DRAFT UNAPPROVED

ACME TOWNSHIP PLANNING COMMISSION MEETING
6042 Acme Rd., Williamsburg MI 49690
Remote Zoom Meeting
Monday, February 22, 2021 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 p.m.

ROLL CALL: Members present: K. Wentzloff, S. Feringa, D. Rosa, J. Aukerman, D. VanHouten, M. Timmins (Timmins was not present from 8:14 p.m. to 8:15 p.m. due to technology issues)
Members excused: None
Staff present: L. Wolf, Planning & Zoning Administrator; S. Winter, Planning Consultant Becker & Raeder; L. Schut, Recording Secretary

A. LIMITED PUBLIC COMMENT:

Limited Public Comment opened at 7:01 p.m.

Brian Kelley expressed a concern that the Acme Township website calendar continues to lack accuracy as it pertains to meetings. Brian expressed concern about the allowability of electronic signs. Brian expressed concerns about window illumination in Acme Township and shared his desire that the Acme Township Zoning Ordinance be designed to curtail window illumination that detracts from the rural nature of Acme Township.

Limited Public Comment closed at 7:03 p.m.

B. APPROVAL OF AGENDA

Motion by Feringa, supported by Timmins, to approve the agenda as presented. No discussion. Roll call motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: None

E. CONSENT CALENDAR:
1. RECEIVE AND FILE
a. None
2. ACTION
a. None

F. ITEMS REMOVED FROM THE CONSENT CALENDAR: Not Applicable

G. CORRESPONDENCE: None

H. PUBLIC HEARINGS: None

I. OLD BUSINESS
1. Zoning Ordinance Review Continued Discussion Article 5
Winter will be meeting with legal counsel regarding various items in Article 5, including nonconforming lots, nonconforming uses. Winter intends to provide Wolf with a revised draft of the Zoning Ordinance that incorporates changes that have been proposed.

J. NEW BUSINESS

1. Zoning Ordinance Review Article 6

Winter reviewed with the Planning Commission members a variety of items proposed to be revised in Article 6, which covers Site Development Standards.

Section 6.2.1 - Parking, General Standards

Referencing the table, Winter proposed combining Districts MHN, CS, C and CF into a single row, with instruction to See Article 4 for the US-31/M-72 Overlay District. Winter indicated the final draft could include hyperlinks to aid users as they cross-reference items throughout the Zoning Ordinance.

Section 6.2.1 - Parking, General Standards, Item E. Treed Islands, Item #4

Item has been changed to now allow tree islands to be located in areas that assist with stormwater management.

Section 6.2.1 - Parking, General Standards, Item F. Pedestrian Circulation

New section that intends to increase the feeling of safety for pedestrians in a parking lot. Winter proposed modifying language to allow the Planning Commission more flexibility in improving parking lot design as it is related to pedestrian circulation. Planning Commission members expressed support for language that supports increased flexibility. Feringa suggested incorporating parameters regarding the size of a parking lot.

Section 6.2.1 - Parking, General Standards, Item H. Surfacing

Winter noted this section now allows for some exceptions that may be permitted by the Planning Commission.

Section 6.2.1 - Parking, General Standards, Item J. Curbs and Vehicle Stops

Section has been added to assist in the protection of landscaping and sidewalks.

Section 6.2.1 - Parking, General Standards, Item K. Exterior Lighting

The Planning Commission was in favor of increasing the vehicle capacity from 4 to 10.

Section 6.2.2 - Parking, Parking Requirements

Winter indicated a notable change was that parking minimums have been removed, and replaced with parking maximums. Wentzloff asked for examples of communities that currently use parking maximums. Winter indicated the trend is moving toward parking maximums rather than minimums.

Section 6.2.2 - Parking, Parking Requirements, Item B. Calculating Parking Maximums

Winter and the Planning Commission discussed scenarios in order to determine whether they wanted to change the current language, Usable Floor Area, to Gross Floor Area. Feringa expressed an interest in using Gross Floor Area.

Section 6.2.2 - Parking, Parking Requirements, Item C. Use Not Specified

Winter proposed changing 'Planning Commission' to 'Zoning Administrator'.

Wentzloff requested alphabetizing items in each section of the *Maximum Number of Parking Space* table.

Section 6.2.3 - Loading Zones, Item B. Location, Item #1

Winter proposed allowing an exception for the light industrial and warehousing district.

Section 6.2.4 - Access Management

Winter provided a brief review of this new section.

Section 6.3 - Non-Motorized Transportation
Winter noted that some coordination would be needed between Staff and the Building Department in order to accommodate current language ('including substantial additions or improvements to existing buildings, **either interior or exterior**, with a construction cost…').

Section 6.4 - Landscaping, Item A. Standards and Criteria, Item #4
Winter noted that the suggested revised language now allows for non-native species, as long as it is not invasive.

Section 6.4.5 - Right-of-Way Landscaping, Item B
Planning Commission members agreed to also allow coniferous trees in addition to deciduous trees. Timmins suggested adding language to allow the Planning Commission to only allow deciduous trees under certain conditions. Winter will provide revised language.

Section 6.4.6 - Lot Landscaping
Winter proposed adding language to clarify the requirements may be met with existing vegetation.

Section 6.4.7 - Existing Vegetation, Item B. Credit
Wentzloff suggested adding language that would not allow credit for invasive species of vegetation.

Section 6.4.7 - Existing Vegetation, Item C. Protection of Vegetation, Item #1
Rosa expressed concerns about the size of the protected root zone. Winter will consider adding a maximum size of the radius of the protected root zone.

Section 6.5.2 - Exterior Lighting, Exemptions, Item A. new Technology and/or Location
Winter indicates this section is intended to provide the Zoning Administrator the ability to allow for new technology as it becomes available.

Section 6.5.2 - Exterior Lighting, Exemptions, Item G. Fossil Fuels
The Planning Commission members agreed there was no need to regulate lighting that uses fossil fuels.

Section 6.5.5 - Exterior Lighting Site Standards, Item B. Pole Height
Winter intends to change '27 feet' to '22 feet' to maintain consistency throughout the Zoning Ordinance.

Section 6.5.5 - Exterior Lighting Site Standards, Item C. Wall Pack
Feringa suggested striking 'on side and rear facades for security purposes' so it doesn't interfere with codes.

Section 6.6 - Signs
Referencing the Supreme Court Decision *Reed v Town of Gilbert*, which decided regulation of signs must be content neutral.

Section 6.6.2 - General Requirements, Item A. Permit Required
Wentzloff suggested changing '*land use permit*' to '*sign permit*'.

Section 6.6.11 - Electronic Message Signs
Aukerman asked whether or not the Planning Commission should consider the time a business closes when determining when an electronic message sign must be shut off. Winter agreed to add language to allow for such circumstances.

Section 6.6.18 - Nonconforming Signs, Item B
Wentzloff and Wolf agreed that 275 days may need to be revised to a length of time that is more intuitively measured. Winter suggested revising 275 days to 1 year, to which the Planning Commission members agreed.

K. PUBLIC COMMENT & OTHER PC BUSINESS

PUBLIC COMMENT

Public Comment opened at 8:51 p.m.

No Public Comment offered.

Public Comment closed at 8:52 p.m.

1. Planning & Zoning Administrator Report - Lindsay Wolf: Wolf reported the March 8th Planning Commission meeting will have a full agenda and suggested reviewing Article 7 of the Zoning Ordinance during the March 22nd Planning Commission meeting.

2. Planning Consultant - Shawn Winter: Winter shared he will be transitioning into a new position with City of Traverse City starting Monday, March 1, 2021. Winter introduced Sara Kopriva who will begin consulting for Acme Township. Winter shared that John Iacoangeli will be handling the Lormax-Stern PD.

3. Township Board Report - Jean Aukerman: Aukerman expressed her intent to address the Acme Township calendar issue of accuracy.

4. Parks & Trails Committee Report - Marcie Timmins: None

ADJOURN: Motion by Timmins, supported by Aukerman, to adjourn. No discussion. Roll call motion carried unanimously.

Meeting adjourned at 9:05 p.m.

Acme Township

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 **Fax**: (231) 938-1510 **Web:** www.acmetownship.org

PUBLIC NOTICE
ACME TOWNSHIP

NOTICE IS HEREBY GIVEN that
The Special Planning Commission Meeting has been scheduled on

Monday, February 22nd , at 7:00 p.m.

Join Zoom Meeting
https://us02web.zoom.us/j/3721828877

Meeting ID: 372 182 8877

One tap mobile
+13017158592,,86466644118# US (Germantown)
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Dial by your location
+1 301 715 8592 US (Germantown)
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+1 929 436 2866 US (New York)
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+1 669 900 6833 US (San Jose)
Meeting ID: 823 9878 9196
Find your local number: https://us02web.zoom.us/u/kcrLneTmaM

ACME TOWNSHIP PLANNING COMMISSION SPECIAL
REMOTE ZOOM MEETING AGENDA
6042 Acme Road, Williamsburg MI 49690
February 22, 2021 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

A. LIMITED PUBLIC COMMENT: The chair will ask for the names or identifying information of all members of the public participating on the conference call. The chair will then open Public Comment by calling on each member of the public on the conference call to allow for each person to provide comment in an orderly fashion Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion.

B. APPROVAL OF AGENDA:

C. INQUIRY AS TO CONFLICTS OF INTEREST:

D. SPECIAL PRESENTATIONS:

E. CONSENT CALENDAR: The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.

1. RECEIVE AND FILE
- **a.** None

2. ACTION:
- **a.** None

F. ITEMS REMOVED FROM THE CONSENT CALENDAR
1. _____
2. _____
3. _____

G. CORRESPONDENCE:
1. None

H. PUBLIC HEARINGS:
1. None

I. OLD BUSINESS:
1. Zoning Ordinance Review Continued Discussion Article 5

J. NEW BUSINESS:
1. Zoning Ordinance Review Articles 6-7

K. PUBLIC COMMENT & OTHER PC BUSINESS
1. Planning & Zoning Administrator Report – Lindsey Wolf
2. Planning Consultant – Shawn Winter
3. Township Board Report – Jean Aukerman
4. Parks & Trails Committee Report – Marcie Timmins

ADJOURN:

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

DRAFT - V2 (12.07.20)

Acme Township

ZONING ORDINANCE

Adopted: TBD

Effective Date: TBD

Amended Through: TBD

For Planning Commission Review

ZONING ORDINANCE AMENDMENTS		
No.	Adoption Date	Description

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Article 1: Title and Purpose

1.1. Title
1.2. Purpose
1.3. Area of Jurisdiction
1.4. Relationship to the Master Plan

1.1 TITLE

Acme Township in accordance with the enabling legislation for municipal zoning as provided in Public Act 110 of 2006, known as the Michigan Zoning Enabling Act (MCL 125.3101 et seq), and Public Act 33 of 2008, known as the Michigan Planning Enabling Act (MCL 125.3801 et seq) hereby provides as follows: a Zoning Ordinance which shall be known as and may be cited as the "Acme Township Zoning Ordinance", as amended and is referred to herein as the "Ordinance."

