



Application Number: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

**ACME TOWNSHIP**  
**Grand Traverse County, Michigan**  
**Application for Special Use Permit/Site Plan Approval**

**Owner/Applicant Information: (please type or print clearly)**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**A. Property Information:**

1. Address:
2. Property Description/Parcel Number:
3. Current Zoning of Property:
4. If this project is one phase of a larger development and/or proposed for property subject to an existing Site Plan Review and/or Special Use Permit what is/are the applicable permit number(s)?
5. Provide of current property ownership. If applicant is not the current property owner, also provide written permission to act as agent of, and complete contact information for, the current property owner.
6. Proposed Use/Change to Property:
7. Estimated Start and Completion Dates:

**B. Application Packet Requirements: REFER TO ACME TOWNSHIP ZONING ORDINANCE AND ATTACHED CHECKLIST**

**C. Fees:** Include initial fee as required by the Acme Township Ordinance #2004-01, Schedule of Fees.

**D. Fee Escrow Policy Acknowledgement:** provide completed and signed form with initial fee deposit.

**E. Affidavit:** The undersigned affirms that he/she is the \_\_\_\_\_ (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials, staff and consultants of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future special use permit and zoning ordinance compliance.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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**Township Use/Official Action:**

Application Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Preliminary Hearing Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Date of Advertising: \_\_\_\_\_



# SITE PLAN REVIEW AND SPECIAL USE PERMIT APPLICANT CHECKLIST

Acme Township offers this checklist as a service to our Special Use Permit and Site Plan Review applicants. **Please note that this checklist represents the minimum amount of information required to process your application. Applicant circumstances will vary, and your specific situation may require the submission of additional information to meet Zoning Ordinance requirements and facilitate the shortest and smoothest possible public process.**

**We strongly encourage and recommend that all potential applicants schedule a pre-conference with township staff prior to application submission so that we may provide more customized guidance.**

**AT A MINIMUM** township staff must determine that the following information has been filed with the township **BEFORE FULL STAFF REVIEW COMMENCES AND A PRELIMINARY PLANNING COMMISSION HEARING DATE IS SET.**

- Completed and signed application form
- Completed and signed Fee Escrow Policy Acknowledgement and initial fee escrow deposit
- Narrative description of proposed use(s), including but not limited to proposed hours of operation, number of employees, and anticipated traffic generation
- Site Plans conforming to the requirements of Acme Township Zoning Ordinance Section 8.2.3:
- Landscape Plan (please refer to Z.O. Sections 7.5 and 7.5.6 in particular AT MINIMUM)
- Visual image of proposed buildings (elevation drawings showing how building will look) and proposed exterior materials
- Exterior lighting plan, including locations, types and heights of all proposed exterior lighting and cut sheets (technical specifications) for all proposed exterior lighting fixtures and associated components
- Plans and any other information required by ordinance specifically for your proposed land use

Pursuant to Z.O. Section 8.2.4.d and 8.2.4.e, as part of the application process, the township will submit information about your project to various regulatory agencies including but not limited to the following as applicable to determine whether your project appears likely to meet their permit requirements and promote public health, safety and welfare. You will be counseled as to their feedback to the township about your project and any plan revisions that may be necessary to satisfy their requirements:

- Grand Traverse County Health Department (well & septic)
- Grand Traverse County Department of Public Works (sewer)
- Grand Traverse County Soil Erosion Department
- Grand Traverse Metro Fire Department
- Grand Traverse County Sheriff's Department
- Grand Traverse County Road Commission (new roads & driveway locations)
- Michigan Department of Transportation (US 31 and M-72)
- Michigan Department of Environmental Quality (wetlands)

## **NUMBER OF DOCUMENT SETS REQUIRED:**

- Site Plan Review Projects: 20 sets of hard copy
- Special Use Permit Review: 25 sets of hard copy
- Site Plan and SUP applicants: all documents must also be submitted in PDF format.
- The township may also request CAD files and/or GIS shapefiles for portions or all of your plans

## **INFORMATION REGARDING REQUIREMENT OF A BOND, LETTER OF CREDIT, OR CASH SURETY FOR A SPECIAL USE PERMIT**

Acme Township generally requires that an applicant, as part of the requirements of a Special Use Permit, provide a Bond, Letter of Credit or Cash Surety to Acme Township. Most applicants find that it is easier to provide a Letter of Credit, as opposed to a Bond or Cash Surety; normally, a Letter of Credit is easiest for an applicant to obtain. A Letter of Credit can generally be obtained from the financial institution that the applicant is dealing with. The following answers some of the common questions raised by applicants:

**1. Form of Letter of Credit.** Attached is a form Letter of Credit. Financial institutions issuing the Letter of Credit, should issue it in a form similar to that attached. The Letter of Credit must be approved by Acme Township's Attorney prior to Land Use Permit Issuance.

**2. Amount of Letter of Credit.** The Letter of Credit should be in an amount sufficient to insure the completion of the exterior development, including the landscaping, paving, lighting, drainage and irrigation. It is helpful if the applicant can obtain an estimate from their contractor showing the costs to complete the above mentioned items, and present it to Acme Township so the amount can be agreed to.

**3. Length of Letter of Credit.** Normally the Letter of Credit should last for a year. This will insure that the development is completed, prior to the Letter's expiration. If the development is completed prior to the expiration date of the Letter of Credit, Acme Township, upon request, may notify the financial institution and the Letter of Credit can be canceled. If the Letter of Credit is written for too short a period of time, Acme Township is faced with the necessity of having to draw on the Letter of Credit if the development and the improvements are not completed by the date specified in the Letter. This would neither be in the applicant's nor Acme Township's best interests.

If the applicant has any questions about the required Letter of Credit, Bond or Cash Surety, they can contact the Acme Township Planning Office, at (231) 938-1350.

## STANDBY IRREVOCABLE LETTER OF CREDIT

September 11, 1996

Acme Township  
c/o Christopher M. Bzdok  
Acme Township Attorney  
420 E. Front St.  
Traverse City, Michigan 49686

Dear Gentleman:

We have issued in your favor and for the account of \_\_\_\_\_ our Irrevocable Letter of Credit # \_\_\_\_\_, which is available for an aggregate amount of \_\_\_\_\_ (\$\_\_\_\_\_) against presentation of your drafts drawn at sight on us accompanied by the following document:

A signed statement from an authorized representative of Acme Township, certifying that, "I am an authorized representative of Acme Township and I hereby certify that \_\_\_\_\_ has failed to comply with the Special Use Permit which was authorized by the Acme Township Board."

This letter may be drawn on to reimburse Acme Township for all costs and expenses incurred by Acme Township in seeking compliance with the Special Use Permit which include costs for the completion of the development, including landscaping, paving, lighting, drainage and irrigation.

Partial drawings on this Letter of Credit are permitted. Copies of this Letter of Credit, along with any subsequent amendments, must accompany all drawings, except for the last drawing or a cancellation of the Letter of Credit, in which case, the drawing or cancellation must be accompanied by the original of this Letter of Credit, along with any amendments.

Each Draft must bear on its face the clause "Drawn under \_\_\_\_\_ Bank Letter of Credit # \_\_\_\_\_"

We hereby agree with the bonafide holders of all drafts drawn in compliance with the terms of the Letter of Credit, that such drafts will be dully honored upon delivery of your statement, as specified, if presented to us on or before \_\_\_\_\_, after which time this Letter of Credit shall expire and no further draws will be permitted.

Except so far as otherwise expressly stated, this Letter of Credit is subject to the Uniform Customs and Practices for Documentary Credits, (1993 Revision), International Chamber of Commerce Publication #500.

Respectfully yours,

Assistant Vice President



Date: December 7, 2004

**ACME TOWNSHIP  
ORDINANCE #2004-01  
SCHEDULE OF FEES  
(REPLACES SCHEDULE ADOPTED AS ORDINANCE #88-5 IN ENTIRETY)  
As AMENDED 12/07/04**

**LAND USE PERMITS:**

**Residential**

Single family dwellings and/or accessory structures \$ 75.00  
Duplexes/Multi-Family Residential \$ 50.00/unit

**Commercial**

\$2.00/100 sq. ft. of land use  
\$150.00 minimum

**PLANNING COMMISSION REVIEWS:**

Special Use Permit/Site Plan Review\* \$ 800.00  
Communications Tower Permit, Add for Consultant Review\* \$5,000.00  
Subdivision/Site Condominium/Open Space Development Review\*  
1-20 lots \$ 800.00  
Each lot over 20 add \$ 10.00  
Mixed Use Development/Planned Unit Development Review\* \$ 800.00  
Zoning Designation Change\* \$ 800.00  
Special Meeting – Per meeting, in addition to standard review fee \$1,100.00

**ZONING BOARD OF APPEALS:**

Any Application for Variance/Appeal of Determination/Interpretation\* \$400.00  
Special Meeting - Per meeting, in addition to standard review fee\* \$650.00

**SIGN PERMITS:**

Site signage for Mixed Use or Planned Unit Developments\* \$200.00  
All other permanent or temporary sign permits \$40.00  
Charge for collection/storage of signage placed in violation of ordinance/without permit  
\$50.00 per sign plus legal expenses incurred if necessary to collect.

\* These are minimum fees based on estimated actual costs to process the application. In addition to these fees, Acme Township utilizes an escrow policy that requires these applications to include a minimum escrow balance. The escrow policy is attached.

**MISCELLANEOUS:**

**Paper copies:**

Zoning Ordinance (including color zoning map) \$50.00  
Master Plan \$50.00  
If mailed, actual postage expenses will be added

**Electronic copies:**

Meeting audio or any data available on CD ROM or 3.5" floppy disk \$7.50/disk  
Audio is formatted to play in both computers and stereos: 1 meeting = 2-4 disks.  
Audio formatted to play in computers only, multiple meetings will fit on one CD.  
Additional charges for labor apply if scope of request requires more than 15 minutes to fulfill  
Cassette tapes of public meetings \$10.00/cassette  
Most meetings are 2-4 45-minute tapes cassette tapes long.

**Many official documents, including the Zoning Ordinance, Master Plan, Parks & Recreation Plan, Yuba Creek Natural Area Management Plan, approved meeting minutes and upcoming meeting agendas are available FREE OF CHARGE at [www.acmetownship.org](http://www.acmetownship.org).**



Date: October 6, 2009

**Acme Township  
6042 Acme Road  
Williamsburg, MI 49690  
231/938-1350; fax 231/938-1510**

**ESCROW POLICY  
Originally adopted December 7, 2004  
As Amended June 7, 2005 and October 6, 2009**

1. In an effort to place the cost of processing an application for Planning Commission, Township Board, or Zoning Board of Appeals action where it belongs, on the applicant, the Township has established an Escrow Policy. The escrow policy shall apply to actions for any of the following:

- a. Special Use Permit/Site Plan Review
- b. Subdivision/Site Condominium/Open Space Development Review
- c. Mixed Use Development/Planned Unit Development Review
- d. Zoning Designation Change
- e. Application for Variance/Appeal of Determination/Interpretation

2. The initial filing fees for the above actions are based on estimated actual costs to process the application. However, on occasion the costs to process an application exceed the estimate. These costs include, but are not limited to the following:

- a. Fees related to review, research, consulting, drafting, or meeting appearances by Township Attorney
- b. Costs incurred for outside professional consultants for review and consultation on application
- c. Township staff time
- d. Additional public hearings, required mailing and/or legal notices in the newspapers

3. The initial filing fee, as set out in the Acme Township Schedule of Fees, shall be the initial escrow payment and shall be provided at the time of application. The application will not be processed without the initial filing fee. The application must also include a completed and signed "Escrow Policy Acknowledgment."

The application's escrow balance shall not fall below 20% of the initial filing fee. If the application's escrow balance falls below 20% of the initial filing fee, within 14 days of the date on the invoice provided by the Township the applicant shall redeposit into the account the full amount of the filing fee in order to continue the review. Additional amounts above the filing fee may be required at the discretion of the Chairperson of the Planning Commission or Township Board.

