from a residential use.
- (f) Underground Wiring. Underground wiring shall be required for all signs that are not attached to a building.

**N. Signs Always Permitted**

The following signs are permitted throughout the Township. Unless otherwise noted, a sign permit is not required; however the sign shall comply with the standards listed below.

- (1) Address Numbers and Street Names.
- (2) Canopy Signs. Up to fifteen (15) square feet in signage per canopy side, located upon drive-through canopy structures for gas stations and financial institutions. A sign permit is required.
- (3) Construction signage identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed thirty-two (32) square feet in sign face. Construction signs shall be removed before a Certificate of Occupancy is issued for the premise. Such signage shall not be placed closer than ten (10) feet from the edge of the right-of-way and shall not exceed eight (8) feet in height.
- (4) Community Special Event signs placed on the site where the event will be held not more than 5 (5) days in advance of the date on which the event will held.
- (5) Directional Signs. One (1) six (6) square foot internal directional sign which is placed at least 20 (20) feet from a road right-of-way AND two (2) one (1) square foot directional signs which may be placed anywhere on the project site. A sign permit is required.
- (6) Hanging Signs, suspended below a marquee, awning, or canopy, provided that the sign measures less than four (4) square feet and maintains a ground clearance of eight (8) feet between the lowest point of the sign and the grade. One hanging sign shall be permitted per business. A sign permit is required.
- (7) Historical or memorial signs such as "Centennial Farm" plaques and/or other signs representing awards won by a farm unit and/or its proprietors.



- (8) Incidental Signs, not exceeding one (1) square foot in area each, identifying hours of operation, pickup and delivery areas, etc., and limited to a maximum of five (5) signs per site.
- (9) "No Hunting" or "No Trespassing" signs which do not exceed one (1) square foot in area.
- (10) Official Signs. Official signs, including signs for essential services, governmental purposes, public recreation area identification, and utility identification are permitted in all zone districts provided the sign does not exceed forty (40) square feet in area. Such signs shall not be subject to the setback requirements.
- (11) Political Signs. A political sign shall not exceed eight (8) square feet in area, shall be spaced at least twenty (20) feet apart on an individual parcel, may not be erected more than four (4) months prior to an election, and shall be removed within five (5) calendar days following the election.
- (12) Real Estate Signs.
  - (a) For Residential Uses less than one (1) acre, one (1) six (6) square foot real estate sign per parcel.
  - (b) For Residential Uses greater than one (1) acre, and for Non-Residential Uses, one (1) sixteen (16) square foot real estate sign per parcel.
  - (c) All real estate signs shall be placed on premises of property that is for sale or lease, shall not be illuminated, and shall be placed no closer to the street or highway line than fifteen (15) feet.

**O. Temporary Signs for approved Outdoor Sales Events, as follows:**

- (1) Temporary signs advertising special events, grand openings, going out of business, or other temporal events may be permitted provided that they are affixed to and overlay existing permitted signage and do not exceed the square footage of such existing signage, and are in place a maximum of fifteen (15) days in any one hundred eighty (180) day period.
- (2) Banners used as temporary signs for the purpose of a temporary outdoor sale specifically permitted by this Ordinance, provided that:
  - (a) Only one (1) banner per temporary outdoor use shall be permitted unless the event is located on a corner lot, in which case a maximum of two (2) banners shall be permitted.
  - (b) The maximum size of any one (1) banner shall be twenty (20) square feet. Where two (2) banners are permitted, the maximum combined size shall be thirty-two (32) square feet.
  - (c) The banner shall be located not more than five (5) feet from the temporary outdoor use.
  - (d) When affixed to a tent, no banner shall be erected higher than the eave of the tent. A freestanding banner attached to a pole or similar supporting structure shall not exceed a height of ten (10) feet, measured to the top of the banner.
  - (e) No illumination shall be permitted
  - (f) Sign review shall be required and shall be approved only for the specific duration of the temporary outdoor use.