1.2 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the residents of Acme Township. This Ordinance shall serve the general good of the community in accordance with the adopted Acme Township Master Plan and any additions and amendments as may be approved by Acme Township.

1.3 AREA OF JURISDICTION

The provisions of this Ordinance apply to all development, public and private, throughout the incorporated areas of Acme Township, Grand Traverse County, Michigan, to the extent permitted by law.

1.4 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is enacted to regulate the use of private and public property and structures with the purpose of protecting public health, safety and welfare. Standards and regulations within the Ordinance regulate the amount, type and use of a building allowable on a piece of land. The Ordinance is a tool used by the community to effectuate the recommendations of the Acme Township Community Master Plan and other applicable planning documents, which are a guide for the long-term physical development of the Township.

Article 2: Zoning Districts and Map

2.1. Districts Established
2.2. Intent and Purpose
2.3. Zoning Map

2.1 DISTRICTS ESTABLISHED

The Township is hereby divided into the following zoning districts (see Zoning Map), which shall be known as:

AG: Agricultural District
SFR: Single Family Rural District
SFN: Single Family Neighborhood District
MHN: Mixed Housing Neighborhood District
RMH: Manufactured Housing District
CS: Corridor Shoreline District
C: Corridor Commercial District
CF: Corridor Flex District
LIW: Light Industrial & Warehousing District

2.2 INTENT AND PURPOSE

The intent and purpose of each zoning district are described in the subsections below.

2.2.1 Agricultural District (AG)

To provide for the development of low intensity uses that promote farming and related operations through the preservation of unique environmental characteristics such as soil, airsheds, drainage, and flora. The development of this district will promote the economic viability of these operations, limit uses that may be in conflict with agricultural activities, and maintain the community's rural character.

Acme Township Zoning Ordinance | 2

2.2.2 Single Family Rural District (SFR)

To provide for the development of low density, single-family homes of a semi-rural character where public water and sewer do not exist and likely to remain without such services indefinitely. Large lot sizes will preserve natural resources and environmental characteristics not suitable to intensive urban development.

2.2.3 Single Family Neighborhood District (SFN)

To provide for the development of low to medium density single family homes where public services, such as sewer and water, either exist or are anticipated. This district consists of properties with similar lot size and character, and where development of a similar pattern is likely to occur.

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2.2.4 Mixed Housing Neighborhood District (MHN)

To provide for the development of medium to high density residential properties in a variety of designs and sizes, including single family, duplexes, multifamily, cluster residential, apartments and courtyard units. All development in this district will be designed as walkable neighborhoods with sidewalks and the option for on-street parking.

2.2.5 Residential Manufactured Housing District (RMH)

To provide for the development of mobile homes, manufactured homes and manufactured housing communities.

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2.2.6 Corridor Shoreline District (CS)

To provide for the continuation of existing businesses and residences along the west side of the US-31 as this area evolves into a series of interconnected public and private water-related recreation uses.

2.2.7 Corridor Commercial District (C)

To provide for a traditional commercial district that promotes mixed use, walkability and transit options, and takes advantage of its location to East Bay.

2.2.8 Corridor Flex District (CF)

To provide for a flexible mixture of retail, office, commercial, residential and institutional uses within walkable and connected neighborhoods. The objective is to create an environment where residents can live, work and shop for day-to-day amenities in the same area.

2.2.9 Light Industrial & Warehousing District (LIW)

To provide for the development of wholesale, warehouse, industrial, and related land uses whose operational and physical characteristics do not detrimentally affect any of the surrounding district. It is intended to prohibit residential uses and intensive retail enterprises that may be incompatible with the primary uses permitted.

2.3 ZONING MAP

The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the "Official Zoning Map". The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.

A. Location: The Official Zoning Map is filed in the office of the Acme Township Clerk.

B. Updates: The Acme Township Planning Commission is responsible for updating the Official Zoning Map to reflect amendments adopted by Township Board.

C. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

1. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.

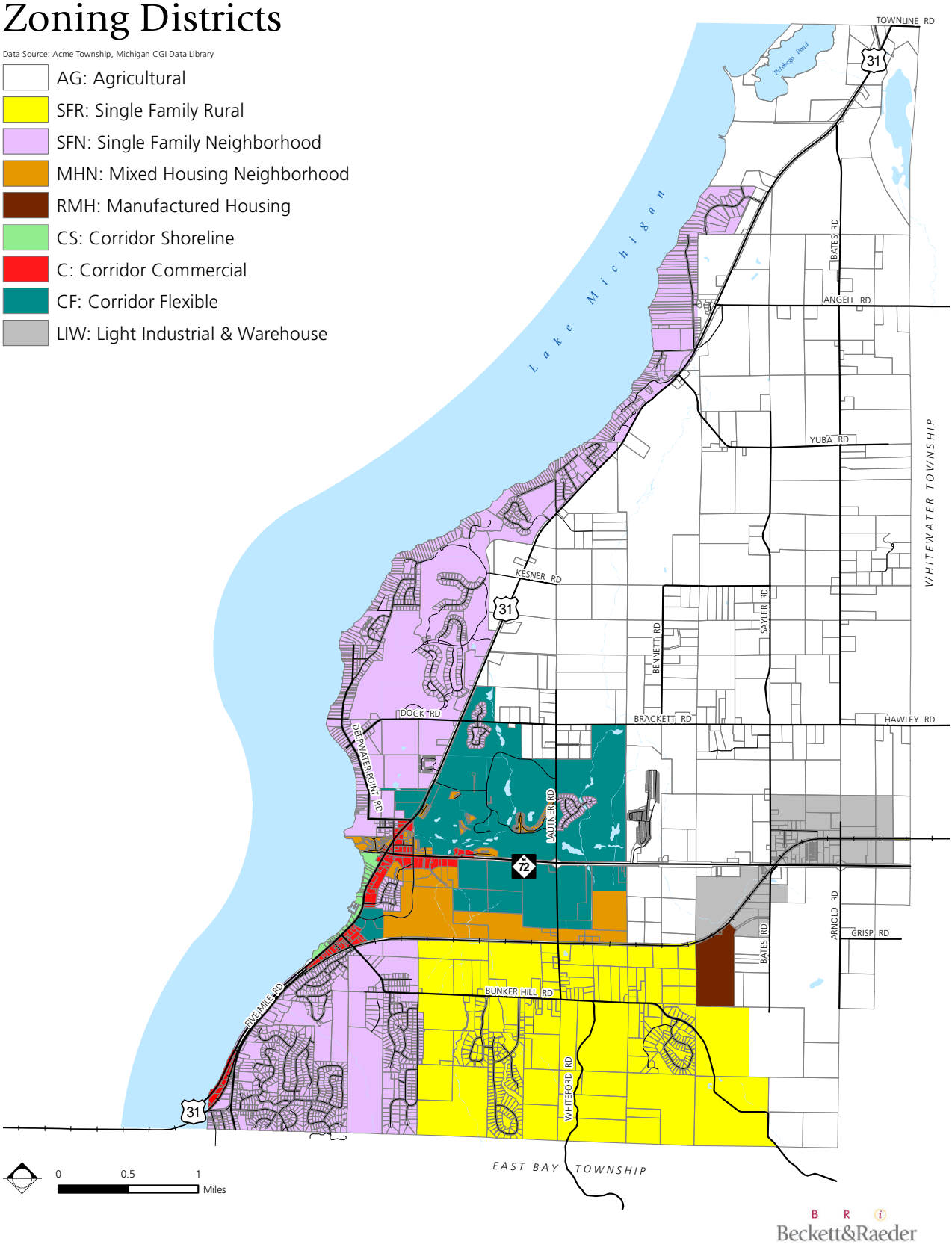
3. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Grand Traverse County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "1" through "3" above, the Zoning Administrator shall provide an opinion of the boundaries.

5. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.

2.3.1 Official Zoning Map

Zoning Districts



Article 3: Regulated Uses and Dimensions

3.1. Zoning Districts and Uses
3.2. Regulated Uses Table
3.3. Compliance with District Regulations
3.4. Schedule of Dimensional Requirements

3.1 ZONING DISTRICTS AND USES

The Regulated Uses Table in this Article lists by land use category (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective zoning district.

3.1.1 INTERPRETING THE REGULATED USES TABLE

A. Permitted Uses: The symbol [P] indicates land uses permitted by right in a zoning district.

B. Uses Requiring Special Use Permit: The symbol [S] indicates land uses permitted after review and approval as a special use permit in accordance with Article 9 of this Ordinance.

C. ~~Uses Requiring Planned Development Approval: The symbol [PD] indicates land development patterns that require Planned Development approval provided in Article 10.~~

D. Uses With Supplemental Standards: The symbol [*] indicates land uses that have supplemental regulations provided in Article 7.

E. Uses Requiring Land Development Option Approval: The symbol [**] indicates land uses or developments that require approval under a land development option in Article 10.

F. Uses Not Allowed: If a land use type is not allowed in a zoning district, it is blank without a [P]~~,~~or [S]~~ or [PD]~~.

G. Navigating The Table: If viewing this table electronically, hyperlinks have been included for easy navigation. The hyperlinks are intended to allow a user to click on text of a use to view its definition in Article 14. Clicking on the [P] or [S] with an [*] or [**] is intended to navigate you to the supplemental use standards in Article 7 or land development options in Article 10 applicable to that use.