Any excess funds upon completion will be refunded with no interest accumulating on those funds. The Township Board shall maintain records and authorize disbursement of escrow funds.

Any application before the Planning Commission, Township Board, or Zoning Board of Appeals must have greater than or equal to 20% of the initial filing fee in the application's escrow fund at all times. A balance of less than 20% will be cause for any action concerning the application to be removed

from the current agenda and the action will not be heard until such time as the funds are current.

**If an application is more than 30 days overdue on an amount billed under this escrow policy, the Township Supervisor or the Supervisor's designee may give the applicant written notice to bring the escrow account current within 30 days. If the applicant does not bring the account current within 30 days, the Township board may determine at a regular or special meeting that the application has lapsed. The applicant shall have the opportunity to address the Township Board prior to such a decision being made. If the application is determined to have lapsed, the Township will notify the applicant in writing, and any request for zoning or land use approval on the subject property will be required to be by new application. A determination that an application has lapsed for non-payment of fees is not a denial of the application. The Township retains all legal rights to seek payment of amounts due on an application that is determined to have lapsed.**

No building permit or final approval shall be granted until escrow funds are paid in full.

The Planning Commission or Township Board may, at their sole discretion, waive this escrow policy for a particular application.

Special Meeting fees as set out in the Acme Township Schedule of Fees do not require an escrow account.

Date: \_\_\_\_\_

**Acme Township  
6042 Acme Road  
Williamsburg, MI 49690  
231/938-1350; fax 231/938-1510  
ESCROW POLICY ACKNOWLEDGMENT**

I have read, and agree to abide by, the Acme Township policy concerning escrow fees.

Name (please print) \_\_\_\_\_

Signed \_\_\_\_\_ Date: \_\_\_\_\_

Project Name \_\_\_\_\_

Person/Company responsible for account (billing purposes):

Name \_\_\_\_\_

Mailing Address/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

e-mail: \_\_\_\_\_

**ALL ESCROW CHARGES MUST BE CURRENT OR PROJECT WILL BE REMOVED  
FROM AGENDAS AND NO ACTION WILL BE TAKEN.**

If an application is more than 30 days overdue on an amount billed under this escrow policy, the Township Supervisor or the Supervisor’s designee may give the applicant written notice to bring the escrow account current within 30 days. If the applicant does not bring the account current within 30 days, the Township board may determine at a regular or special meeting that the application has lapsed. The applicant shall have the opportunity to address the Township Board prior to such a decision being made. If the application is determined to have lapsed, the Township will notify the applicant in writing, and any request for zoning or land use approval on the subject property will be required to be by new application. A determination that an application has lapsed for non-payment of fees is not a denial of the application. The Township retains all legal rights to seek payment of amounts due on an application that is determined to have lapsed.

**NO BUILDING PERMITS WILL BE ISSUED IF A BALANCE IS OWING.**

## **ARTICLE VIII: SITE PLANS**

### **8.1. SITE PLAN REVIEW REQUIREMENT:**

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for special uses shall receive a recommendation from the Township Planning Commission and a final decision by the Township Board. The Planning Commission shall make the final decision on site plans that are not related to special uses.

### **8.2. PROCEDURES:**

#### **8.2.1 SITE PLANS FOR SPECIAL USES:**

Site plans for special uses will be processed according to this Article and any applicable procedures for special uses in Article IX.

#### **8.2.2 SITE PLANS FOR USES OTHER THAN SPECIAL USES:**

Site plans for uses other than special uses will be processed using the following procedures. The Zoning Administrator shall review the application and determine whether it contains all of the required information. If the Zoning Administrator determines the application is not complete, he or she shall notify the applicant of what additional information is required. Once the Zoning Administrator determines the application is complete, he or she shall inform the Chairperson of the Planning Commission, who shall set the date for review of the application. The Planning Commission or its Chairperson may elect to hold a public hearing on the application, but a public hearing is not required. If a public hearing is held, the Township shall give notice of the public hearing pursuant to the Michigan Zoning Enabling Act. The Chairperson may, at his or her discretion, place the application on the Planning Commission's agenda for discussion prior to the public hearing. The Planning Commission may also keep the public hearing open for any and all additional Planning Commission meetings where the application is discussed. After the public hearing, and adequate review and study of the application, the Township Planning Commission shall make a decision on the application, including its findings and any conditions. If a separate document is not prepared, the Planning Commission's meeting minutes will serve as its findings.

#### **8.2.3 APPLICATION REQUIREMENTS:**

The required contents of an application for site plan approval are:

- a.** A site plan drawn to scale of 1" - 50' (unless the Zoning Administrator specifies otherwise), of all property involved in the special land use, showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
- b.** If requested by the Planning Commission, elevations for the proposed development.
- c.** All information required by any other provision of this ordinance governing the land use or structure for which site plan approval is sought.

- d.** The Planning Commission may require a written Impact Assessment. In the case of a site plan application related to a special use, the Township Board may also require an Impact Assessment if the Planning Commission does not. An Impact Assessment shall include the following information:
1. A written description of the environmental characteristics of the site prior to development, i.e.: topography, soils, vegetative cover, drainage, streams, creeks or ponds
  2. Types of uses and other man-made facilities
  3. The number of: people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic
  4. Phasing of the project, including ultimate development proposals
  5. Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.
  6. The method to be used to serve the development with water and sanitary sewer facilities
  7. Plans for storm water control and drainage, including measures to be used during construction
  8. If public sewers are not available to the site the applicant shall submit a current approval from the health department or other responsible public agency indicating approval of plans for sewage treatment.
  9. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.
  10. An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.
  11. Name(s) and address(es) of person(s) responsible for preparation of statement
  12. Plans to control soil erosion and sedimentation, including any input from the Grand Traverse County Drain Commissioner
  13. Type, direction, and intensity of outside lighting
  14. General description of deed restrictions, if any

**8.2.4 STANDARDS FOR SITE PLAN REVIEW:**

The Township shall not approve a site plan unless it meets each and every one of the following standards that are applicable to the use under consideration:

- a.** That the applicant may legally apply for site plan review.
- b.** That all required information has been provided.
- c.** That the proposed development conforms to all regulations of the zoning district in which it is located and all other applicable standards and requirements of this ordinance, including but not limited to all supplementary regulations.
- d.** That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.
- e.** That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- f.** That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.
- g.** That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h.** That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.
- i.** That the proposed development will not cause soil erosion or sedimentation problems.
- j.** That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- k.** That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- l.** That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- m.** That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- n.** That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.

- o.** That landscaping, fences or walls may be required when appropriate to meet the objectives of this Ordinance.
- p.** That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- q.** That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r.** That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.
- s.** That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

#### **8.2.5 APPROVAL AND CONDITIONS:**

- a.** A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance and the conditions imposed under the ordinance, other township planning documents other applicable ordinances, and state and federal statutes.
- b.** Conditions: The Planning Commission may impose reasonable conditions on any site plan approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- c.** Conditions imposed shall:
  1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the site plan approval.

**8.2.6 EXPIRATION, REAPPLICATION, REVOCATION, AMENDMENT AND PERFORMANCE GUARANTEES:**

The provisions for expiration, reapplication, revocation, amendment and performance guarantees for a site plan approval shall be the same as the procedures for expiration, reapplication, revocation, amendment and performance guarantees for a special use. Those procedures are set forth in Section 9.1, below. However, the final decision on a major amendment to a site plan that is not related to a special use shall be made by the Planning Commission instead of the Township Board.

## ARTICLE IX: SPECIAL USES

### 9.1. GENERAL STANDARDS:

#### 9.1.1 RULES GOVERNING ARTICLE IX:

This Article permits detailed review of certain types of land uses that, because of their characteristics, require a discretionary decision. These land uses are listed in the remaining sections of this Article. Each of these land uses shall require a special use permit. The general standards in this Section must be met by all uses authorized by special use permit. The specific requirements set forth in the Sections of this Article following this Section relate to particular uses and must be met in addition to the general standards in this Section.

#### 9.1.2 PERMIT PROCEDURES:

An application for a special use permit for any land use or structure permitted under this Article shall be submitted and processed under the following procedures:

- a. Submission of Application: An application for a special use permit shall be submitted to the Zoning Administrator on a form established by the Township. Each application shall be accompanied by the payment of a fee or escrow deposit as established by the Township Board to cover costs of processing the application. No part of any fee is refundable, but unused funds in an escrow account are refundable.
- b. Information Required: Every application shall contain the following information:
  1. The form supplied by the Township Zoning Administrator filled out in full by the applicant, including a statement with supporting evidence showing that the requirements of Section 8.2.3 are met.
  2. Site plan application containing the information required by Section 8.2.3.
- c. Planning Commission Review and Hearing: The Zoning Administrator shall review the application and determine whether it contains all of the required information. If the Zoning Administrator determines the application is not complete, he or she shall notify the applicant of what additional information is required. Once the Zoning Administrator determines the application is complete, he or she shall inform the Chairperson of the Planning Commission, who shall set the date for a public hearing on the application, either at the next regular Planning Commission meeting or the one following that, at the discretion of the Chairperson. The Township shall give notice of the public hearing pursuant to the Michigan Zoning Enabling Act. The Chairperson may, at his or her discretion, place the application on the Planning Commission's agenda for discussion prior to the public hearing. The Planning Commission may also keep the public hearing open for any and all additional Planning Commission meetings where the application is discussed. After the public hearing, and adequate review and study of the application, the Township Planning Commission shall recommend a decision on the application, including the application for site plan approval, and forward its findings to the Township Board. If a separate document is not

prepared, the Planning Commission's meeting minutes will serve as its findings.

- d. **Township Board Review and Hearing:** The Township Board shall review the application, including the application for site plan approval, and the Planning Commission's recommendations, and shall decide whether to approve, approve with conditions, or deny the special use permit. The Township Board may also refer the application back to the Planning Commission for further consideration. The Township Board shall incorporate its final decision on a special use permit in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. If a separate document is not prepared, the Township Board's meeting minutes (and, to the extent it concurs with the recommendations, the Planning Commission's meeting minutes) will serve as the Township Board's findings.
- e. **Permit Expiration:** A special use permit approved under this Section shall be valid for a period of one year from the date of the approval of the application. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. The Planning Commission may permit a 1-year extension of the approval as a modification pursuant to Section 9.1.4.b. **AMENDED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003.**
- f. **Revocation:** Pursuant to the MZEA allowing for the placement of conditions on the approval of any special use permit, the Township Board shall have the authority to revoke any special use permit if (a) it was granted in part because of a material misrepresentation by the applicant or an agent of the applicant; or (b) the holder of the special use permit violates any term of the special use permit, including any condition, or any applicable requirement of this ordinance. In either event, the Township shall give written notice to the holder of the special use permit, by ordinary mail to the last address provided to the Township by the holder of the special use permit. If the subject of the notice is a violation of a term or condition of the special use permit or the ordinance, the Applicant shall have 30 days from the date of the notice to correct the violation, unless the time period is extended at the sole discretion of the Township Supervisor. If the violation is not corrected in time, or if the subject of the notice was a material misrepresentation by the applicant or its agent, the Township Board may revoke the special use permit with cause after a hearing. The Township Board shall establish notice requirements and such other conditions for the hearing as the Township Board deems appropriate, including but not limited to the subpoena of persons and/or documents. The holder of the special use permit shall reimburse the Township for its costs, including expert consultant and attorney fees, associated with or resulting from a revocation proceeding. This paragraph shall not prevent the Township from seeking any appropriate relief in any other venue, including but not limited to civil infraction proceedings, criminal proceedings, or proceedings in civil court.
- g. **Reapplication:** No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions.

### 9.1.3 BASIS FOR DETERMINATIONS:

The Township shall not approve a special use permit application unless each of the following general standards, as well as the specific requirements in this Article for that type of special use, is met:

**a. General Standards:**

1. Be designed, constructed, operated and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
2. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
3. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
4. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
5. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by the Grand Traverse Metro Fire Department prior to the review by the Planning Commission.