**P. Prohibited Signs**

- (1) Abandoned signs
  - (a) Removal Required. Any sign that advertises, identifies, or pertains to an activity that no longer exists or that no longer refers to a business conducted or product sold on the lot shall be removed within sixty (60) days of written notice. The sign cabinet shall either be removed in its entirety, or the sign face shall be removed, painted a neutral color, or a blank sign face substituted.
  - (b) Extension. Upon petition of the property owner, the Zoning Administrator may grant an extension of the requirement to remove the sign face or sign structure, subject to the owner submitting a statement of intent and a reasonable time line for the re-use of the sign face or sign structure.
- (2) Signs which do not relate to existing businesses or products.
- (3) Off-premise signs as defined herein, except as provided in Section 630.L. Billboards where permitted.

- (4) Signs which are illegal under State laws or regulations and/or applicable local ordinance or regulations.
- (5) Non-Maintained Signs. Signs that are not clean and in good repair.
- (6) Signs not securely affixed to a substantial structure, including signs which are not customary vehicular signage placed on parked vehicles.
- (7) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with or resemble any official traffic sign, signal or device.
- (8) Signs which fail to satisfy applicable standards set forth in this Ordinance.
- (9) Signs which did not first receive a permit.
- (10) Signs, except those established and maintained by Municipal, County, State or Federal governments, located in, projecting into, or overhanging within a public right-of-way or dedicated public easement.
- (11) Signs which revolve, move, or flash, including electronic changeable message boards running animated displays or sequential messaging, (including scrolling and moveable text and video messages), or any combination of the foregoing, except for signs as provided for in Section 630.E. Instant re-pixelization shall not be considered scrolling, moveable text, or video.
- (12) Changeable copy sign, except as provided for in Section 630.E.
- (13) Airborne or inflatable devices or characters, including but not limited to bounce houses, slides or balloons, situated, displayed or tethered in such a manner as to draw attention to a product, business or location.
- (14) Flags, banners, flag banners or pennants used for the purpose of attracting attention or advertising, however, excluding:
  - (a) Official government, trademarked, or otherwise commercially recognizable, corporate, or institutional flags placed on a permanent flagpole;
  - (b) Family flags used as part of the landscape of a legal use;
  - (c) Festival banner flags; and
  - (d) Banners used as temporary signs for the purpose of a temporary outdoor sale permitted by Section 630.O.(2) of this Ordinance.
- (15) Human Signs. Persons dressed in costume and/or carrying/holding signs for the purpose of advertising or otherwise calling attention to a business or product when standing within ten (10) feet of a public road right-of-way.
- (16) Signs which do not meet the dark sky requirements of this Ordinance.
- (17) Parked Vehicle. Any sign affixed to a parked vehicle or trailer which, due to the regular location of the vehicle shows it is being used principally for advertising purposes, rather than for transportation purposes.
- (18) Temporary signs, except as specifically provided in Section 630.O.(1).
- (19) Portable Signs.

**Q. Sign Safety and Maintenance**

- (1) General Design. Signs and sign structures shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- (2) Maintenance. Every sign, including those specifically exempt from this article, with respect to permits and fees, shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals.

- (3) Safety. All signs must remain safe and secure during the period of use. All parts of the sign, including bolts and cables, shall remain painted and free from corrosion. The Zoning Administrator shall inspect and may order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

**R. Permits, Application Requirements, and Approval**

The purpose of this Section is to set forth procedures and standards for processing sign permit applications. Except as provided elsewhere in this Article, it shall be unlawful for any person to erect, place, install, convert to electronic, display, alter, or relocate a sign without first obtaining a sign permit or permits. A sign permit shall not be issued if the existing site has signage violations per the regulations of this Article.