3.1.2 DETERMINATION OF USE

If a proposed use is not clearly listed or identified in the Regulated Uses Table, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

3.2 REGULATED USES TABLE

REGULATED USES	ZONING DISTRICTS								
	AG	SFR	SFN	MHN	RMH	CS	C	CF	LIW
AGRICULTURAL USES									
Agricultural Assembly Space	S*								
Agricultural Processing Facility	P								P
Agricultural Tourism	P*								
Customary Agricultural Operations	P*	P*	P*	P*	P*	P*	P*	P*	P*
Farm Markets	S								
Livestock Auction Yards	S*								
Riding Stables	S*								
RESIDENTIAL USES									
Single Family Detached Dwellings	P	P	P	P	P	P			
Duplex Dwellings	P*	P*	P*	P*		P*			
Multiple Family Dwellings				P			P	P	
Accessory Dwelling Units (ADU's)	P*	P*	P*	P*					
Home Occupations	P*	P*	P*	P*	P*	P*	P*	P*	
Live/Work Units							P	P	P
Dwelling Units Above 1st Floor Commercial							P	P	
Manufactured Homes					P				
Manufactured Home Parks					S**				
Open Space Preservation Developments	~~P~~S**	~~P~~S**	~~P~~S**	~~P~~S**	~~P~~S**				
Temporary Lodging Establishments:									
- Bed & Breakfast Homes	S*	S*	S*	S*		S*			
- Bed & Breakfast Inns	S*	S*	S*	S*		S*			
- Tourist Homes	P*	P*	P*	P*	P*	P*	P*	P*	P*
- Vacation Homes	P*						P*	P*	
Tenant Housing	P								
Assisted Living Facilities				P			P	P	
State Licensed Residential Facilities:									
- Adult Daycare Home	P	P	P	P	P	P			
- Adult Foster Care Congregate Facility							P	P	
- Adult Foster Care Family Home	P	P	P	P	P	P			
- Adult Foster Care Small Group Home		S	S	S					
- Adult Foster Care Large Group Home			S	S					
- Family Childcare Home	P	P	P	P	P	P			
- Group Childcare Home	P	P	P	P	P	P			
- Foster Family Home	P	P	P	P	P	P			
- Foster Family Group Home	P	P	P	P	P	P			
- Nursing & Convalescent Home				P			P	P	
- Senior Living Facilities				P			P	P	
INSTITUTIONAL USES									
Cemeteries	P	P	P						
Cultural Institutions	P			P			P	P	
Educational Institutions	P	P	P	P		P	P	P	
Golf Facilities	S*	S*							
Private Clubs & Fraternal Organizations						P	P	P	
Public Uses:									
- Critical	P	P	P	P	P	P	P	P	P
- Essential	P	P	P	P	P	P	P	P	P
- Supporting	P	P	P	P	P	P	P	P	P
Religious Institutions	S*	S*	S*	S*			P*	P*	

P: Permitted Use **S**: Special Use *: Use With Supplemental Standards **: Land Development Options

REGULATED USES	ZONING DISTRICTS								
	AG	SFR	SFN	MHN	RMH	CS	C	CF	LIW
COMMERCIAL USES									
Adult Daycare Facilities							P	P	
Amusement Parks								S	S
Assembly Facilities:									
- Principal Use						~~S~~	P	P	S
- Accessory Use	P	P	P	P	P	P	P	P	P
Automobile Repairs, Major									S*
Automobile Repairs, Minor							P*		P*
Automobile Sales & Rentals									P
Automobile Service Stations							S*		S*
Bars, Taverns, Lounges							P	P	
Breweries	S								S
Business Services							P	P	P
Campgrounds	S*								
Catering Services							P	P	P
Childcare Centers							P	P	
Community Kitchen	P						P	P	
Computing & Data Processing Centers							P	P	P
Distilleries	S								S
Domestic Pet Services	P						P	P	P
Drive-In or Drive-Through Services							S	S	
Equipment Rental Establishments									P
Financial Services							P	P	
For-Profit Educational Institutions							P	P	P
Health Care Services & Clinics							P	P	
Hospitals								S	
Hotels, Less Than 120 Rooms							P	P	
Hotels, More Than 120 Rooms							S	S	
Kennels	S*								S*
Medical Marihuana Establishments:									
- Grower	P*								P*
- Processor	P*								P*
- Provisioning Center							P*		P*
- Safety Compliance Facility									P*
- Secure Transporter									P*
Micro Breweries	P*						P*	P*	
Mixed Use Developments:									
- Under 2 Acres							P	P	
- Over 2 Acres (as a planned development)							~~PDS~~**	~~PDS~~**	
Outdoor Service (accessory to a principal use)							P	P	
Personal Services							P	P	
Professional Services							P	P	P
Recreational Facilities							P*	P*	P*
Recycling Collection Stations	P	P	P	P	P	P	P	P	P
Restaurants							P	P	
Retail Establishments:									
- Department								S	
- Food & Beverage							P	P	
- General							P	P	
- Products Produced On-Site							P	P	P
Sexually Oriented Businesses								S*	S*

P: Permitted Use **S**: Special Use *: Use With Supplemental Standards **: Land Development Options

REGULATED USES	ZONING DISTRICTS								
	AG	SFR	SFN	MHN	RMH	CS	C	CF	LIW
Small Distilleries	P*						P*	P*	
Small Wineries	P*						P*	P*	
Support Laboratories							P	P	P
Tasting Rooms	P						P	P	
Theaters							P	P	
Veterinary Services	S						P	P	P
Wineries	S								S
INDUSTRIAL USES									
Central Cleaning Facilities									S
Contractor Retail Establishments									P
Contractor Storage Yards									P*
Extractive Industries	S*	S*	S*	S*	S*	S*	S*	S*	S*
Food Production									P
Freight Terminals									P
Greenhouses & Nurseries									P
Industrial Parks (as a planned development)									~~PDS~~**
Manufacturing, Light									P
Personal Wireless Service Facilities	S*	S*	S*	S*	S*	S*	S*	S*	S*
Recycling Facilities									P
Research & Development Centers								P	P
Self-Storage Facilities									P*
Solar Energy Farms	S*								S*
Warehousing & Distribution									P
Wholesale Activities									P
Wind Energy Generation Systems									
- On-Site Use Systems < 66 Feet Tall	P*	P*	P*	P*	P*	P*	P*	P*	P*
- On-Site Use Systems > 66 Feet Tall	S*	S*	S*	S*	S*	S*	S*	S*	S*
- Utility Grid Systems	S*								
TRANSPORTATION USES									
Airports or Airfields	S								
Marinas						S			
Public or Private Off-Street Parking							S	S	
Public Transit Stops	P	P	P	P	P	P	P	P	P
Transportation Equipment Storage									P
Transit Stations				S			P	P	

P: Permitted Use **S**: Special Use *: Use With Supplemental Standards **: Land Development Options

3.3 COMPLIANCE WITH DISTRICT REGULATIONS

A. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used except in compliance with the applicable regulations of this Ordinance, including but not limited to conformity with:

1. Uses and purposes permitted in the zoning district it occupies;
2. Height and bulk limits established for such zoning district;
3. Floor area regulations of the zoning district in which it is located;
4. Yard and lot area regulations, and any required off-street parking and loading regulations;

B. Any required opens space or lot area for any building shall not be used in consideration

for satisfying the open space or lot area requirements for any other building.

C. Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) principal building on one (1) lot, except as provided in parts of this Ordinance.

3.4 SCHEDULE OF DIMENSIONAL REQUIREMENTS

The regulations on the following pages of this Section specify parcel dimensions, setback requirements and design standards for parcels in each zoning district.

3.4.1 AG - Agricultural District

A. Dimensional Requirements:

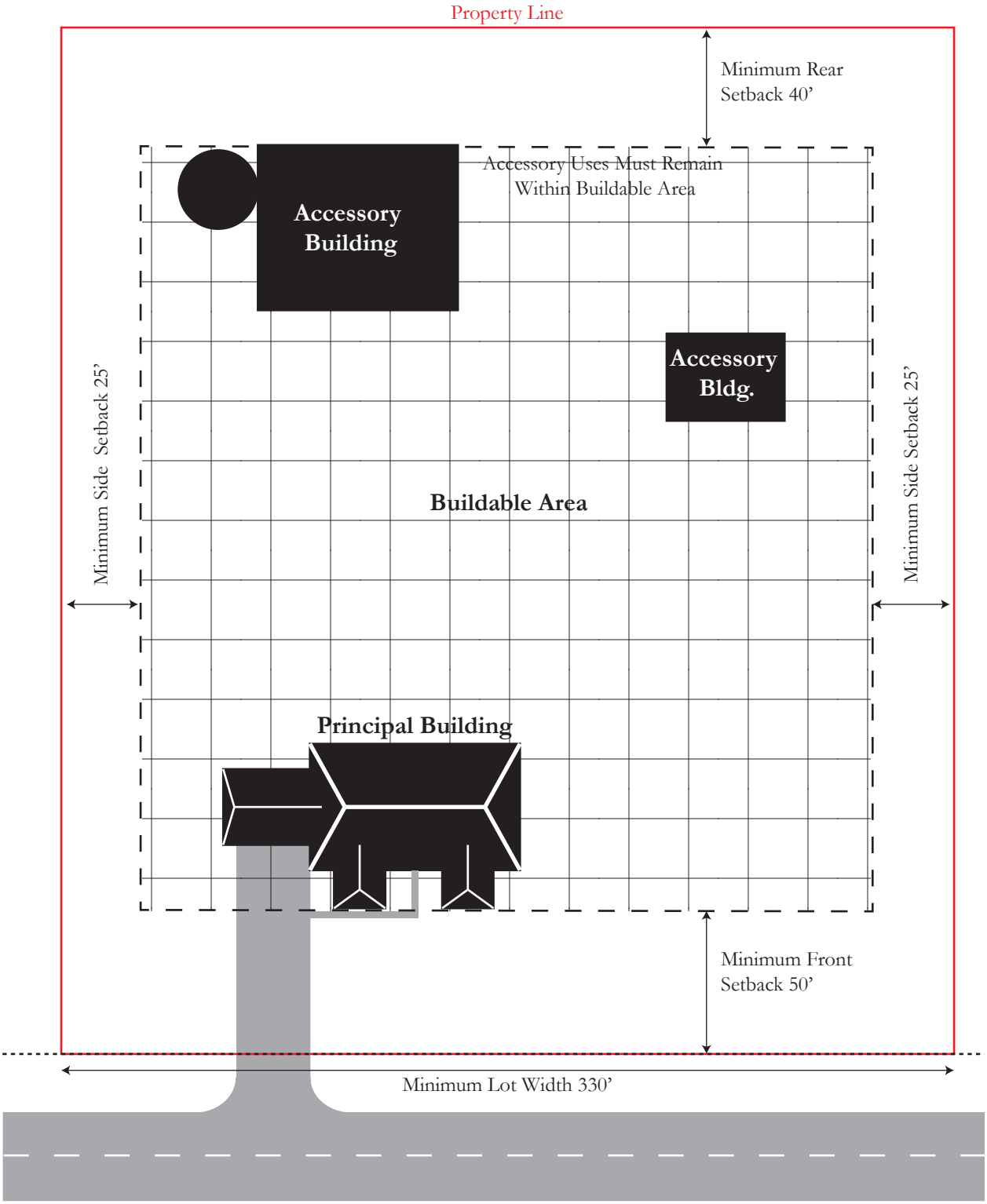
AG - AGRICULTURAL DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	330 feet
Minimum Lot Area	5 acres
Maximum Lot Coverage	---
Maximum Impervious ~~Coverage~~ Surface	---
Base Density	0.2 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	40 feet
Maximum Height	~~35 feet /~~ 2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	40 feet
Principal Building Setback	10 feet
Maximum Height	≤ principal building, except as allowed
Maximum Ground Floor Area (cumulative)	---
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	40 feet

B. Additional Requirements:

1. Structures for agricultural uses, such as barns and silos, may be permitted up to one hundred (100) feet in height.

2. Waterfront parcels in the AG - Agricultural District shall meet the requirements of waterfront properties in Article ~~54~~.