**b. Conditions:** The Planning Commission may recommend, and the Township Board may impose, reasonable conditions on any special use permit. The Township Board may choose to delete any condition recommended by the Planning Commission, and also may choose to impose a condition regardless of whether the Planning Commission recommended it. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the special use permit.
- c. Performance Guarantee: To ensure compliance with the ordinance and any conditions imposed, the Township Board may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the special use permit. The Township shall not require the deposit of the performance guarantee until it is prepared to issue the permit. If requested by the holder of the special use permit, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses. This paragraph shall not apply to improvements for which a performance guarantee has been deposited under the Land Division Act.

#### **9.1.4 AMENDMENTS AND MODIFICATIONS:**

- a. The Zoning Administrator may authorize insignificant deviations in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.
- b. The Planning Commission may permit minor modifications in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. The Planning Commission may decide minor modifications without a formal application, public hearing, or payment of an additional fee. For purposes of this section, minor modifications are those the Zoning Administrator determines have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- c. All other requests for amendments to special use permits shall be processed in the same manner as new special use permit applications. The Township may impose new conditions on the approval of an amendment request if such conditions are warranted under Section 9.1.3b. The holder of the special use permit may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing special use permit.
- d. The holder of a special use permit may request changes under this section by making the request in writing to the Zoning Administrator. Approval of all changes must be given in writing.

## 6.12. SCHEDULE OF REGULATIONS

### 6.12.1 SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT:

Zoning District		Minimum Parcel or Land Use Area Per Dwelling Unit (Sq. ft.)	Minimum Parcel Width (feet)	Maximum Structure Height		Minimum. Yard Setback (per lot, each, in feet)			Maximum Lot Area Covered by all Structures & Parking	Minimum Living Space Dimensions per Dwelling Unit		
				Stories	Feet	Front	Side	Rear				
R-1: One Family Forest & Coastal Zone		1 acre (a)	150 (b)	2 ½	35	30	20	35 (i)	20%	24' x 24'		
R-2: One Family Urban Residential		w/o public sewer	20,000 (a)	100 (b)	2 ½	35	30	10	30 (i)	30%	24' x 24'	
		w/ public sewer	15,000 (a)	100 (b)	2 ½	35	30	10	20 (i)	30%	24' x 24'	
R-3: Urban Residential		Single Family	w/o public sewer	20,000 (a)	100 (b)	2 ½	35	30	10	30 (i)	30%	24' x 24'
			w/ public sewer	15,000 (a)	100 (b)	2 ½	35	30	10	30 (i)	30%	24' x 24'
		Duplex	w/o public sewer	20,000	150	2 ½	35	30	10	30 (i)	30%	24' x 24'
			w/ public sewer	15,000	150	2 ½	35	30	10	30 (i)	30%	24' x 24'
		Multiple Family Residential (w/ public sewer)	15,000	(j)	3	40	30	10	30	30%		
R-1MH: Manufactured Homes		(h)	(h)	(h)	(h)	(h)	(h)	(h)	(h)			
B-1S Shoreland Business		Single- Family Residential	15,000	100 (k)	2 ½	35	30	(l)	35	35%	24' x 24'	
		Multiple-Family Residential	(c)	100 (k)	2 ½	35	30	(l)	35	40%		
		Business Uses	N/A	100 (k)	2 ½	35	30	(l)	35	40%		
B-1P: Professional Office		15,000	150 (k)	2 ½	35	40	15	35	30%			
B-2: General Business		10,500	100	2 ½	35	40	(d)	(d)				
B-3: Planned Shopping Center		15,000	150 (k)	2 ½	35	40	(f)	(f)				
B-4 Material Processing & Warehousing		N/A	150	3	40	(e)	(g)	(g)				
A-1: Agricultural		5 acres (a)	330	2 ½	35 (g)	50	25	40		24' x 24'		

### 6.12.2 NOTES TO SCHEDULE OF REGULATIONS

- a. See Section 9.3, Conservation Development, for flexibility and lot reduction allowance.
- b. In the case where a curvilinear street pattern produces irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted, PROVIDED that the lot width at the building line is equal to the specified lot width for that District. Refer to Supplementary Area Regulations, Article VII, for permitted exceptions to lot widths.
- c. The number of multiple dwelling units is to be determined by maximum ground coverage, and parking requirements.
- d. Side and rear yards in the B-2 district shall be ten percent of the lot width and depth, respectively, but need not exceed 25 feet each; PROVIDED that no setback shall be less than ten feet.
- e. With the exception of structures fronting on M-72 which shall observe a front yard setback of 100 feet, all structures in the B-4 Material Processing and Warehousing District shall observe a setback of 20% of the depth of the lot, which setback shall not be less than 40 feet, but need not exceed 60 feet. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for storage, parking or necessary structures.
- f. Side and rear yards in the B-3 District shall be ten percent of the lot width and depth, respectively, but need not exceed 50 feet each; PROVIDED that no setback shall be less than ten feet.
- g. Structures for agricultural operations, such as barns and silos, may be permitted up to 100 feet in height.
- h. Height, bulk, density, area, and setback requirements for manufactured home subdivisions are the same as those for the R-3 district. Such requirements for manufactured housing communities are spelled out in Article XII.
- i. Accessory structures shall be set back a minimum of 10 feet from any rear yard line.
- j. Lot widths shall be 70 feet per unit for the first two units, ten additional feet for the next six units and five additional feet for each additional unit to a maximum of 250 feet.
- k. No parcel of land to be used as a building site shall have less than 100 feet of shoreline frontage as measured parallel to the shore. The minimum lot width between sidelines of any parcel of land proposed to be used as a building site shall be 100 feet.
- l. No building or portion thereof, including porches, breezeways and extensions, shall be erected within ten feet of one property side line and five feet of the other property side line, as measured at right angles from the side

line to the closest projection portion of the structure. PROVIDED that the total side yard setback required shall not be less than 20% of the total lot width.

**6.12.3 APPLICATION:**

All land uses shall be subject to all the applicable provisions in this Section 6.12.

## **ARTICLE VII: SUPPLEMENTARY REGULATIONS**

### **7.1. MISCELLANEOUS REGULATIONS**

#### **7.1.1 SANITATION REQUIREMENTS:**

No structure shall be erected, altered or moved upon a lot and used in whole or in part for any purpose unless it meets the following requirements.

- a.** Compliance shall be had with all provisions of the Grand Traverse County Environmental Health Ordinance and violation of any provision of that Ordinance shall constitute a violation of this Ordinance.
- b.** Every sub-surface disposal system shall be located at least 75 feet from the water mark or normal stream bank of any lake, bay, stream or other body of water, excepting that in the Business Zoning Districts every such system shall be located at least 100 feet from such water mark, normal stream bank or flood plain.
- c.** Under no condition may the overflow or effluent from any septic tank or any other sewage wastes from any existing or hereafter constructed premises be discharged on the surface of the ground. Whenever any system is located within 500 feet of any body of water, the underside of the drainage bed of every subsurface disposal system shall be located at least four feet above the water mark or flood plain level of such body of water. All effluent from all septic tanks located within 75 feet of the water mark of any body of water shall be discharged in tile fields or drainage beds.
- d.** The following minimum drainage for septic tanks shall be required: one or two bedroom dwelling - 750 gallons; three bedroom dwelling - 1,000 gallons; four bedroom dwelling - 1,250 gallons.

#### **7.1.2 SIDEWALKS/NON MOTORIZED WAYS:**

Pedestrian sidewalks or non motorized ways shall be constructed to provide pedestrian access along highways U.S. 31 North, M-72 and other areas as may be designated by the Acme Township Board, at such a time as any adjacent parcel is improved either by new construction, or expansion of an existing land uses. Sidewalks shall be provided in the B-1S, B-2 and B-3 Districts and in planned developments in residential districts. In planned developments interior sidewalks or other non motorized ways available to the public may be substituted for the provision of this requirement if such substitution is approved by the Township as a part of the site plan.

The expansion of an existing land use shall require the construction of a pedestrian sidewalk should the cost of the sidewalk not exceed 20% of the expansion cost. Sidewalk cost shall be based on a bid price submitted by the property owner from a qualified contractor verifiable by the Township Zoning Administrator. In the event consecutive expansions are made of a use within a three year time period, the cumulative total cost of the separate improvements shall be considered when determining the need for such sidewalk construction.

Sidewalk construction shall meet the following requirements:

- a. Sidewalk construction shall meet the current construction specifications of the Michigan Department of Transportation.
- b. Sidewalk shall extend across the entire frontage of the property ownership or be located as required by the Township Board as part of a Special Use Permit.
- c. Sidewalk shall be located whenever possible within the highway right-of-way, however may be located outside of the right-of-way to avoid obstructions or as part of a designated bike path, and shall be located so as to insure connection and continuity with existing or future walks or bike paths on adjoining properties.
- d. When required, permits must be obtained from the Michigan Department of Transportation.
- e. Sidewalk maintenance including replacement in the case of inadequate construction as determined by the Zoning Administrator shall be the responsibility of the adjacent parcel owner.

## **7.2. SUPPLEMENTARY USE AND AREA REGULATIONS:**

### **7.2.1 ACCESSORY BUILDINGS:**

Authorized 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 under this Ordinance. An accessory building not attached and not made a part of the principal building shall:

- a. Not be nearer than ten feet from any other separate structure on the same lot,
- b. Not be erected in any minimum side yard setback,
- c. Not be erected in any front yard of any non-waterfront parcel,
- d. Not occupy more than 25% of a required rear yard,
- e. Not exceed one story or fourteen feet in height, nor exceed the ground floor area of the main building within Residential Districts,
- f. Not be closer to the side yard lot line than the side yard setback of the principal building on a corner lot within Residential Districts.

**AMENDED 01/05/10 EFFECTIVE 01/18/10 AS ZONING ORDINANCE AMENDMENT 004**

### **7.2.2 MINING OR REMOVAL OF TOPSOIL:**

Topsoil shall not be stripped, excavated, or otherwise removed off any premises on which the topsoil was originally located except as authorized in Section 9.17.

### 7.2.3 OUTDOOR STORAGE:

No land in any Zoning District shall be used for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, unlicensed motorcycles, Recreational Vehicles, salvage, waste or junk outside of properly authorized buildings within said District, except (1) as required for the storage of usable farm machinery necessary for permitted agricultural uses, (2) as permitted in connection with a use otherwise authorized in the Business Zoning Districts and (3) for the off-season storage of up to two (2) Recreational Vehicles on a lot in a Residential Zoning District, provided the Recreational Vehicles must be licensed or registered to the primary resident of the property on which they are stored.

### 7.2.4 LOT OF RECORD:

Any lot existing and of record on the effective date of this Ordinance may be used for any permitted use specified for the Zoning District in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance, PROVIDED that all other requirements of this Ordinance are complied with, and PROVIDED FURTHER that not more than one dwelling unit shall occupy any lot except in conformance with the required lot area for each dwelling unit.

### 7.2.5 MINIMUM SIDE YARD SETBACK ON CORNER LOTS:

A minimum street side yard setback of 20 feet shall be required in the Residential Zoning Districts; 25 feet on all lots in the B-1S, B-1P and B-2 Zoning Districts, and 40 feet in the B-3 and B-4 Zoning Districts. Unless other circumstances dictate, the front yard will be along the street with the greatest number of adjacent lots.

### 7.2.6 SUPPLEMENTARY REGULATIONS – M-72 CORRIDOR OVERLAY DISTRICT:

The M-72 Corridor Overlay District is defined as that area lying within 300 feet of the right-of-way on either side of M-72 in Acme Township, and between the M-72 crossings of Acme Creek in Sections 2 and 35 and Yuba Creek in Sections 1 and 36. The following regulations shall prevail over any other specific Zoning District regulations specified in this ordinance and shall apply in all Zoning Districts within the M-72 Corridor Overlay District.