- (1) Sign Permit Required. A sign shall not be placed, erected, re-erected, constructed, installed, modified, displayed, relocated, converted to electronic or altered prior to the issuance of a sign permit by the Zoning Administrator, except as provided below:
  - (a) Maintenance and Repairs of Signs. A sign permit shall not be required for the routine maintenance or repair of an existing conforming sign, including repair or replacement of electrical wiring, electrical components, or internal bulbs (excluding electronic changeable copy), but excluding replacement faces or modifications which change the outward appearance, display, size, structure, or cabinet of the sign.
- (2) Application Requirements. An illustrated plan shall be provided with a sign permit application. Such plan shall be rendered at a scale determined by the Administrator to be reasonable and shall include the following elements of the proposed or modified signage:
  - (a) Sign type;
  - (b) Dimensional characteristics, such as height, width, vertical clearances, and face area as measured per Section 630.M.2;
  - (c) Materials, appearance, and lighting of the signage;
  - (d) Relationship to buildings or structure and location on buildings;
  - (e) Setbacks from rights-of-way; and
  - (f) Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.
- (3) Upon receipt of an application, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be processed. If the application is incomplete, the Zoning Administrator shall advise the applicant of additional elements required for consideration by the Township.
- (4) Within ten (10) business days of receiving a complete application, the Zoning Administrator shall review the application for compliance with this Ordinance. If the application is compliant, the Zoning Administrator shall issue a Sign Permit to the applicant. If the application is not in compliance, the Zoning Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
- (5) The Zoning Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.

- (6) Inspection and Compliance. The Zoning Administrator shall inspect each new or modified sign for which a permit is issued to determine whether the sign is in full compliance with the Sign Permit and this Ordinance. If the construction is not in full compliance with this Ordinance, the Zoning Administrator shall give the applicant notice of the deficiencies and order corrective action.
- (7) Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where such assignment would result in a sign that is materially or substantially different in any way to the sign which was permitted, as determined by the Zoning Administrator.
- (8) Sign permit requests require individual applications and review fees at the time of submittal.
- (9) Permit Expiration. All permits are valid for one (1) year from the date of issue.

## **SECTION 640 SEXUALLY ORIENTED BUSINESSES**

### **A. Purpose**

The purpose and intent of this ordinance dealing with the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, by preventing the concentration of such uses in close proximity to one another and to minimize the negative secondary effects associated with them by separating such uses from residential, educational and religious uses, as well as other areas of public and private congregation; all within the limits of the Township's authority. This regulation is implemented with the understanding and recognition that there are some uses which, because of their very nature, have serious objectionable operational characteristics which cause deleterious secondary effects upon nearby residential, educational, religious and other similar public and private uses. The implementation of reasonable and uniform regulations is necessary to ensure that negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not otherwise be injurious to the health, safety and general welfare of Township residents. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials, protected by the First Amendment to the United States Constitution. Similarly, it is neither the intent nor the effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent of this Ordinance to condone or legitimize the distribution of obscene materials, but to regulate land uses associated with such distribution or dissemination in a manner designed, within the limits of the United States Constitution and judicial opinions interpreting its breadth and scope, to ensure that the health, safety and general welfare of the citizens of Garfield Township are appropriately protected from any negative secondary effects associated therewith.

### **B. Findings and Rationale**

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township, the Township finds as follows:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult businesses in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township's rationale for this Ordinance, exists independent of any comparative analysis between adult businesses and non-adult businesses. Additionally, the Township's interest in regulating adult businesses extends to preventing future secondary effects of either current or future adult businesses that may locate in the Township. The Township finds that the cases and documentation set forth above and relied on by the Township are reasonably believed to be relevant to said secondary effects.

### **C. Regulations and Conditions**

Sexually oriented businesses shall not be located within 750 feet of any residentially zoned property, park, school, child care organization, place of worship (including, for example, churches, synagogues, temples, etc.) or any other sexually oriented business. For the purposes of this provision, measurements shall be made in a straight line in all directions without regard to intervening structures of objects, from the nearest property line of the parcel containing the sexually oriented business to the nearest property line of such residentially zoned property, park, school, child care organization, place of worship, or other sexually oriented business.

## **SECTION 650 RIGHT TO FARM ACT**

This Ordinance is not intended to extend or revise in any manner the provisions of the Right to Farm Act, MCL 286.471, et seq, or the Generally Accepted Agricultural Management Practices developed under the Right to Farm Act ("GAAMPs"). To the extent that a requirement or requirements of this Ordinance is preempted by the Right to Farm Act, or the landowner is otherwise entitled to protection or an exemption due to the landowner's compliance with GAAMPs, the requirement or requirements in question shall not apply to the landowner. A landowner may request pre-certification of a particular use of property as consistent with GAAMPs from the Zoning Administrator through a written request for pre-certification and providing information sufficient to establish compliance with the Right to Farm Act or a GAAMP.