AG - Agricultural



(*Illustration not drawn to scale*)

3.4.2 SFR - Single Family Rural District

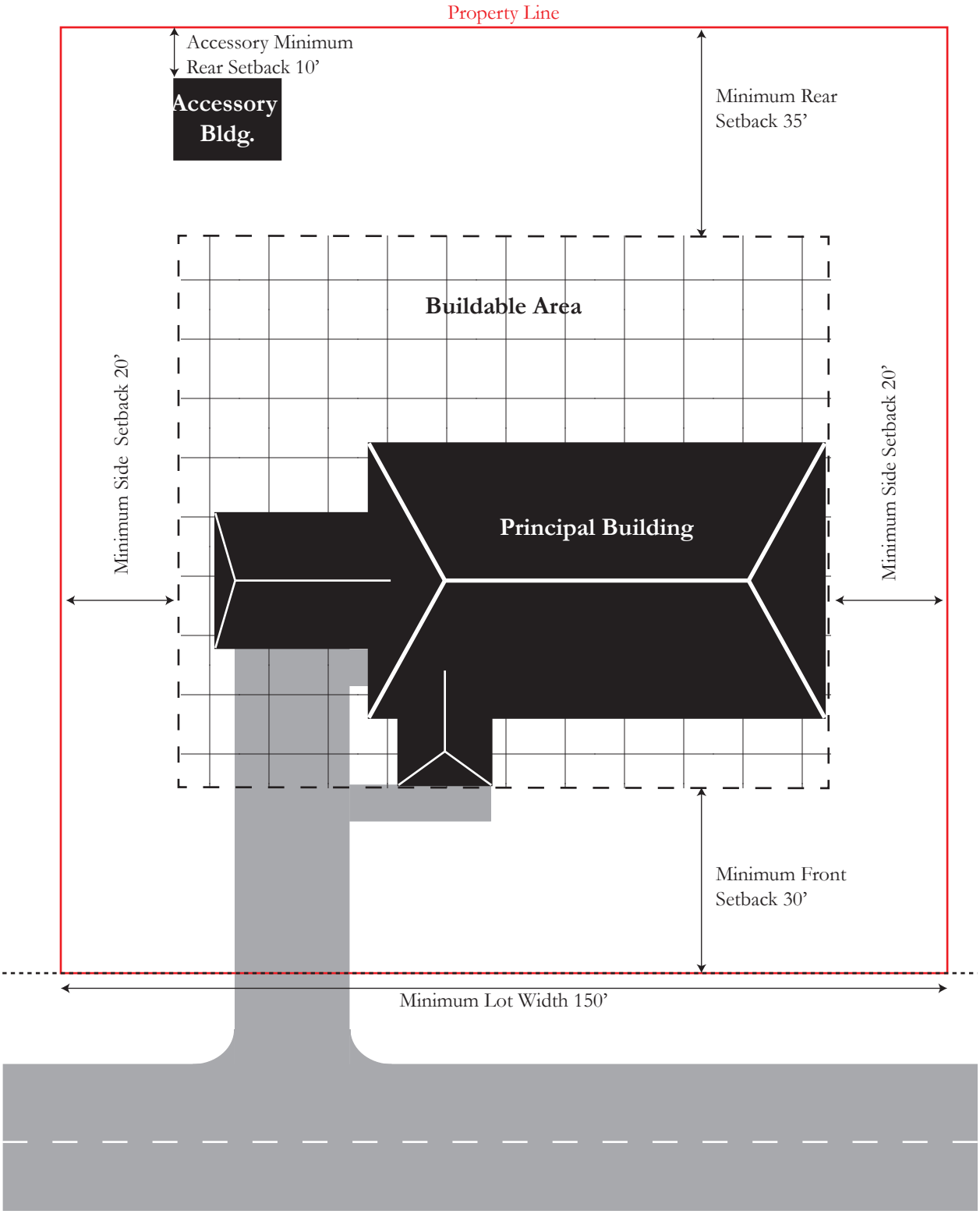
A. Dimensional Requirements:

SFR - SINGLE FAMILY RURAL DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	150 feet
Minimum Lot Area	1 acre
Maximum Lot Coverage	~~30~~25%
Maximum Impervious ~~Coverage~~ Surface	30%
Base Density	1.0 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	~~35 feet /~~ 2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard ~~for non-waterfront properties; Front or side yard for waterfront properties~~
Front Setback	15 feet for waterfront properties
Side Setback	20 feet
Rear Setback	10 feet
Principal Building Setback	10 feet
Maximum Height	24 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	30 feet
Side Setback	20 feet
Rear Setback	10 feet

B. Additional Requirements:

1. Waterfront parcels in the SFR - Single Family Rural District shall meet the requirements of waterfront properties in Article ~~5~~4.

SFR - Single Family Rural



(*Illustration not drawn to scale*)

3.4.3 SFN - Single Family Neighborhood District

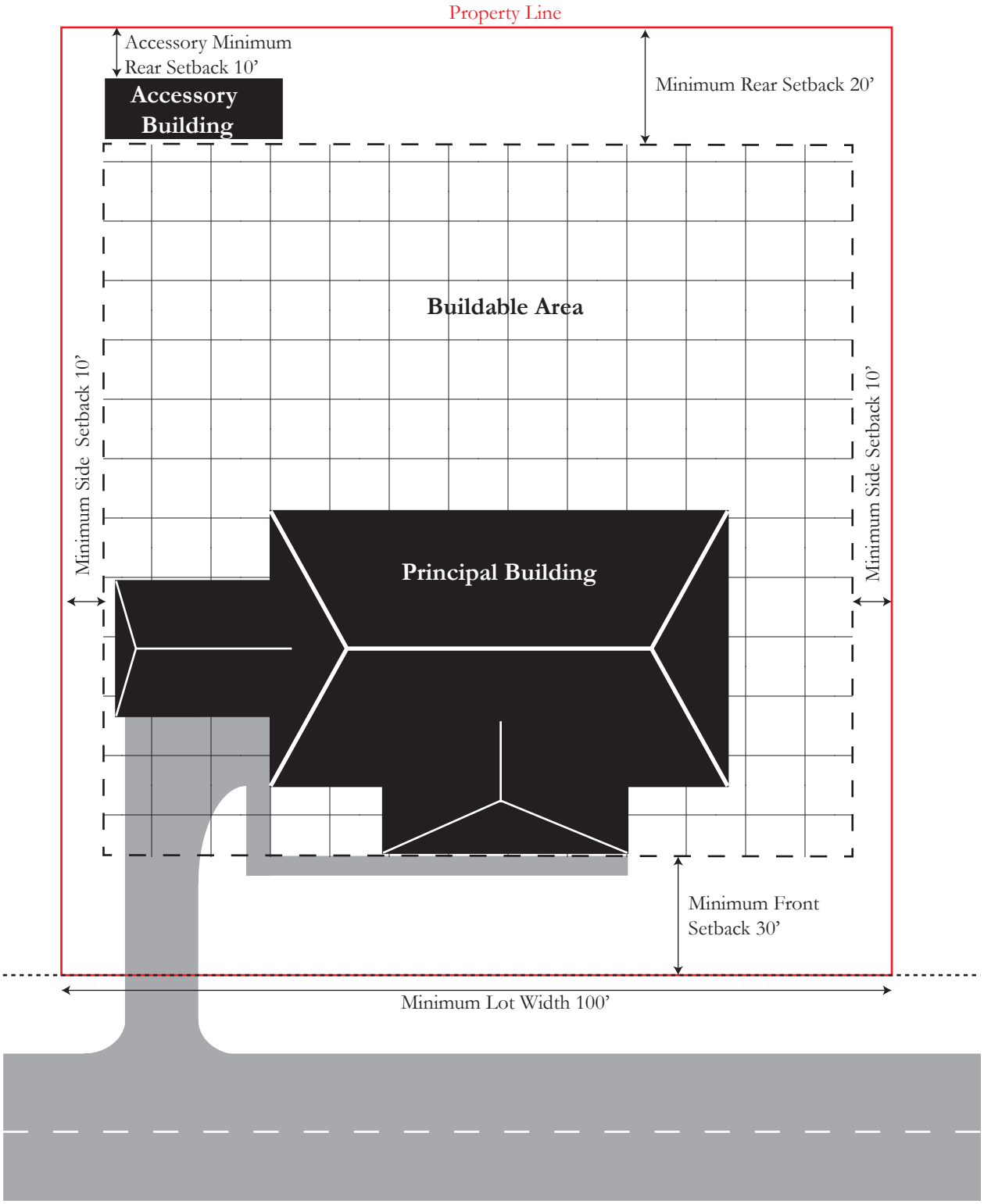
A. Dimensional Requirements:

SFN - SINGLE FAMILY NEIGHBORHOOD DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	100 feet
Minimum Lot Area	10,000 square feet ~~with sewer; 20,000 square feet without sewer~~
Maximum Lot Coverage	30%
Maximum Impervious ~~Coverage~~ Surface	~~30~~ 35%
Base Density	2.9 dwelling units / acre ~~with sewer; 2.2 dwelling units / acre without sewer~~
PRINCIPAL BUILDING	STANDARD
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	20 feet ~~with sewer; 30 feet without sewer~~
Maximum Height	~~35 feet /~~ 2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard for non-waterfront properties; Front or side yard for waterfront properties
Front Setback	15 feet for waterfront properties
Side Setback	10 feet
Rear Setback	10 feet
Principal Building Setback	10 feet
Maximum Height	24 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	10 feet

B. Additional Requirements:

1. Waterfront parcels in the SFN - Single Family Neighborhood District shall meet the requirements of waterfront properties in Article ~~54~~.