- a. Structure Setback: No structure other than signs, and utility structures, that are not buildings, transfer stations or sub stations, shall be permitted within 100 feet of the right-of-way of M-72.
- b. Parking Setback & Green Zone: No parking to be located within 50 feet of the right-of-way of M-72. 50 foot setback to be landscaped with informal clusters of trees and shrubs suitable to the soil type encountered.
- c. Limited Development Zone: The maximum width of any building within 300 feet of the right-of-way of M-72 shall not exceed 40% of the lot's width measured along the right-of-way.
- d. Minimum Lot Width: All new lots shall be at least 400 feet in width.
- e. Vehicular Access: One vehicle access shall be allowed for each four hundred (400) feet of lot frontage on M-72.

**7.2.7 VENDING MACHINES:**

All vending machines, exclusive of newspaper vending machines, shall be located within a permanent, fully enclosed building. Newspaper vending machines may be located exterior to a building providing:

- a. They are not located on a walkway designed for pedestrian circulation as an integral part of the project site plan.
- b. When multiple machines are located on a single parcel they shall be within a single modular unit.
- c. The vender obtains a permit from the Zoning Administrator. Such permit shall specify that the vender has the right to place machines at locations identified in the permit within the Township, that the vender is aware of rules and regulations for the placement of such machines.

**7.2.8 SERVICE DRIVES:**

All land in a parcel having a single tax code number, as of the date of this amendment, fronting on highways U.S. 31 or M-72 shall be entitled to one driveway or road access per parcel from said highway. Parcels when subsequently subdivided shall provide access by subdivision roads, other private or public roads or by service drives. Notwithstanding the requirements of the Acme Township Subdivision Control Ordinance No. 80-1, the standards for service drives shall be as follows:

- a. Width: A minimum of 24 ft. with construction to Grand Traverse County Road Commission standards for base and thickness of asphalt.
- b. A minimum of fifteen ft. snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of fifteen ft. from the major thoroughfare right-of-way.
- c. All driveway radii shall be concrete curbs.
- d. The entrance to the service drive from a public road other than the major thoroughfare shall be at least 150 ft. from the centerline of the major thoroughfare to provide for adequate stacking and maneuvering.
- e. The service drive shall be a private road maintained by adjoining property owners or users who shall enter into a formal agreement together for the joint maintenance of the service drive.
- f. Landscaping along the service drive shall be determined by the Town Board. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
- g. The Township Board shall review and approve all service drives to insure safe and adequate continuity of the service drive between contiguous parcels.

**7.2.9 RECREATIONAL PERMITS:**

Lots in all Zoning Districts may be used for recreational purposes such as organized soccer, baseball, basketball, football, ice skating and hockey events if a permit is

obtained. An application for such use shall be made to the Zoning Administrator stating:

- a. The location of the property;
- b. The length of time the property will be used for recreational purposes;
- c. The type of recreational activity involved;
- d. The dates and times the property will be used as a recreational facility;
- e. The name of the sponsoring organization; and,
- f. The name and address of the responsible person for the sponsoring organization.

The applicant shall pay a permit fee, as may be established by the Acme Township Board of Trustees. Upon the filing of such application, the Zoning Administrator may issue a permit, and said permit shall limit the time of such use to a period no longer than six months. The Zoning Administration may place reasonable restrictions or conditions upon the granting of the permit, based upon the activity's potential, if any, to conflict with neighboring land uses. If an application is made for any additional six month period, the applicant shall pay a public hearing fee as may be established by the Acme Board of Trustees and a permit shall not be issued until after a public hearing has been held in front of the Acme Township Planning Commission and, after receiving a recommendation from the Acme Township Planning Commission, the Acme Township Board of Trustees has approved the issuance of the permit.

### **7.3. SUPPLEMENTARY HEIGHT REGULATIONS:**

#### **7.3.1 PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES:**

When a given use is permitted in any Zoning District, the following kinds of ornamental structural appurtenances shall be permitted to exceed the height limitations for authorized uses: appurtenances such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles, PROVIDED that such structural elements do not exceed 20% of the gross roof area. Such appurtenances shall not be used for human occupancy.

#### **7.3.2 FENCES:**

No fence, wall or structural screen, other than plant materials, shall be erected in the Residential Zoning Districts greater than seven feet in height. No fence, wall or hedge plantings shall exceed a height of three feet within any front yard in these Districts. On any corner lot or parcel in any Zoning District, no fence or plant materials shall exceed a height of three feet so as not to interfere with traffic visibility across a corner. All such fences shall be maintained in good repair and safe condition, and shall be constructed of materials which will not be detrimental to the health, safety, and welfare of adjacent residents.

## 7.4. SIGNS:

### 7.4.1 PREAMBLE

It is recognized that signs, placed upon the premises and/or structures to which they relate, serve a vital communicative function by allowing residents and visitors alike to readily ascertain the availability and location of facilities that serve their needs. It is the purpose of this code to optimize the communicative value of on-premise signs within the landscape and along public thoroughfares by providing for an orderly and equitable means for the presentation and assimilation of the messages that such signs contain.

### 7.4.2 DEFINITIONS

**Abandoned Sign:** A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

**Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

- **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- **Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
- **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
- **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

**Awning:** A roof-like covering of canvas or similar material, used as a shelter from sun, rain, etc., and projecting from and supported by an exterior wall of a building.

**Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign.

**Back-lit Awning:** An awning whose covering material exhibits the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

**Billboard** - See Highway Advertising Sign.

**Canopy (Attached):** A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

**Canopy (Freestanding):** A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

**Canopy Sign:** A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar the a Marquee Sign. Refer also to Section III herein for visual reference example.

**Changeable Sign:** A sign with the capability of content change by means of manual or remote input, includes the following types:

- **Manually Activated:** Changeable sign whose message copy or content can be changed manually on a display surface.
- **Electrically Activated:** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Sign or Center.

**Copy:** The graphic content or message of a sign.

**Copy Area of Sign:** The actual area of the sign Copy.

**Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Double-faced Sign:** A sign with two faces, back to back.

**Façade:** That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the width of the building elevation.

**Fascia Sign:** See Wall Sign

**Flashing Sign:** See Animated Sign, Electrically Activated.

**Highway Advertising Sign:** A structure which is an off premises sign owned by a person, corporation, or the entity that engages in the business of selling the advertising space on that sign.

**Marquee:** See Canopy (Attached). Definition is similar.

**Marquee Sign:** See Canopy Sign. Definition is similar.

**Multiple-Faced Sign:** A sign containing three (3) or more faces.

**On-Premise Sign:** A used to display messages appurtenant to the use of, products sold on, or the sale or lease of the property on which it is displayed.

**Parapet:** The extension of a building facade above the line of the structural roof.

**Political Sign:** A sign intended to advance a political statement, cause, or candidate for office.

**Projecting Sign:** A sign projecting from a building wall or façade with sign face(s) approximately perpendicular to the wall or façade from which it projects.

**Roof Line:** The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**Roof Sign:** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on architectural projections such as canopies or marquees shall not be considered to be roof signs.

**Sign:** Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

**Sign Structure:** Any structure designed for the support of a sign.

**Temporary Sign:** A sign of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**Under Canopy Sign or Under Marquee Sign:** A sign attached to the underside of a canopy or marquee.

**V Sign:** A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

**Vehicle-Mounted Sign:** A sign located on vehicles, trailers, and/or semi-trailers and is parked primarily for the purpose of attracting attention to a product or business.

**Wall or Fascia Sign:** A sign that is in any manner affixed to any exterior wall of a building or structure. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

**Window Sign:** A sign affixed to the surface of a window with its message intended to be visible to exterior environment. Merchandise displays are not considered to be window signs.

7.4.2A. Illustrations of Sign Types and Area Calculations

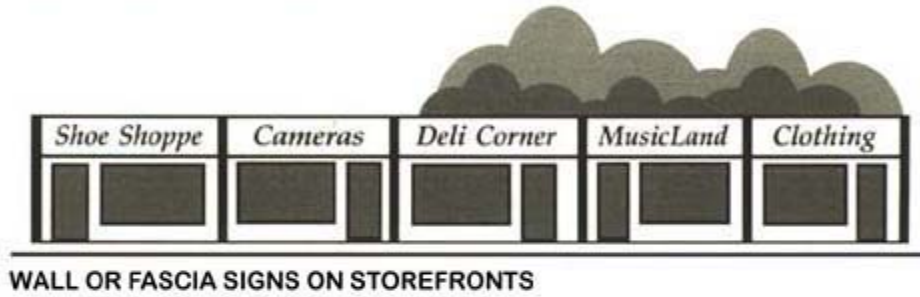
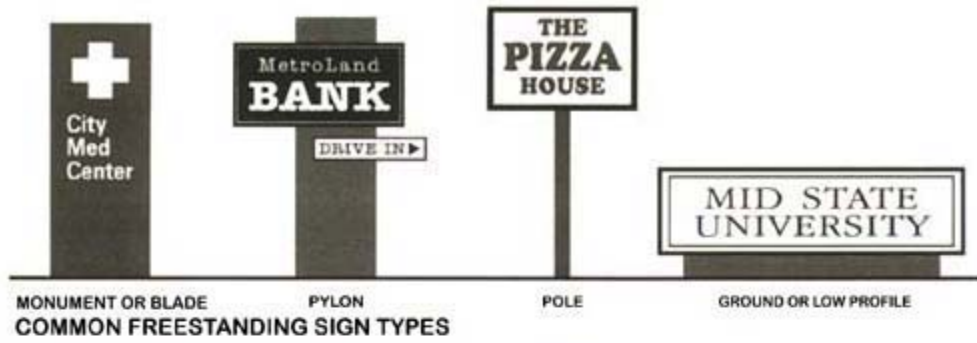