SFN - Single Family Neighborhood



(*Illustration not drawn to scale*)

3.4.4 MHN - Mixed Housing Neighborhood District

A. Dimensional Standards:

MHN - MIXED HOUSING NEIGHBORHOOD DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	50 feet
Minimum Lot Area	3,630 square feet
Maximum Lot Coverage	60%
Maximum Impervious ~~Coverage~~ Surface	~~60~~ 65%
Base Density	12 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Built-To-Line	25 feet
Side Street, Corner Lot Built-To-Line	25 feet
Side Setback	8 feet
Rear Setback	~~30~~ 20 feet
Maximum Height	~~45 feet /~~ 4 stories - not to exceed 60 feet
Minimum Ground Floor Livable Floor Area	400 square feet
Minimum Floor Area / Unit	400 square feet
ACCESSORY BUILDING	STANDARD
Permitted Location	Rear yard only
Front Setback	10 feet behind built-to-line
Side Setback	8 feet
Rear Setback	5 feet
Principal Building Setback	10 feet
Maximum Height	24 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Side or rear yard
Front Setback	---
Side Setback	5 feet
Rear Setback	10 feet

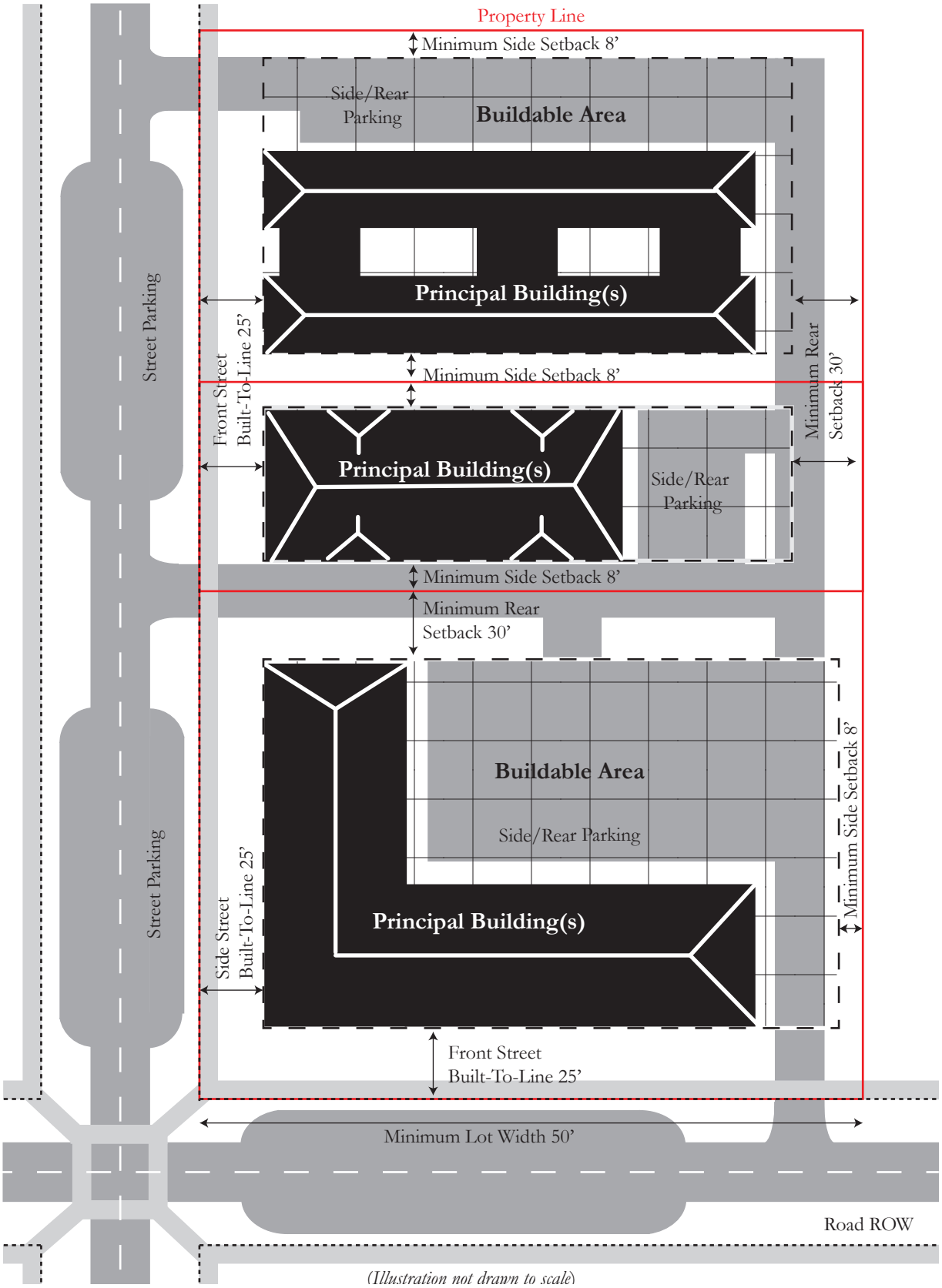
B. Additional Requirements:

1. The Mixed Housing Neighborhood District shall be subject to the US-31/M-72 Mixed Use Overlay District standards in Article 4, along with all other applicable standards of this Ordinance.

2. Waterfront parcels in the MHN - Mixed Housing Neighborhood District shall meet the requirements of waterfront properties in Article ~~54~~.

3. Attached garages shall be a minimum of ten (10) feet behind the built-to-line.

MHN - Mixed Housing Neighborhood



(Illustration not drawn to scale)

3.4.5 RMH - Residential Manufactured Housing District

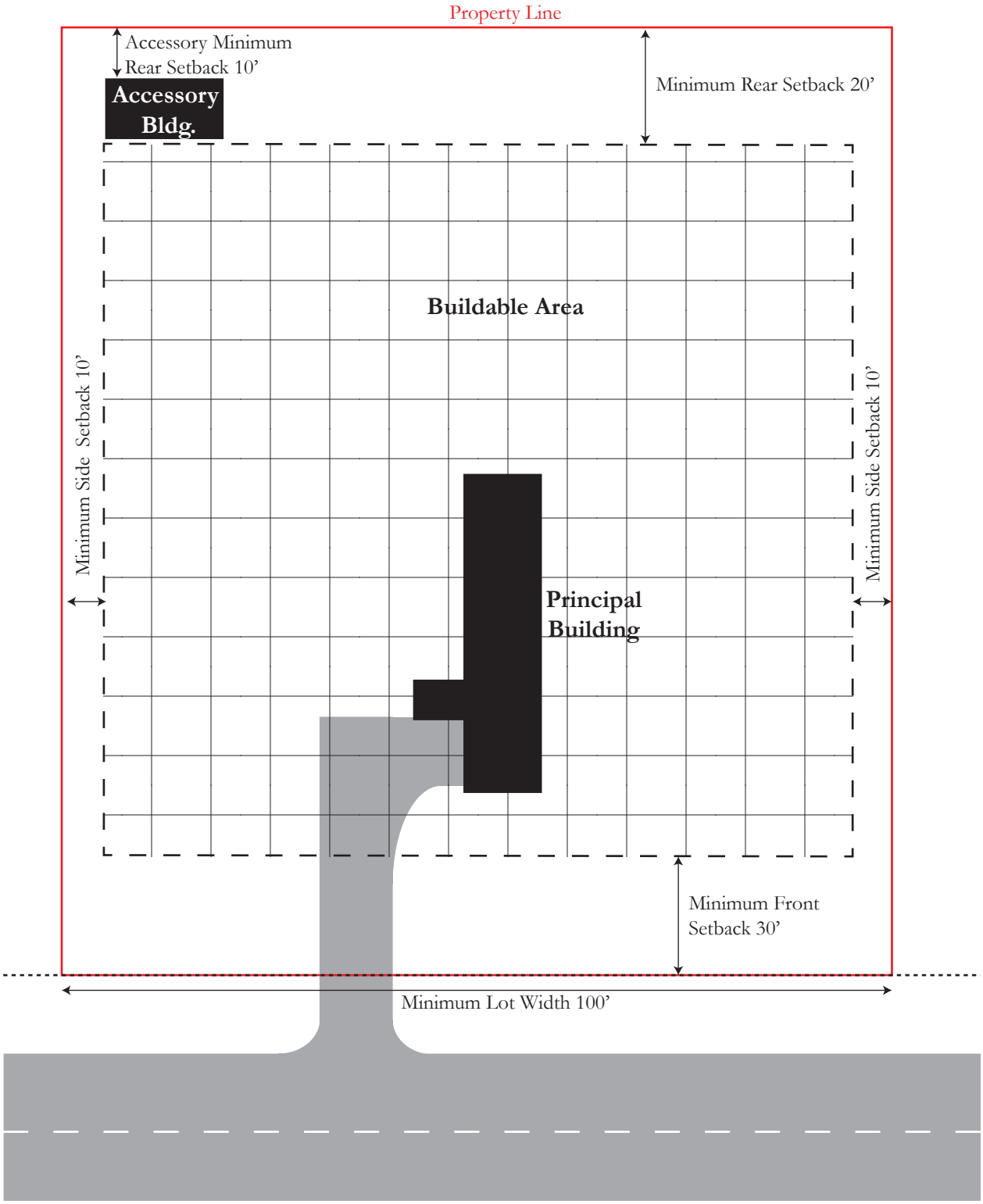
A. Dimensional Standards:

RMH - RESIDENTIAL MANUFACTURED HOUSING DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	100 feet
Minimum Lot Area	10,000 square feet ~~with sewer; 20,000 square feet without sewer~~
Maximum Lot Coverage	30%
Maximum Impervious ~~Coverage~~ Surface	~~30~~ 35%
Base Density	2.9 dwelling units / acre ~~with sewer; 2.2 dwelling units / acre without sewer~~
PRINCIPAL BUILDING	STANDARD
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	20 feet ~~with sewer; 30 feet without sewer~~
Maximum Height	~~35 feet /~~ 2.5 stories - not to exceed 38 feet
Minimum Ground Floor Livable Floor Area	500 square feet
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard only
Front Setback	---
Side Setback	10 feet
Rear Setback	10 feet
Principal Building Setback	10 feet
Maximum Height	24 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Front, side or rear yard
Front Setback	30 feet
Side Setback	10 feet
Rear Setback	10 feet

B. Additional Requirements:

1. The requirements for manufactured home communities are prescribed under the land development options in Article 10.

RMH - Residential Manufactured Housing



(*Illustration not drawn to scale*)

3.4.6 CS - Corridor Shoreline District

A. Dimensional Standards:

CS - CORRIDOR SHORELINE DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	100 feet
Minimum Lot Area	10,890 square feet
Maximum Lot Coverage	~~40~~ 20%
Maximum Impervious ~~Coverage~~ Surface	~~50~~ 25%
Base Density	4 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Built-To-Line	30 feet
Side Street, Corner Lot Built-To-Line	25 feet
Side Setback	10 feet
Rear Setback	35 feet
Maximum Height	~~20 feet /~~ 1 story - not to exceed 20 feet
Minimum Ground Floor Livable Floor Area	400 square feet
Minimum Floor Area / Unit	400 square feet
ACCESSORY BUILDING	STANDARD
Permitted Location	Side or rear yard for non-waterfront properties; Front or side yard for waterfront properties
Front Setback	10 feet behind built-to-line
Side Setback	8 feet
Rear Setback	---
Principal Building Setback	10 feet from built-to-line
Maximum Height	~~24~~ 20 feet
Maximum Ground Floor Area (cumulative)	≤ principal building
PARKING	STANDARD
Permitted Location	Side yard only for waterfront parcels; Side or rear yard for non-waterfront parcels.
Front Setback	---
Side Setback	5 feet
Rear Setback	10 feet

B. Additional Requirements:

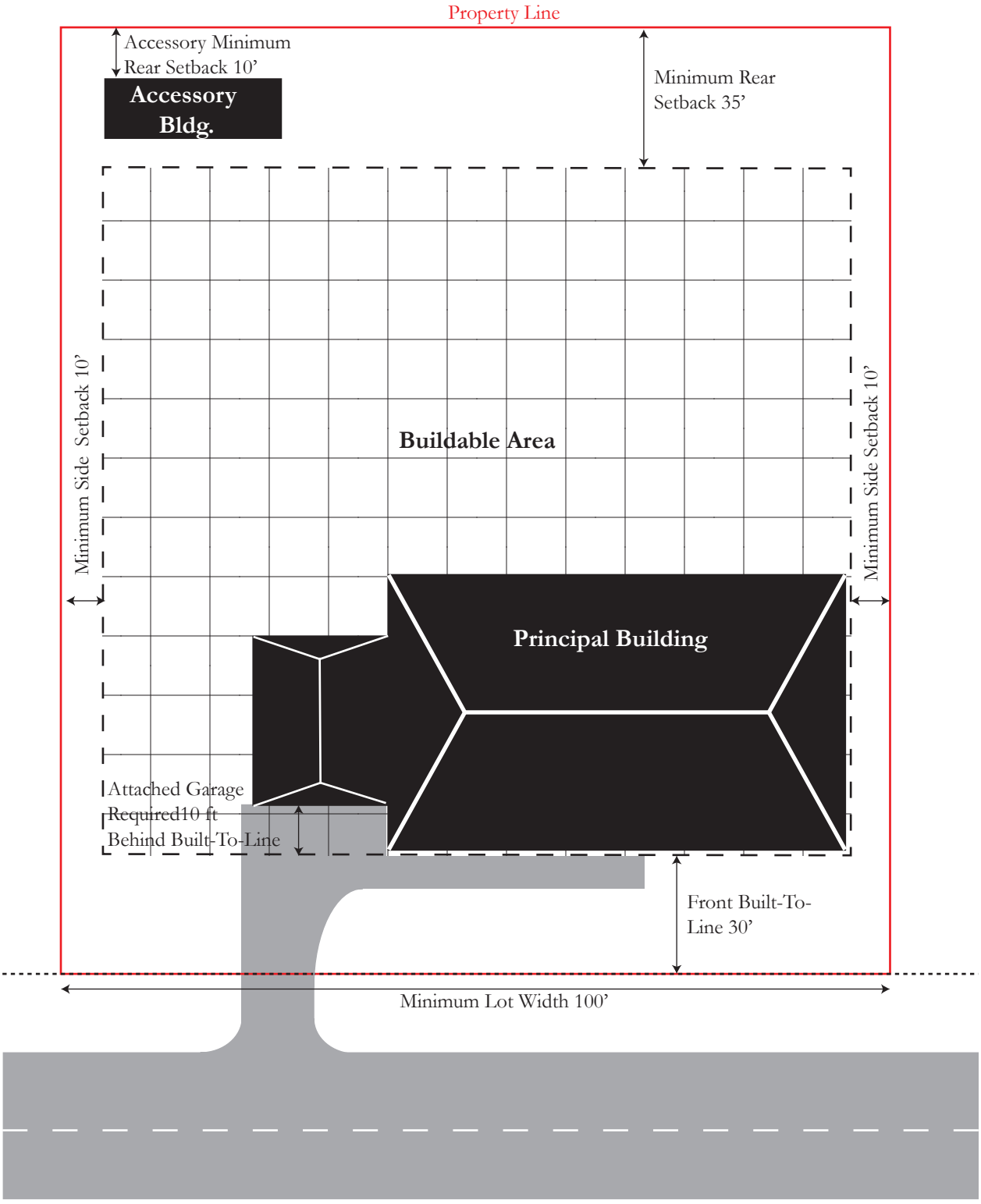
1. The Corridor Shoreline District shall be subject to the US-31/M-72 Mixed Use Overlay District standards in Article 4, along with all other applicable standards of this Ordinance.

2. Waterfront parcels in the CS - Corridor Shoreline District shall meet the requirements of waterfront properties in Article ~~5~~4.

3. Attached garages shall be a minimum of ten (10) feet behind the built-to-line.

4. Accessory structures shall be allowed in the front yard of non-waterfront parcels.

CS - Corridor Shoreline



(*Illustration not drawn to scale*)

3.4.7 C - Corridor Commercial District

A. Dimensional Standards:

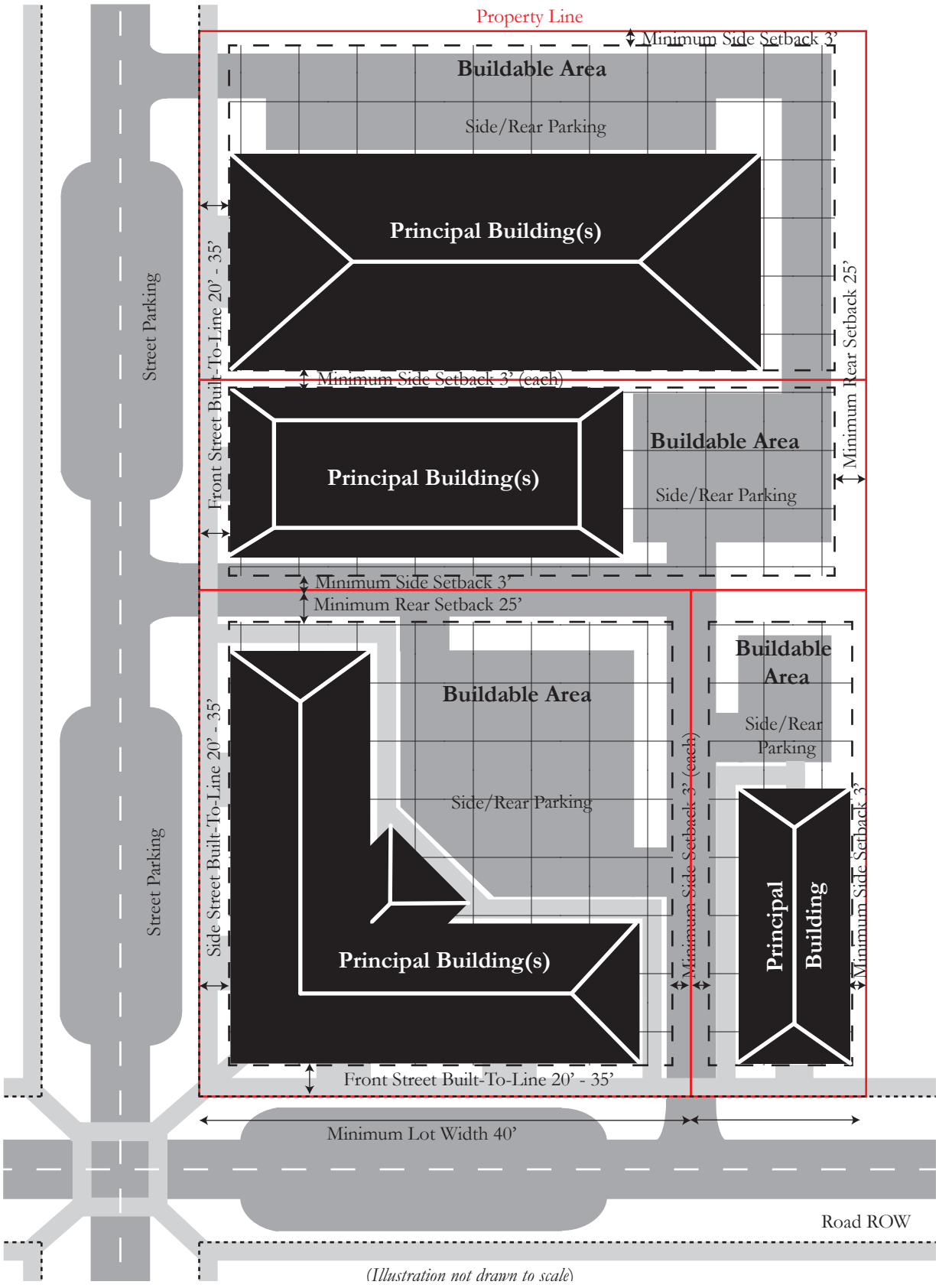
C - CORRIDOR COMMERCIAL DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	40 feet
Minimum Lot Area	3,500 square feet
Maximum Lot Coverage	70%
Maximum Impervious ~~Coverage~~ Surface	85%
Base Density	14 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Built-To-Line	20 - 35 feet
Side Street, Corner Lot Built-To-Line	20 - 35 feet
Side Setback	3 feet
Rear Setback	25 feet
~~Minimum Front Facade~~	~~65% of lot width~~
~~Minimum Side Street Facade~~	~~30 % of lot depth~~
Maximum Height	~~35 feet /~~ 3 stories - not to exceed 45 feet
Minimum Ground Floor Area	400 square feet
Minimum Floor Area / Unit	400 square feet
ACCESSORY BUILDING	STANDARD
Permitted Location	Rear yard only
Front Setback	---
Side Setback	3 feet
Rear Setback	10 feet
Principal Building Setback	10 feet
Maximum Height	≤ principal building
Maximum Ground Floor Area (cumulative)	≤ principal building or 2,500 square feet, whichever is less
PARKING	STANDARD
Permitted Location	Side or rear yard only
Front Setback	---
Side Setback	5 feet
Rear Setback	10 feet

B. Additional Requirements:

1. The Corridor Commercial District shall be subject to the US-31/M-72 Mixed Use Overlay District standards in Article 4, along with all other applicable standards of this Ordinance.

2. Waterfront parcels in the C - Corridor Commercial District shall meet the requirements of waterfront properties in Article 4.

C - Corridor Commercial



(Illustration not drawn to scale)