Figure 1003.1  
General Sign Types

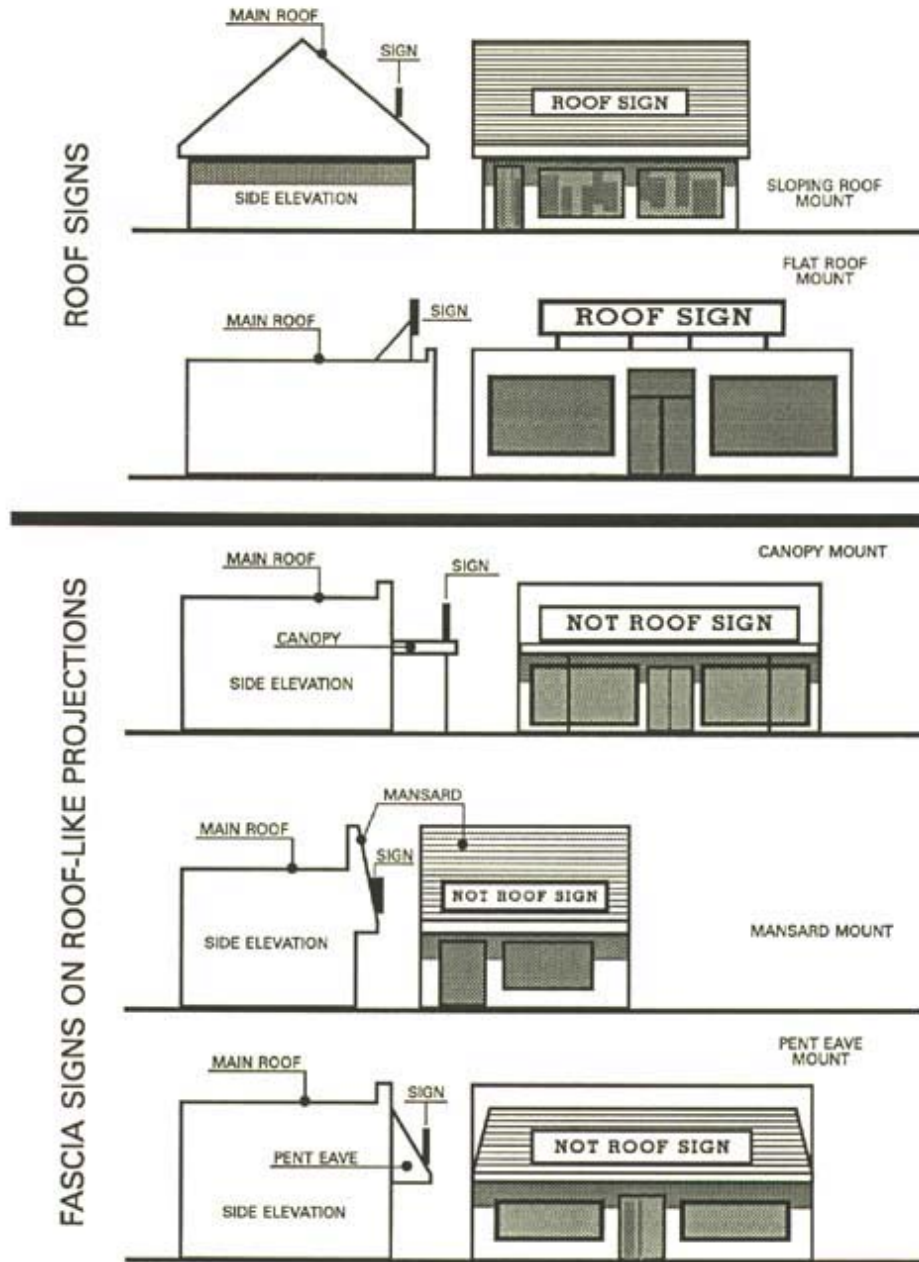


Figure 1003.2  
Comparison - Roof and Wall or Fascia Signs



Sign structures

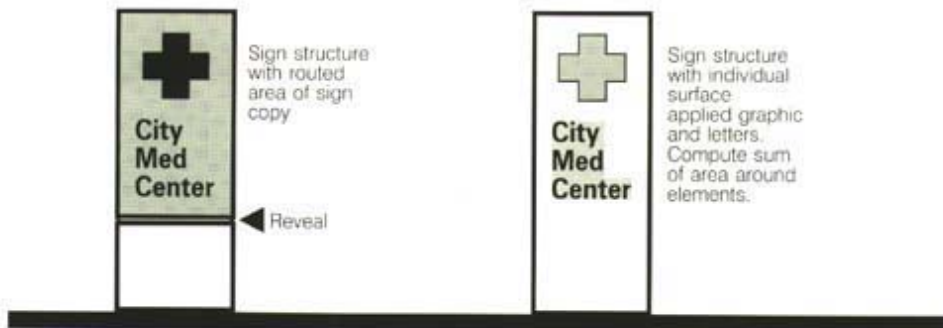


Figure 1003.3  
SIGN AREA - COMPUTATION METHODOLOGY  
Sum of Shaded Areas Only Represent Sign Area  
Signs constructed with panels or cabinets



**Figure 1003.4**  
**SIGN AREA - COMPUTATION METHODOLOGY**  
 Sum of Shaded Areas Only Represent Sign Area for Code Compliance Purposes  
 Signs consisting of individual letters, elements, or logos placed on building walls or structures

### 7.4.3 GENERAL PROVISIONS

- a. No sign, other than those approved by an authorized governmental agency, shall be erected within the lines of any street or public right-of-way.
- b. Signs that attempt or appear to regulate, warn, or direct the movement of traffic or that resemble a traffic-control device are prohibited.
- c. Illuminated Signs shall comply with Section 7.8 Exterior Lighting Standards.
- d. Signs projecting over public walkways may do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of ten (10) feet from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular

access areas must conform to the minimum height clearance limitations imposed by the municipality for such structures.

- e. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- f. Every sign permitted by this ordinance shall be kept in good condition and repair. Any sign becomes insecure, in danger of falling, or otherwise unsafe shall be removed or brought into compliance within ten (10) days of written notice by the Township.
- g. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within ten (10) days after written notification from the Township.
- h. Revolving, moving, animated, electronic (led, lcd, plasma and similar technology) or flashing signs are prohibited.
- i. Roof Signs are prohibited.
- j. Vehicle-mounted signs are prohibited.
- k. No sign shall be greater than twelve (12) feet tall.

#### **7.4.4 PERMITS**

- a. Unless specifically exempted, a permit must be obtained from the Zoning Administrator for the erection and maintenance of all signs erected or maintained in the municipality. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this ordinance.
- b. No sign shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign or sign structure shall not be deemed an alteration.
- c. Signs specified in this section are exempt from the permit requirement: 7.4.6.a.1, 7.4.6.a.2, 7.4.6.a.4, 7.4.6.a.5, 7.4.6.a.6, 7.4.6.a.8, 7.4.6.b.1, 7.4.6.b.4, 7.4.6.d.3, 7.4.6.c.8.
- d. Permit fees to erect, alter, or relocate a sign shall be in accordance with the sign fee schedule adopted by the municipality.

#### **7.4.5 AREA OF SIGNS**

##### **a. Permanent Signs**

1. For signs without integral, well-defined backgrounds: The Copy Area is the sign area of signs that comprise individual elements of

Copy displayed on a surface not specifically designed to serve as a sign background.

2. For signs with integral, well-defined backgrounds: The area of the backgrounds that are or appear to be specifically designed as backgrounds to the Copy is the area of the sign.
3. Only one face will be used to determine the sign area of double-faced signs.
4. For V-Signs with an interior angle greater than 90°, the sign area is the sum of both sign faces; otherwise, the area is the same as for double-faced signs.

**b. Temporary Signs**

1. Sign Area for temporary signs will include the Copy Area and the sign structure, excluding supports necessary for display.
2. Sign Area for irregularly-shaped temporary signs may be approximated with smallest convex simple polygon (including rectangles, trapezoids, etc.) and/or circle.

**7.4.6 REGULATION BY ZONE**

**a. All Zoning Districts, On-Premise Signs Permitted:** In addition to any signs designated as permissible in the General Provisions and/or in any other sections of this ordinance, the following signs and/or sign types are permitted in all zones:

1. One (1) non-illuminated Real Estate sign, up to nine (9) square feet in area so long as the property is available for sale, lease or rental. All signs must be removed within ten (10) days after execution of an agreement of sale, lease, or rental.
2. Signs with the copy “NO HUNTING” or “NO TRESPASSING.”
3. One (1) temporary sign per premise for each contractor or artisan performing work on the parcel. Such signs may not exceed nine (9) square feet in area.
4. One (1) Political sign that does not endorse political parties, candidates, or issues subject to an election. Such signs may not exceed nine (9) square feet in area.
5. Political signs that endorse political parties, candidates for election, or other issues subject to election are allowed two (2) months prior to an election and must be removed three days following said election.
6. Seasonal signs advertising the sale of agricultural products. Such signs are limited to sixteen (16) square feet; must be located on private property, with written permission of the land owner; and may be directional in nature. Any one parcel is limited to one (1) sign per advertiser.

7. Memorial signs or historical signs or tablets, provided that the area of any such sign shall not exceed four (4) square feet.
8. Directional signs with maximum area of two (2) square feet.
9. Traffic control signs or other signs authorized by law or policy of the Michigan Department of Transportation or Grand Traverse County Road Commission, or signs required for traffic or parking control in planned developments.
10. One non-illuminated sign per premises advertising a home occupation. Such signs are limited to two (2) square-feet in area.

**b. Residential Zoning Districts, On-Premise Signs Permitted**

1. Name plates and numbers identifying the occupant and locations of dwelling units provided that the area of any such sign shall not exceed two (2) square feet.
2. One non-illuminated sign displaying the name of a platted or condominium subdivision or apartment complex for each separate street entrance. Such signs may not exceed sixteen (16) square feet in area and be set back at least five (5) feet from any right-of-way. The sign and sign structure may not exceed twenty-four (24) square feet or have a height greater than six (6) feet.
3. One sign per premises for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed sixteen (16) square feet.
4. Temporary signs advertising garage sales or similar sale signs. Up to three (3) signs are allowed, provided they are on private property and are removed promptly after the sale is concluded.
5. Temporary signs advertising a temporary “open house” for the sale or lease of a house or building. Such signs are limited to two (2) square feet of area, must be located on private property, and must be removed after the “open house” has concluded.
6. On multiple-family dwellings, one (1) wall sign per elevation. Such signs may not exceed twelve (12) square feet in area.

**c. Commercial Zoning Districts, Excluding B-4, On-Premise Signs Permitted**

1. All signs permitted in Residential Zoning Districts.
2. One free-standing per premises indicating businesses on said premises. Such signs may be up to thirty-two (32) square feet in area, up to twelve (12) feet tall, and set back at least ten (10) feet from any street right-of-way; signs no taller than eight (8) feet are allowed a size bonus of twenty (20) percent. For a planned shopping

center, the free-standing sign may identify the center per se and not the individual occupants.

3. Temporary signs not previously specified. Such signs are limited to sixteen (16) square feet in area and may be displayed for no more than sixty (60) days in any calendar year.
4. Wall signs, provided the total area of said signs do not exceed twenty (20) percent of the area of the façade or one-hundred (100) square feet, whichever is less.
5. Canopy-, marquee-, or architectural-projection signs. Such signs' copy area may not exceed twenty (20) percent of the area of the face of the canopy, marquee, or arch-projection.
6. Awning signs. The maximum copy area for awning signs is twenty (20) percent of the background/backlit area of the awning.
7. One (1) projecting sign for each building façade, up to four (4) square feet in area.
8. Window signs. Such signs are limited to twenty (20) percent of window area.
9. Signs displaying the price of gasoline at gasoline stations, not to exceed six (6) square feet in area.
10. One (1) directional signs and/or sign that consist only of words "washing," "lubrication," "repair," or similar above each service bay of an automobile service station. Such signs may not exceed four (4) square feet in area.
11. Corporate logo or institutional flags. Such flags are limited to thirty-five (35) square feet in size.

**d. Agricultural Zoning Districts, On-Premise Signs Permitted**

1. All signs permitted in Residential and Commercial Zoning Districts.
2. One non-illuminated sign advertising the sale of farm products grown on the premises or related products and merchandise supplemental to products grown on the premises. Such signs may not exceed thirty-two (32) square feet in area nor be placed closer than ten (10) feet from a street right-of-way.
3. Names of occupants and other identification painted on or otherwise made part of the surface or roof of a barn and other necessary buildings pertaining to and identifying the owner and/or activity of the farm unit, provided such identification is not for advertising.
4. Memorial or historical signs such as "Centennial Farms" signs and/or other signs representing awards won by the farm unit and/or its proprietors.

**e. B-4 Zoning Districts, On-Premise Signs Permitted**

1. All signs permitted in Residential, Commercial, and Agricultural Zoning Districts.

**SECTION 7.4 AMENDED 05/11/2010 EFFECTIVE 06/04/2010 AS ZONING ORDINANCE AMENDMENT 007.**

**7.5. OFF-STREET PARKING AND LOADING REGULATIONS:**

**7.5.1 OFF-STREET PARKING REQUIRED:**

There shall be provided in all Zoning Districts, at the time of erection or enlargement of any of the principal buildings, an off-street parking area with adequate access to all spaces. The proper number of parking spaces for any given use as specified in this Section is based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day.

- a. Off-street parking spaces for dwellings shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the lot they are intended to serve.
- b. Off-street parking for other uses other than dwellings shall be either on the same lot or within three hundred feet of the building which the parking is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- c. In the instance of dual function of off-street parking space where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Zoning Board of Appeals may grant an exception, if in the interest of public health, safety and welfare.
- d. Fractional Spaces: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- e. In cases of uses not specifically mentioned, the requirements of off-street parking spaces shall be determined by the Zoning Board of Appeals.
- f. Off-street parking areas shall not be used for commercial repair work, storage of merchandise, or, servicing or selling of motor vehicles.

**7.5.2 DEFINITIONS:**

- a. The phrase "floor area" as it is used in this Section is that area used or intended to be used for the sale of merchandise or services, or for use to serve customers, but excluding any area which is used or intended for use exclusively for storage, building, hallways, or utilities or maintenance facilities. Floor area shall be the sum of the horizontal areas of the several floors of the buildings, measured from the interior faces of the exterior walls.
- b. For the purposes of calculating parking area ground coverage, each parking space comprises 270 square feet, regardless of the actual ground coverage utilized.