3.4.8 CF - Corridor Flex District

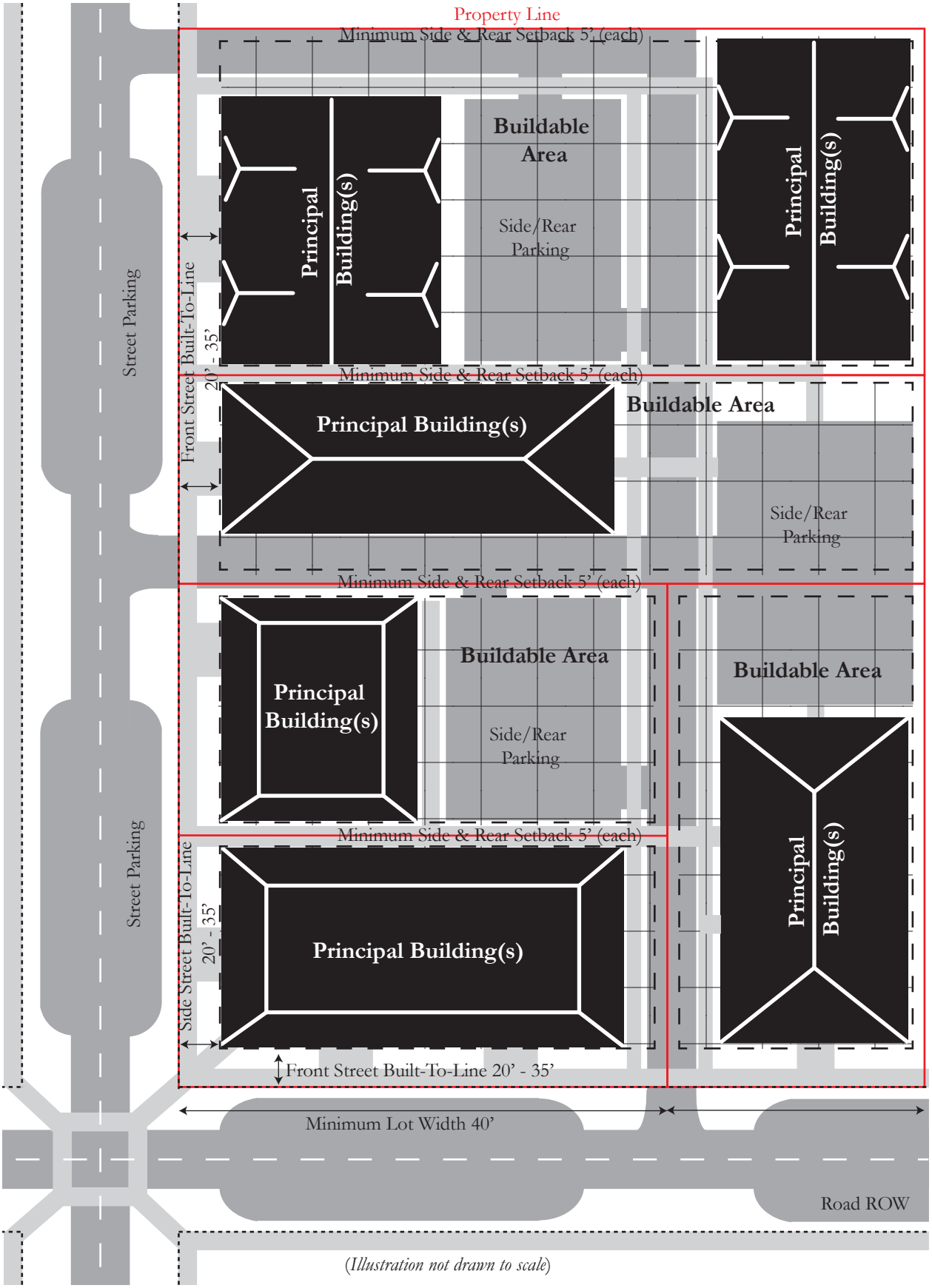
A. Dimensional Standards:

CF - CORRIDOR FLEX DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	40 feet
Minimum Lot Area	3,000 square feet
Maximum Lot Coverage	85%
Maximum Impervious ~~Coverage~~ Surface	100%
Base Density	18 dwelling units / acre
PRINCIPAL BUILDING	STANDARD
Front Built-To-Line	20 feet
Side Street, Corner Lot Built-To-Line	20 feet
Side Setback	5 feet
Rear Setback	5 feet
~~Minimum Front Facade~~	~~75% of lot width~~
~~Minimum Side Street Facade~~	~~50 % of lot depth~~
Maximum Height	~~45 feet /~~ 4 stories - not to exceed 60 feet
Minimum Ground Floor Area	400 square feet
Minimum Floor Area / Unit	400 square feet
ACCESSORY BUILDING	STANDARD
Permitted Location	Rear yard only
Front Setback	---
Side Setback	5 feet
Rear Setback	5 feet
Principal Building Setback	10 feet
Maximum Height	≤ principal building
Maximum Ground Floor Area (cumulative)	≤ principal building or 2,500 square feet, whichever is less
PARKING	STANDARD
Permitted Location	Side or rear yard only
Front Setback	---
Side Setback	5 feet
Rear Setback	5 feet

B. Additional Requirements:

1. The Corridor Flex District shall be subject to the US-31/M-72 Mixed Use Overlay District standards in Article 4, along with all other applicable standards of this Ordinance.

2. Waterfront parcels in the CF - Corridor Flex District shall meet the requirements of waterfront properties in Article 4.


Property Line
Minimum Side & Rear Setback 5' (each)
Buildable Area
Principal Building(s)
Side/Rear Parking
Front Street Built-To-Line 20' - 35'
Street Parking
Minimum Side & Rear Setback 5' (each)
Principal Building(s)
Buildable Area
Side/Rear Parking
Minimum Side & Rear Setback 5' (each)
Buildable Area
Principal Building(s)
Side/Rear Parking
Minimum Side & Rear Setback 5' (each)
Side Street Built-To-Line 20' - 35'
Principal Building(s)
Front Street Built-To-Line 20' - 35'
Minimum Lot Width 40'
Road ROW
(Illustration not drawn to scale)

3.4.9 LIW - Light Industrial and Warehousing District

A. Dimensional Standards:

LIW - LIGHT INDUSTRIAL & WAREHOUSING DISTRICT	
LOT OCCUPATION	STANDARD
Minimum Lot Width	150 feet
Minimum Lot Area	---
Maximum Lot Coverage	85%
Maximum Impervious Coverage	100%
Base Density	---
PRINCIPAL BUILDING	STANDARD
Front Setback	~~20% of lot depth, not less than~~ 40 feet~~, not to exceed 60 feet~~
Side Setback	~~10% of lot depth, not less than~~ 10 feet~~, not to exceed 50 feet~~
Rear Setback	~~20% of lot depth, not less than~~ 40 feet~~, not to exceed 60 feet~~
Maximum Height	45 feet / 4 stories
Minimum Ground Floor Area	---
Minimum Floor Area / Unit	---
ACCESSORY BUILDING	STANDARD
Permitted Location	Rear or side yard
Front Setback	---
Side Setback	10 feet
Rear Setback	20 feet
Principal Building Setback	10 feet
Maximum Height	~~45 feet /~ 4 stories - not to exceed 60 feet
Maximum Ground Floor Area (cumulative)	~~≤ principal building~~ ---
PARKING	STANDARD
Permitted Location	Side or rear yard only
Front Setback	---
Side Setback	10 feet
Rear Setback	10 feet

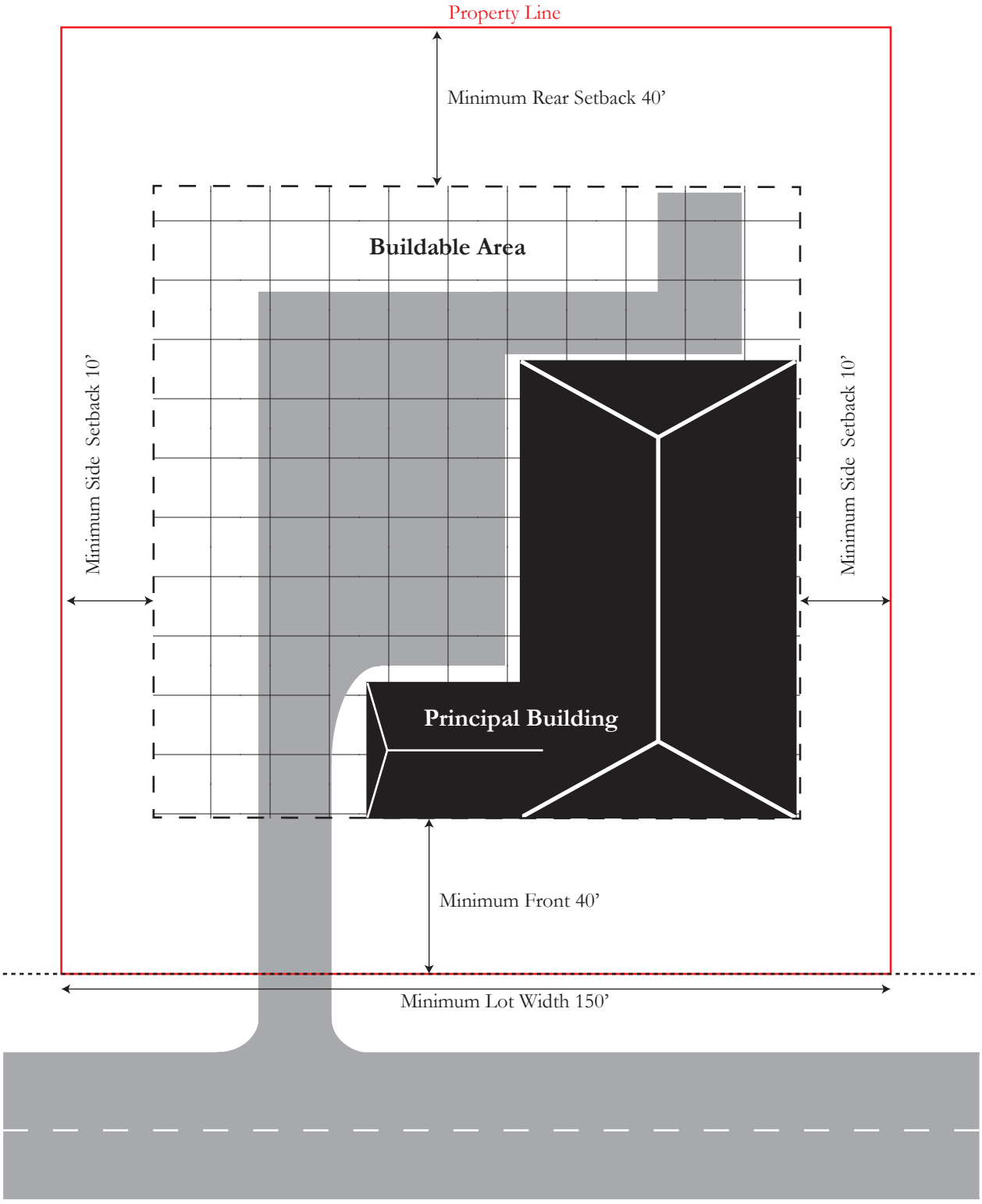
B. Additional Requirements:

1. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for storage, parking, loading, unloading or necessary structures.

2. Loading space is permitted in the rear and side yard. ~~only. In exceptional cases, loading space may be permitted in an interior side yard with approval of the Planning Commission when it can be shown that such location is necessitated by site conditions.~~

3. Waterfront parcels in the LIW - Light Industrial & Warehousing District shall meet the requirements of waterfront properties in Article 4.