**7.5.3 PARKING SPACE REQUIREMENTS:**

The minimum number of parking spaces shall be provided in accordance with the following schedule. This requirement may be reduced with permission of the Zoning Board of Appeals, if consistent with public health, safety and welfare.

**SCHEDULE AMENDED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003.**

	<b>LAND USE</b>	<b># OF PARKING SPACES PER UNIT OF MEASURE</b>
a. Residential	1. Single-Family, Duplex, Mobile Home Subdivision	Minimum: 1 per unit Maximum: 4 per unit
	2. Multiple-Family	Minimum: 1 per unit Maximum 2.5 per unit
		Minimum: 0.5 spaces per each dwelling unit, plus 1 space for each 2 employees on maximum shift Maximum: 1.5 spaces for each dwelling unit, plus 1 space for each employee on maximum shift
	3. Housing for the Elderly	
b. Institutional	1. Church or Temple	Minimum: 1 per 8 seats or 250" of bench/pew Maximum: 1 per 1.5 seats or 50" of pew/bench
	2. Hospital	Minimum: 1 per 400 square feet of floor area Maximum: 1 per 100 square feet of floor area
	3. Nursing, Convalescent	Minimum: 1 per 4 beds Maximum: 1 per 2.5 beds
	4. Medical Urgent Care Facility	Minimum: 1 per 400 square feet of floor area Maximum: 1 per 100 square feet of floor area
	5. Elementary & Junior High Schools	Minimum: The lesser of 1 per classroom or the parking requirements for the school auditorium and/or sports arena Maximum: The greater of 2 per classroom or the parking requirements for school auditorium and/or sports arena
	6. Senior High School	Minimum: The lesser of 1 per classroom or the parking requirements for the school auditorium and/or sports arena Maximum: The greater of 2 per classroom or the parking requirements for school auditorium and/or sports arena
	7. Auditoriums and Theaters	Minimum: 1 per 6 seats or 1 per 50 square-feet if no permanent seating Maximum: 1 per 4 seats or 1 per 30 square feet if no permanent seating
	8. Private clubs, swimming pool clubs, or other similar uses	Minimum: 1 for each 4 families or individuals, plus spaces for each accessory use capable of simultaneous use, such as a restaurant or a bar, as determined by Planning Commission Maximum: 1 for each 2 families or individuals, otherwise same as minimum requirement

	<b>LAND USE</b>	<b># OF PARKING SPACES PER UNIT OF MEASURE</b>
b. Institutional (continued)	9. Golf courses open to the general public, except miniature or "par 3"	Minimum: 2 per hole, plus 1 per each 2 employees on maximum shift Maximum: 4 spaces per hole, plus 1 space for each employee on maximum shift
	10. Fraternity or Sorority	Minimum: 1 per 2 beds Maximum: 1 per bed
	11. Stadiums or sports arenas	Minimum: 1 per 6 seats or 1 per 50 square-feet if no permanent seating Maximum: 1 per 4 seats or 1 per 30 square feet if no permanent seating
	12. Group Child Care Home	Minimum: 1 per 375 square feet of floor area Maximum: 1.5 per 375 feet of floor area
	13. Library, Post Office	Minimum: 1 per 300 square feet of floor area Maximum: 1 per 125 square feet of floor area
c. Business and Commercial	1. Planned Shopping Center	Minimum: 1 per 500 square feet Maximum: 1 per 200 square feet
	2. Miniature or "Par 3" golf course	Minimum: 1 per hole Maximum: 2 per hole
	3. Beauty Parlor or Barber	Minimum: 1 per 300 square feet of floor area Maximum: 1 per 200 square feet of floor area
	4. Bowling Alley	Minimum: 2 per lane Maximum: 4 per lane
	5. Dance hall, billiard parlor, skating rink, exhibition hall without fixed seats	Minimum: 1 per 300 square feet of floor area Maximum: 1 per each 50 square feet of floor area
	6. Restaurant, cafeteria, tavern, bar	Minimum: 1 per every 150 square feet of floor area Maximum: 1 per every 40 square feet of floor area
	7. Furniture and appliance, household equipment, hardware, repair shops, shoe repair, and similar uses	Minimum: 1 space per 1,000 square feet floor area Maximum: 1 space per 200 square feet floor area
	8. Gasoline Service Station and automobile repair garages	Minimum: 3 spaces, plus 2 spaces per service bay, if any Maximum: 4 spaces, plus 2.5 per service bay, if any

	<b>LAND USE</b>	<b># OF PARKING SPACES PER UNIT OF MEASURE</b>
c. Business and Commercial (continued)	9. Laundromats and coin operated cleaners	Minimum: space for each 300 square feet of floor area Maximum: 1 space for each 150 square feet of floor area
	10. Mortuary establishments	Minimum: 1 per 400 square feet of floor area Maximum: 1 per 100 square feet of floor area
	11. Motel, hotel, tourist home	Minimum: 0.8 per room, plus 1 per 800 square feet floor area Maximum: 1 per room, plus 1 per 400 square feet floor area
	12. Marina	1 per 5 slips, plus 5 per 1,000 square feet building area. Additional spaces will be required for accessory uses such as a restaurant.
	13. Restaurant, fast food	Minimum: 1 per 170 square feet of floor area Maximum: 1 per 80 square feet of floor area
	14. Retail stores, except as otherwise specified herein	Minimum: 1 per 1,000 square feet Maximum: 1 per 200 square feet
	15. Motor vehicle sales and service establishments	Minimum: 1 per 7,000 square feet of outdoor display or sales area, plus 1 space for each 500 square feet of indoor sales area Maximum: 1 per 5,000 square feet of outdoor display or sales area, plus one space per 350 square feet indoor sales area, plus the number of employees on the maximal shift
d. Offices	1. Banks, except drive-ins	Minimum: 1 per 1,000 square feet floor area Maximum: 1 per 200 square feet of floor area
	2. Business or professional office, except doctors, dentists, or similar professionals	Minimum: 1 per 500 square feet of floor area Maximum: 1 per 200 square feet of floor area
	3. Professional offices of doctors, dentists, or similar professionals	Minimum: 1 per 500 square feet of floor area Maximum: 1 per 150 square feet of floor area

	LAND USE	# OF PARKING SPACES PER UNIT OF MEASURE
e. Drive-ins	1. Drive-in bank, cleaner, and car wash	Minimum: 1 space per employee on maximal shift, plus stacking for 3 cars for each approach lane Maximum: 1 space per employee on maximum shift, plus stacking for 5 cars for each approach lane
	2. Drive-in restaurant	Minimum: 1 for each 15 sq. ft. of floor area, plus 1 per employee
f. Industrial	1. Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices	Minimum: 1 per 2,000 square feet of floor area Maximum: 1 per 400 square feet of floor area

#### 7.5.4 OFF-STREET PARKING AREA CONSTRUCTION AND MAINTENANCE STANDARDS:

All off-street parking areas shall be constructed and maintained in accordance with the following standards. These standards apply whether the off-street parking area is constructed as required by this Section or at the election of the landowner.

- a. All off-street parking area shall be constructed in the rear or side yards. Parking areas shall not be constructed within the front yard unless otherwise approved by the Zoning Board of Appeals as being consistent with the public health, safety and welfare.
- b. No parking lot shall be constructed until a permit there for is issued by the Zoning Administrator. Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site, design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.

1. Construction of off-street parking shall meet the following requirements:

Parking Pattern Angle (in degrees)	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length
0 (parallel parking)	12 ft.	8 ft.	23 ft.
30 to 53	12 ft.	8 ft. 6 in.	20 ft.
54 to 74	15 ft.	8 ft. 6 in.	20 ft.
75 to 90	20 ft.	9 ft.	20 ft.

2. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
3. Ingress from and egress to an off-street parking area shall be by means of clearly defined drives. Ingress and egress to a parking lot

lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

4. Each entrance and exit to and from an off-street parking area located in an area zoned for other than single-family dwellings shall be at least 25 feet distant from any adjacent parcel zoned for single-family dwellings.
  5. Except for parcels zoned for single-family and duplex dwellings, all off-street parking areas shall be surfaced with seal coat, blacktop or equivalent material that shall provide a durable and dustless surface; and shall be graded and drained to dispose of all collected surface water. The Planning Commission may allow the installation of partially pervious parking areas provided such parking areas will be constructed so as to provide a durable and dustless surface.
  6. Except for parcels zoned for single-family and duplex dwelling units, all off-street parking areas with a capacity of four or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. All lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lens and shall be installed as to be confined and directed into the parking area only.
- c. Off-Street Parking Area Buffering, Landscaping and Screening: All off-street parking areas shall, in addition to any requirements contained in Section 7.5.6, meet the following requirements:
1. All off-street parking areas shall be landscaped with planting strips on all sides that are either visible from a surrounding property.
  2. Off-street parking areas shall have the following buffering, landscaping and screening along all streets:
    - a) A buffer strip shall be established between the off-street parking area and the street of at least ten feet in width, which shall be used only for landscaping, screening or drainage, as provided herein.
    - b) One canopy or evergreen tree shall be planted in the buffer strip for every 24 lineal feet of street frontage of the off-street parking area. Arrangement of trees in clusters or groupings is encouraged, but in no case shall trees be more than 35 feet apart.
    - c) A hedge, berm, wall or combination thereof forming a continuous screen at least 36 inches in height above the grade of the off-street parking area, shall be established in the buffer strip. Walls and/or hedges shall be set back at least four feet from the property line. Gasoline service stations shall employ opaque walls between the off-street parking area and the street unless the buffer strip is 15 feet in width

or greater, in which case a hedge or berm is acceptable. Where screens of non-living material are used, at least one shrub or vine shall be planted on the street-side of the off-street parking area, for each ten lineal feet of wall or fraction thereof.

- d) Refuse receptacles and waste removal areas placed in the off-street parking area shall be screened from view on all sides. The screening shall consist of an opaque board fence constructed of cedar or pressure-treated lumber and shall exceed the height of the refuse receptacle in use by at least one foot, but shall in no event be less than six feet in height. Shrubs or vines shall be installed adjacent to this fence at an interval of one shrub or vine planted for each five lineal feet of fence.

- 3. Treed Islands: Off-street parking areas with more than five parking spaces shall contain treed islands, which shall meet the following requirements:

- a) Off-street parking areas shall be planted with canopy trees at the ratio of one tree for every ten parking spaces or fraction thereof. The canopy trees shall be evenly dispersed throughout the off-street parking area in islands meeting the following requirements:

- i. Islands shall be one hundred eighty square feet with a minimum dimension of nine feet in any direction. Islands shall be surrounded with a six inch high barrier curb.
- ii. Islands shall not be used for snow storage.
- iii. Small shrubs, flowers, groundcover or turf grass shall be planted in the islands. Wood and/or stone mulch are also permitted but shall not be used as the sole surface cover.
- iv. Plant materials other than groundcover and turf grass in the islands shall be set back a minimum of three feet from the curb to avoid damage from overhanging car bumpers and doors.
- v. Plant materials other than canopy trees shall be limited to a mature height of no more than two feet within ten feet of any curb at a point of ingress or egress from the off-street parking area.

- b) In addition to those required by the above, treed islands shall also be provided at the ends of each row of parking aisles. These islands shall be a minimum of seven feet in width and extend the full length of the parking stalls. They shall be

planted with two canopy trees each shall otherwise meet the requirements listed above.

- c) For off-street parking areas containing fewer than 20 parking spaces and located beyond 500 feet from a public right-of-way, the Zoning Board of Appeals may waive the requirement of treed islands. In order to be eligible for the waiver, all required landscaping and plantings which would otherwise occupy the treed islands shall be located elsewhere on the project site. In deciding whether to grant the waiver, the Zoning Board of Appeals shall employ Section 7.5.6a as its standard, as well as consider whether off-street parking areas and outdoor storage will be screened from views of neighboring property owners or from the public right-of-way.
- d. Off-street parking areas larger than 2,700 square feet shall be provided with on-site snow storage areas in addition to the required off-street parking area. Snow storage areas shall be provided on the ratio of fifteen square feet per 100 square feet of off-street parking area. Snow storage areas shall be located in such a manner that when utilized they do not interfere with clear visibility of traffic or adjacent streets and highways and the landscaping required in Section 7.5.4c is protected from damage.

#### **7.5.5 OFF-STREET LOADING AND UNLOADING REQUIREMENTS:**

On the same lot with every building, structure, or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, adequate room shall be provided for loading and unloading in order to avoid undue interference with public use of dedicated public streets. Such off-street loading and unloading spaces shall be provided as follows:

- a. Off-street loading and unloading spaces required under this Section shall be provided in addition to the off-street parking area required in Section 7.5.4.
- b. An off-street loading and unloading space shall be not less than twelve feet in width, 25 feet in length, and fourteen feet in height. Off-street loading and unloading spaces shall be provided per the following table:

Land Use	Floor Area Per Required Off-Street Loading and Unloading Space (Sq. Ft.)
Commercial uses such as retail stores, personal services, amusement, automobile sales and service.	Each additional 2,000 or fraction thereof over the first 2,000
Wholesale and storage including building and contractor's yards	Each additional 20,000 or fraction thereof over the first 20,000
Manufacturing or other industrial uses	Each 20,000 or fraction thereof over the first 20,000
Funeral Homes, mortuaries	Each additional 10,000 or fraction thereof over the first 5,000
Hospitals	Between 10,000 and 20,000, and then each additional 200,000 or fraction thereof
Offices, Hotels	Between 2,000 and 50,000, and then each additional 100,000 or fraction thereof
Schools, Clubs, other public assembly buildings	For each building

#### 7.5.6 LANDSCAPING:

All uses that require site plan review and that abut either R-1, R-2, R-3, R-1MH and A-1 Zoning Districts, and/or rights-of-way shall be subject to the requirements of this Section.

a. Intent: This Section is intended to:

1. Improve the appearance of off-street parking areas and property abutting public rights-of-way, thereby reducing conditions which lead to community blight.
2. Require buffering between conflicting land uses and conflicting Zoning Districts.
3. Promote public health, safety and general welfare by reducing noise and air pollution, light glare, soil erosion and thermal heating of the environment.
4. Protect and preserve the appearance, character and value of the surrounding neighborhoods and parks.
5. Promote preservation of existing significant vegetation.

b. Application: A Landscape Plan shall be submitted with the Site Plan and shall include the following elements:

1. Plan scale of not less than 1" = 50' and north arrow.
2. Existing and proposed topography.
3. Location and type of all existing vegetation and wetlands.
4. Location and size of all proposed plant materials.

5. Zoning District classification of adjacent properties.
6. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities.

**c. Standards and Criteria:**

1. All plant material shall comply with the most recent provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1.
2. Plant material shall be healthy, free of insects and diseases and physical damage.
3. Unless otherwise specified, the minimum size for plant materials installed shall be as follows:

Canopy (shade) trees (i.e. Oak, Maple, Ash)		2.5" caliper
Evergreen trees (i.e. Pine, Spruce, Fir)		8' height
Ornamental trees:	Single trunk (i.e. Crabapple)	2" caliper
	Multi-trunk (i.e. Birch)	7' height
Large Shrubs (i.e. Viburnum)		30" height
Small Shrubs (i.e. Juniper)		18" spread

4. Caliper of trunk shall be measured six (6) inches above the ground.
5. All landscaping shall be sprinkled by an automatic sprinkling system.
6. Earth mounds and berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet horizontal with at least two (2) foot flat on the top with adequate protection to prevent erosion.

**d. Landscaped Buffers:** All uses subject to the requirements of this Section that about R-1, R-2, R-3, R-1MH and A-1 Zoning Districts shall provide a landscaped buffer on that abutting side. Said buffer shall meet the following minimum requirements:

1. The buffer shall be a minimum of 20 feet in width.
2. The buffer shall be free of off-street parking and structures, other than structures placed there pursuant to this Section or Section 7.5.4c.
3. Within the required buffer, a continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half feet in height and of such species as will produce, within three growing seasons, a screen at least six feet in height so as to continually restrict a clear view beyond said buffer strip.

4. An opaque fence may be substituted in whole or in part for a continuous landscape screen if the Planning Commission determines that the landscape screen would be impractical or inappropriate. Such a fence shall be at least six feet in height.
  5. One canopy or evergreen tree shall be planted for every 20 feet or fraction thereof within the buffer area.
  6. An earth berm may be substituted for the required landscape screen or fence, provided the width of the buffer permits adequate space to allow the construction of a natural looking berm of at least six feet in height.
  7. Interconnectivity between zoning districts using pathways and sidewalks shall be encouraged when it is determined to enhance the quality of all developments affected.
- e. Right-of-Way Landscaping: All uses subject to the requirements of this Section that abut rights-of-way shall provide the following landscaping on any abutting side:
1. Any required planting strip shall be a minimum of 10 feet in width, except as provided in Section 7.5.6d.
  2. One canopy or evergreen tree, and five small shrubs shall be planted adjacent to the public right-of-way for each twenty-four lineal feet of frontage. Arrangement of trees and shrubs in clusters or groupings is encouraged, but in no case shall trees be more than thirty-five feet apart.
  3. A landscape screen, opaque fence, berm or combination thereof shall be established adjacent to the public right-of-way, such that it forms a continuous screen at least three feet in height.
- f. Maintenance: It shall be the landowner's responsibility that any landscaping required under this Section be maintained in a healthy growing condition, neat, clean, healthy and orderly in appearance. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants. Failure to maintain these landscape areas in such a manner, and to remove and replace dead and diseased plants shall constitute a violation of this Ordinance.
- g. Existing Vegetation:
1. Credit: In instances where quality and healthy plant material exists on a parcel prior to its development, the Planning Commission, pursuant to Site Plan approval, may adjust the application of these landscape standards to allow credit for existing, healthy plant material if such existing vegetation is in keeping with and is consistent with the intent of this Section.

2. Removal: Existing vegetation may be removed within five feet of those areas under development, i.e., building footprint, vehicular use areas, sidewalks, outdoor storage, etc. No vegetation shall be removed outside these construction areas unless new canopy or evergreen trees are planted, the total caliper-inch of which shall equal the total caliper-inch of those trees removed. The Planning Commission may allow the removal of vegetation outside the five foot perimeter, if such removal is consistent with the intent of this Section.
- h.** Plant Substitutions: The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., canopy or evergreen trees) as the material being replaced.
- i.** Completion: A completion bond, a cash deposit, a letter of credit or certified check shall be provided by the applicant to cover the cost of the contemplated landscape and irrigation improvements as estimated by the Zoning Administrator.
- j.** Time Period: The required landscape and irrigation improvements are to be completed within one month of occupancy. The planting season shall be defined as April 1 through November 1, provided that no evergreen trees shall be planted later than September 15. If occupancy occurs in October through April, the applicant shall have until the next May 1<sup>st</sup> to complete the required improvements.

If these conditions are not met the required completion bond, cash deposit, letter of credit or certified check shall be forfeited and the holdings used to complete the required improvements.

**7.6. SUPPLEMENTARY WATERFRONT, LAKE, STREAM, FLOOD PLAIN AND WETLANDS REGULATIONS:**

**7.6.1 PURPOSE:**

The Township Board finds that protecting water quality, lakes and streams, wetlands, and other sensitive environmental features is good land use planning and protects the public health, safety and welfare.

**7.6.2 SITE PLAN REVIEW:**

Each application for a land use permit for a use or structure on a waterfront parcel, floodplain, or parcel containing wetlands shall require site plan review, if not already required by other provisions of this Ordinance, and shall meet the requirements of this Section in addition to any other applicable provisions of this ordinance. A single family dwelling or an accessory use or structure to a single family dwelling are exempt from the site plan review requirement, but are subject to the other requirements of this chapter. The Zoning Administrator shall review the uses in the previous sentence to ensure compliance with the requirements of this chapter.

**7.6.3 GENERAL REQUIREMENTS:**

The following requirements shall apply to all uses and structures regulated by this Section:

- a. Compliance with the Acme Township Storm Water Control Ordinance and Design Standards is a zoning requirement and a condition of approval of any and all land uses or structures.
- b. As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any provision of this chapter, the GAAMP shall control.

**7.6.4 PERMITTED USES IN FLOOD PLAINS:**

Notwithstanding any other provisions of this Ordinance, no uses shall be permitted to occur within a flood plain except the following:

- a. Open space uses, such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, preserves, bridle paths, or other similar uses.
- b. Yard and setback areas or other open space portions required for any District
- c. Off-street parking uses, PROVIDED that all parking areas meet the requirements of Article VII, Section 7.5.
- d. Roads, service drives, utility uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

**7.6.5 RESTRICTED USES IN FLOOD PLAINS:**

Any structure located in a flood plain shall meet Michigan Department of Environmental Quality requirements as a condition of site plan approval, as well as all applicable requirements of this chapter.

**7.6.6 SECTION 7.6.6 FLOOD PLAIN REQUIRED CONDITIONS:**

- a. Any construction within the flood plain shall be so designed, constructed, and placed on the lot or parcel so as to offer no added obstruction to the flow of water or reduce the holding capacity of the flood plain and be so fixed to the site as to withstand the force of the expected velocity of flood water. The Township may require professional engineering review of any such construction.
- b. Where topographic data, engineering studies, or other studies are needed to determine the effects of flooding on proposed construction or the effect of construction on the flow of water, the applicant shall submit such data or studies, prepared by a registered professional engineer, to the Township

**7.6.7 SETBACK FROM LAKES AND STREAMS:**

Notwithstanding other provisions of this Ordinance, every building and off-street parking area constructed on a shoreline parcel shall be set back at least 50 feet from the water mark or normal stream bank of the lake or stream. The natural vegetation shall be maintained within these set-back areas, and trees shall only be removed as allowed in Section 7.6.10, below. Every off-street parking area shall be constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said water body.

**7.6.8 PRIVATE EASEMENT TO WATER FRONT:**

The purpose of this section is to ensure that use and development along water frontages is compatible with the natural and residential character of the Zoning District in which it is located. In instances where this Section specifically imposes a greater restriction than other ordinances, the provisions of this section shall govern.

Any parcel with water frontage that is proposed to be used by more than one family shall meet the following requirements:

- a. The parcel must be located adjacent to or within the parcel proposed for residential development for which common access is proposed.
- b. The parcel shall meet the minimum parcel size and setback requirements as required for the Zoning District in which such use is proposed. For each parcel in excess of two having shoreline privileges, the minimum area of such parcel shall increase by 3,500 square feet.
- c. The parcel shall have a minimum frontage on the water of not less than 100 feet, measured at the water mark, and shall contain an additional 50 feet for each family unit, in excess of one family, having easement or use privileges.
- d. No dwelling units or clubhouses shall be permitted on any such shared waterfront parcel.
- e. Individual docks, boat hoists and related installations shall not exceed one per 50 feet of water frontage, measured at the water mark, and shall be located as near as possible to the center of such parcel.

- f. One off-street parking space shall be required for each family having waterfront parcel privileges if the residences having shoreline parcel privileges are not in close proximity to the shared shoreline parcel, as determined by the Planning Commission.
- g. All common use shoreline parcels providing that provide access privileges to more than four families must be approved by site plan review by the Planning Commission.
- h. If the waterfront parcel serves ten families or more, sanitary facilities must be provided. Such facilities shall be tied into public utilities, including public sewer and water, if or when these utilities become available. All sanitary facilities shall require approval from the Grand Traverse County Health Department, shall meet all applicable setbacks for the zoning district in which it is located, and shall be screened from view from surrounding land uses with natural vegetation and/or new landscaping consistent with the requirements of Section 7.5.6d
- i. For waterfront parcels adjacent to residentially used property, a 20 foot landscaped buffer area shall be provided consistent with the requirements of Section 7.5.6d, Buffers and Screening.

#### **7.6.9 RETAINING WALL PERMIT:**

Any shoreline retaining wall shall require site plan approval, which shall only be granted if the standards are met and all applicable federal and state approvals have been secured. All such structures shall be designed and placed so as to minimize any adverse hydrological effects to adjacent property owners.

#### **7.6.10 REMOVAL OF SHORE COVER:**

Regulation of tree cutting along the shoreline or normal stream bank of any water body in the Township is necessary to protect scenic beauty, ensure good land use, protect surrounding property values, dampen noise, control erosion, and reduce effluent and nutrient flow from the shore land. Those provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester. Tree cutting in a strip paralleling the shoreline and extending 35 feet inland from all points along the water mark of the shoreline or normal stream bank shall be limited in accordance with the following provisions:

- a. No more than 30% of the length of this strip shall be clear cut to the depth of the strip.
- b. The cutting of this 30% shall not create a clear cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline or normal stream bank.
- c. In the remaining 70% length of this strip cutting shall leave sufficient cover to screen cars, dwellings, and accessory structures, except boathouses, as seen from the water.
- d. Natural shrubbery, trees, or other vegetation shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

- e. Paths - any paths, roads or passages within the strip shall be so constructed or surfaced as to be effective in controlling erosion.
- f. In addition to general variance process, any application to the Zoning Board of Appeals must also include a sketch of the lot with the following information: location of all structures, location of parking, gradient of the land, existing vegetation, proposed cutting and proposed replanting. In addition to the general variance standards, the Zoning Board of Appeals may grant a variance to the requirements of this section if it finds that the following additional standards are met:
  - 1. Will not cause undue erosion or destruction of scenic beauty, and
  - 2. Will provide substantial shielding from the water of dwellings, accessory structures and parking areas.

The Zoning Board of Appeals may require tree planting as condition of a variance to the requirements of this section.

- g. Commercial Forestry - from the inland edge of the 35 foot strip to the outer limits of the shore land the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations.

**7.8. EXTERIOR LIGHTING REGULATIONS:**

**7.8.1 DECLARATION OF POLICY AND INTENT:**

The Acme Township Board of Trustees finds and declares that the naturally lit night sky is an important aspect of our environment and a resource which contributes significantly to our quality of life by contributing to the public peace and to the health, safety, and welfare of the residents of and visitors to Acme Township. The essential public purposes that warrant Township regulation of the use of outdoor light fixtures include, but are not necessarily limited to:

- a. Safety of individuals using outdoor areas for legitimate and necessary purposes after dark;
- b. Minimization of light pollution, which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky;
- c. Elimination of unnecessary and/or unwanted illumination of adjacent and distant properties;
- d. Conservation of electrical energy-generating resources; and
- e. Protection of vehicular and pedestrian traffic from dangerous glare.

**7.8.2 LIGHTING-RELATED DEFINITIONS:**

- a. Automatic Timing Device: A device which automatically turns outdoor light fixtures and/or circuits on and off. Photo-electric controls and motion detectors are not considered automatic timing devices for the purposes of this Ordinance.
- b. Cut-off Shielding: A technique or method of construction which causes light emitted from an outdoor light fixture to be projected only below an imaginary horizontal plane passing through the fixture below the light source.
- c. Light Pollution: Artificial light which causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally-illuminated night sky or causes undesirable glare or unnecessary and/or unwanted illumination of adjacent or even distant properties.
- d. Light Source: The bulb or other element in an outdoor light fixture which emits light.
- e. Motion Detector: A device triggered by motion and used to energize light source(s).
- f. Outdoor Light Fixture: An illuminating device which is permanently installed outdoors, including but not limited to devices used to illuminate signs.

- g.** Security Lighting: Such outdoor light fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.
- h.** Shielding: In general, a permanently-installed, non-translucent shade, cowl, hood, baffle, or other construction which limits, restricts, or directs light or the visibility of a light source to meet the standards of this Article.
- i.** Yard Lighting: Such outdoor light fixtures and/or practices intended for the convenience, enjoyment, and safety of a property owner or tenant or guest.

### **7.8.3 OUTDOOR LIGHTING STANDARDS:**

- a.** Business Zoning Districts and Land Uses: All outdoor light fixtures and lighting practices shall conform with either Item (a) or (b) following, and with all of the remaining items in this Section:
  1. All outdoor light fixtures EXCEPT gas lighting; glass tubes filled with Neon, Argon, or Krypton; and/or small decorative fixtures such as porch lights shall have cut-off shielding that:
    - a) Prevents light sources from being visible beyond the boundaries of the property on which they are installed;
    - b) Prevent lights rays from being directed above an imaginary horizontal plane passing through the fixture below the light source; and
    - c) Protects vehicular and pedestrian traffic from unnecessary and/or dangerous glare from the intense light of directly visible light sources.
  2. Outdoor light fixtures shall be selected and installed to conserve electrical energy by:
    - a) Using fixtures with good optical control to distribute light in the most efficient manner
    - b) Using the minimum amount of light to meet the lighting criteria set forth by the Illuminating Engineers Society of North America (IESNA) for safety and visibility relevant to the land use where the lighting is installed.
    - c) Using sodium light sources where required by this Ordinance and wherever else feasible.
    - d) Energizing light fixtures only when necessary in relation to the land use where the lighting is installed by means of automatic timing devices and/or through the use of motion detection devices on security lighting.
    - e) Acme Township can require light fixtures that are neither integral to the use nor necessary to protect public health, safety and welfare be turned off between 11:00 p.m. and sunrise.
  3. Sodium light sources shall be used for street lighting, parking lot lighting and for security lighting when such security lighting is not to be energized by motion detection devices.

4. All outdoor recreational facilities (including but not limited to tennis courts; baseball, football, soccer, and softball fields; ski runs and trails; and golf courses and driving ranges) shall be illuminated with fixtures equipped with cut-off shielding as needed to direct and restrict light to the playing surface, playing air space, and immediately surrounding areas, and to eliminate glare in the night sky and unnecessarily reflected light on adjacent or distant properties.
5. Floodlights shall be directed downward and shielded so that the light source is not visible from roadways or adjacent properties, and shall be located and directed so that light is not unnecessarily reflected onto adjacent properties or into the night sky.
6. In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan in order to comply with the intent and requirements of this Ordinance.
7. The following lighting types and/or practices are **PROHIBITED** as being contrary to the expressed intent of this Ordinance:
  - a) Searchlights, lasers, or other high-intensity lights designed or used primarily to light the sky for advertising or entertainment purposes.
  - b) Broad-spectrum lighting, such as quartz and mercury vapor lighting, due to the broad spectrum of visible light these light sources emit and because of the diffusive and reflective characteristics of such light.
8. The following **LIMITATIONS** apply to outdoor lighting in order to uphold the intent and requirements of this Ordinance:
  - a) Advertising Signs:
    - i. Illuminated advertising signs must be turned off no more than one hour after the close of business and may be turned on no earlier than one hour before the opening of business except by special permission granted as a condition of site plan approval.
    - ii. All fixtures or circuits illuminating advertising signs shall be equipped with automatic timing devices.
    - iii. External illumination shall:
      - a. Be mounted at the top of the sign or sign structure
      - b. Employ cut-off shielding as required to direct the light onto the sign and/or sign structure face only and to shield the light

source from the view of vehicular and pedestrian traffic and adjacent properties.

- iv. Internally illuminated signs shall have a dark background with lighter-colored translucent (NOT transparent) lettering, logos, and/or designs.
  - v. No sign shall incorporate flashing or moving lights and all signs shall comply with the requirements of Section 7.4 of this Ordinance.
- b) Off-Street Parking Areas:
- i. Off-street parking areas shall be illuminated only when in use during regular business hours, for a brief period of time after regular business hours until all members of the public and employees have left the premises, and for a brief period of time before regular business hours when employees are arriving at the premises.
  - ii. If entrance and traffic marker lights along access roads and drives, in parking lots, and/or along pedestrian ways are approved as part of a site plan, they shall be of a sodium type and equipped with cut-off shielding that prevents the light source from being visible to vehicular and pedestrian traffic.
- c) Security lighting may be approved as part of a site plan, and if approved shall be directed away and/or shielded from view by vehicular and pedestrian traffic and adjacent properties.
- d) Outdoor Display Areas and Architectural Lighting:
- i. Building facades may be lit from the top in a downward direction; employing lighting fixtures with cut-off shielding and any additional shielding that may be required to hide the light source from view by vehicular and pedestrian traffic and adjacent properties.
  - ii. If an outdoor display area, including but not limited to automobile or equipment dealer displays or storage lots, is approved as part of a site plan, such area may be illuminated until 11:00 p.m.
  - iii. Metal halide lighting may be used as a minor portion of a lighting plan if it will reduce disability glare. Such fixtures shall be equipped with full cut-off shielding and project the minimum amount of light necessary for good visibility.

**b. Residential Zoning Districts; and Residential and Recreational Land Uses:**

1. All outdoor light fixtures shall have cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage SUBJECT TO THE FOLLOWING EXCEPTIONS:
  - a) Gas lighting;
  - b) Glass tubes filled with Neon, Argon or Krypton; and
  - c) Small decorative fixtures such as residential porch lights.
2. Broad-Spectrum lighting, such as quartz and mercury vapor lighting, is PROHIBITED due to the broad spectrum of visible light these light sources emit and because of the diffusive and reflective characteristics of such light.
3. The following LIMITATIONS apply to residential outdoor lighting in order to uphold the intent and requirements of this Ordinance:
  - a) Residential security lighting shall be energized by motion detectors unless otherwise permitted as a condition of site plan or land use permit approval. Security lighting shall be shielded from view by vehicular traffic and adjacent properties.
  - b) Residential yard light fixtures shall employ a sodium light source with full cut-off shielding.

**7.8.4 APPROVED MATERIALS:**

The provisions of this Ordinance are not intended to prevent the use of any design, material or method of installation that meets the spirit and intent of this Ordinance, even if not specifically prescribed by this Ordinance, provided that such alternative has been approved by the Planning Commission and meets or exceeds Illuminating Engineers Society of North America (IESNA) standards at the time of proposal.

**7.8.5 EXEMPTIONS:**

The following uses and activities shall be EXEMPT from the Outdoor Lighting Standards of this Ordinance:

- a. Emergency Equipment
- b. Holiday decorations, PROVIDED that decorative exterior lighting shall not include searchlights, floodlights, stroboscopic lights, or lights which create glare or distractions that pose a potential danger to vehicular or pedestrian traffic or unnecessary and unwanted glare in the night sky;
- c. All outdoor light fixtures producing light directly from the combustion of fossil fuels such as kerosene lanterns or gas lamps.

- d. Voluntary compliance with the intent of this Ordinance by any use or facility exempt from its requirements is encouraged.

**7.8.6 CONFLICTS:**

Where any provision of the statutes, codes or laws of the United States of America, the State of Michigan and/or the County of Grand Traverse conflict with any of the provisions of this Ordinance, the most restrictive provisions shall apply unless otherwise required by law.

**7.9. REVIEW OF BUILDING DESIGN NEAR PUBLIC BUILDINGS AND SITES:**

The design of proposed non-residential buildings within 500 feet of the nearest property line of public parks, scenic areas, and the premises on which are located historic buildings and civic buildings, such as township office buildings, schools, libraries, community center, hospital, or cemetery shall first be approved by the Planning Commission before a building permit can be issued. The purpose of this requirement is to prevent the occurrence of inappropriate structural appearance of building designs intended to attract attention of potential customers and patrons in proximity to improvements in which the public has invested tax monies.

**7.10. APPLICATION:**

All land uses in all Zoning Districts, with the exception of Manufactured Housing Communities regulated under Article XII, shall be subject to all of the applicable provisions in this Article VII.