LIW - Light Industrial & Warehousing



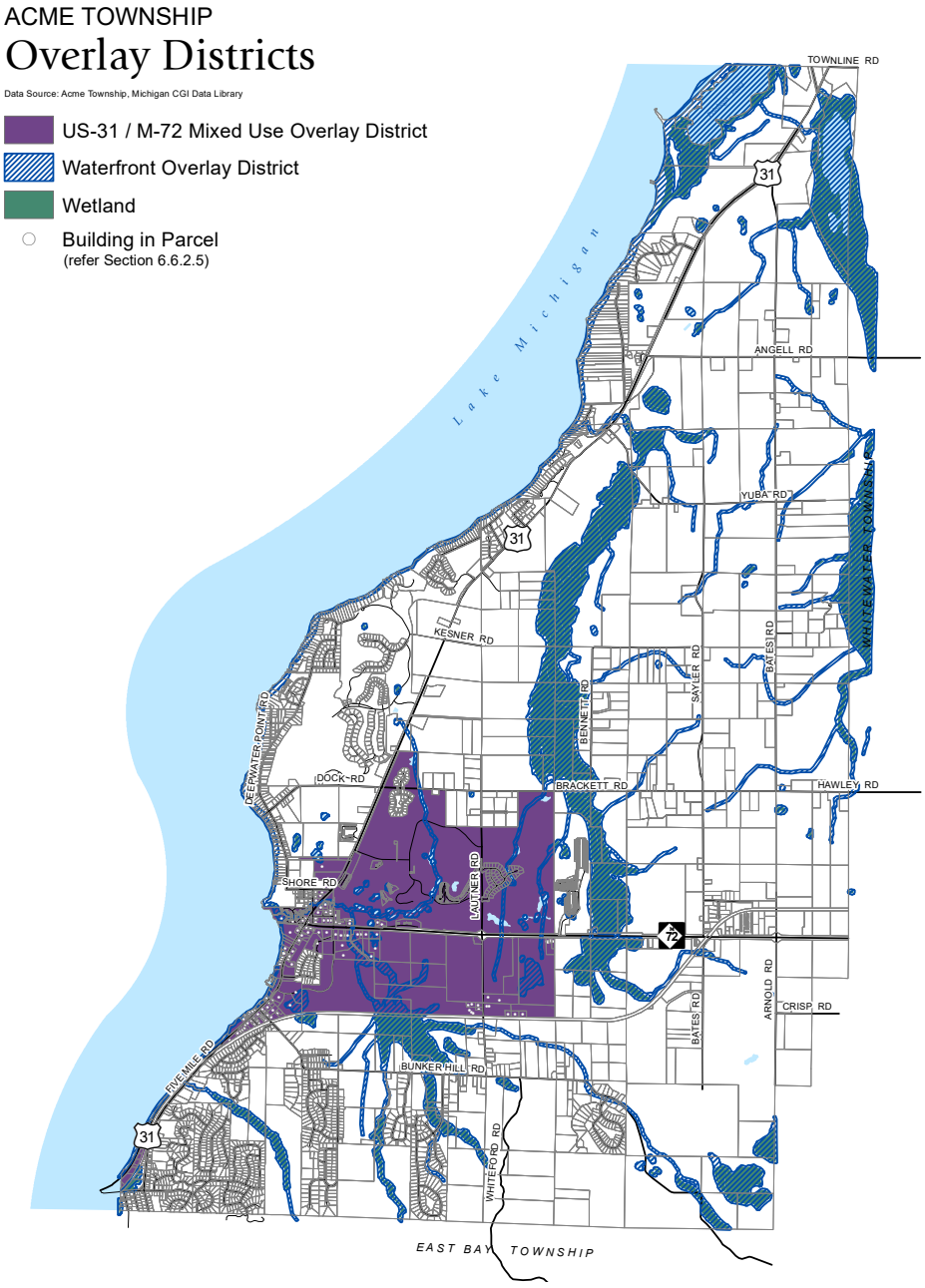
(*Illustration not drawn to scale*)

Article 4: Overlay Districts

4.1. Overlay Districts
4.2. US-31 / M-72 Mixed Use Overlay District
4.3. Waterfront Overlay District

4.1 OVERLAY DISTRICTS

In addition to the restrictions and requirements of the base zoning district applicable to a particular site, the restrictions of the applicable Overlay District or Districts shall also apply. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.



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4.2 US-31/M-72 MIXED USE OVERLAY DISTRICT

4.2.1 Intent and Purpose

The US-31 / M-72 Mixed Use Overlay District zoning is a departure from traditional zoning in that it focuses less on the use of a parcel and more on how to integrate private and public spaces. The US-31 / M-72 Mixed Use Overlay District zoning intends to merge public infrastructure standards with private development regulations to create a viable business district that is equally shared between cars and pedestrians. Key elements include better land use balance, expanding the uses permitted by right and expediting the review process, bringing buildings closer to the street to facilitate walkability, increasing density of multiple family dwelling units, and the integration of low impact development storm water technologies.

The text and diagrams in the US-31 / M-72 Mixed Use Overlay District address the location and extent of land uses, implement the vision articulated in the Acme Township Placemaking Plan and Community Master Plan processes, and also express community intentions regarding urban form and design. These expressions may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and housing types within each, and provide specific measures for regulating relationships between buildings, and between buildings and outdoor public areas, including streets.

4.2.2 Applicability

The location and extent of the US-31 / M-72 Mixed Use Overlay District shall be the Mixed Housing Neighborhood (MHN), Corridor Shoreline (CS), Corridor Commercial (C) and Corridor Flex (CF) zoning districts as indicated on the Overlay Districts Map at the beginning of this Article .

4.2.3 General Standards

The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

A. 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.

B. 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.

C. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

D. Be necessary to meet the intent and purpose of this 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.

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E. 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.

F. Meet the intent of the Acme Shores Placemaking Plan and Community Master Plan to establish interconnected, walkable and mixed use neighborhoods.

4.2.4 Properties Currently Developed and Occupied

The Regulating Plan encompasses properties that have been developed under the former Acme Township Zoning Ordinance. These properties will likely not comply with the dimensional and form requirements of the US-31 / M-72 Mixed Use Overlay District and will not be considered as nonconforming. If an existing structure is expanded, the improvements shall comply with the standards of the overlay district to the greatest extent possible, as determined by the Zoning Administrator, Administrative Review Committee, and/or Planning Commission. If the property is demolished, redeveloped, or vacated of its existing structure, then all new construction it shall comply with all of the standards of the overlay district.

4.2.5 Development Categories, Patterns and Land Use

A. MHN - Mixed Housing Neighborhood

MHN - MIXED HOUSING NEIGHBORHOOD	
Intent	This neighborhood will include a variety of housing types including single- and multi-family residential, cluster residential and open space subdivisions, small lot residential, duplex, triplex, fourplex, courtyard units and apartments of various types and sizes. All of these residential developments will be designed as walkable neighborhoods with sidewalks and on-street parking. Densities would range from 5 to 12 dwelling units per acre.
Distinguishing Characteristics	Mix of housing types including attached units.
General Characteristics	Predominately detached buildings, balance between landscape and buildings, presence of pedestrian amenities such as sidewalks and pedestrian scale lighting.
Desired Form	Residential
Building Placement	Shallow to medium front and side yard setbacks
Frontage Types	Porches, low fences
Typical Building Heights	2 to 3 stories with some variation and a few taller workplace buildings.
Type of Public Open Space	Parks along East Bay and neighborhood parks
Transit (where available)	BATA / TART

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B. CS - Corridor Shoreline

CS - CORRIDOR SHORELINE	
Intent	To provide for the continuation of existing businesses and residences along the west side of US-31 as this area evolves into a series of interconnected public and private water-related recreation uses.
Distinguishing Characteristics	Primarily single family residential with walkable development pattern and pedestrian facilities, dominant waterfront landscape character. Includes some scattered commercial uses.
General Characteristics	Detached buildings with landscaped yards, normally adjacent to other residential and some commercial establishments. Commercial uses consist of service or office uses with parking.
Desired Form	Parks and open space
Building Placement	Shallow to medium front and side yard setbacks
Frontage Types	Commercial uses front onto thoroughfare
Typical Building Heights	1 Story
Type of Public Open Space	Parks along East Bay
Transit (where available)	BATA / TART

C. C - Corridor Commercial

C - CORRIDOR COMMERCIAL	
Intent	To provide or a traditional commercial district that promotes mixed use, walkability and transit options, and takes advantage of its location to East Bay
Distinguishing Characteristics	Variety of 1 story commercial buildings and 2 to 3 story mixed use buildings with upper stories used for professional offices and residential units. Buildings would be constructed with durable building materials close to the right-of-way with parking on the side or in the rear of the building. Parking lots would be connected with cross access easements and on-site amenities and lighting would be consistent between properties
General Characteristics	Predominately detached buildings, balance between landscape and buildings, presence of pedestrian amenities such as wide sidewalks and pedestrian scale lighting.
Desired Form	Commercial, storefronts, live-work units
Building Placement	Shallow to medium front and side yard setbacks
Frontage Types	Stoops, doorways, storefronts and arcade walkways
Typical Building Heights	1 to 3 story with some variation and a few taller workplace buildings.
Type of Public Open Space	Parks along East Bay
Transit (where available)	BATA / TART

D. CF - Corridor Flex

CF - CORRIDOR FLEX	
Intent	To provide for a flexible mixture of retail, office, commercial, residential and institutional uses within walkable and connected neighborhoods. The objective is to create an environment where residents can live, work and shop for day-today amenities in the same area.
Distinguishing Characteristics	Retail, workplace and civic activities mixed with attached housing types such as townhouses and apartments all developed at a community scale.
General Characteristics	Predominately attached buildings, landscaping within the public right-of-way, substantial pedestrian activity
Desired Form	Mixed use
Building Placement	Small or no setbacks, buildings oriented to the street with placement and character defining a street wall
Frontage Types	Commercial uses front onto thoroughfare
Typical Building Heights	2 to 4 stories
Type of Public Open Space	Parks, plazas and squares, boulevard median landscaping
Transit (where available)	BATA / TART

4.2.6 General Provisions

The following provisions apply to all developments within the US-31 / M-72 Mixed Use Overlay District:

A. All floors must have a primary ground-floor entrance that faces the primary side of the street.

B. Residential uses with a primary ground-floor entrance must face the primary side of the street.

C. Any section along the built-to-line not defined by a building must be defined by a three (3) foot, six (6) inch high masonry screen wall setback five (5) feet from the built-to-line unless it is an existing parking lot and in that instance the screening wall can be located adjacent to the sidewalk. The area between the built-to-line and the masonry wall setback shall be landscaped, if practical.

D. Buildable density is determined by the sum of the square footage or acreage used for building(s).

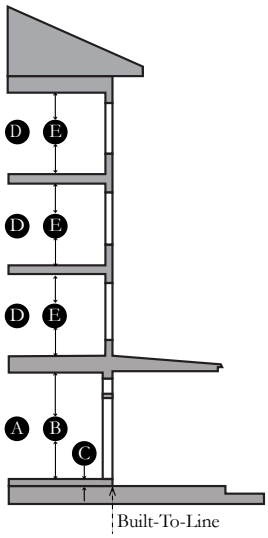
E. Rear-facing buildings, loading docks, overhead doors intended for the receipt of vehicles or goods, and other service entries are prohibited on street-facing facades.

F. Air compressors, mechanical pumps, exterior water heaters, utility and telephone company transformers, meters or boxes, garbage cans / dumpsters, storage tanks, and similar equipment shall not be stored or located within any area adjacent to a street right-of-way.

G. Roof mounted equipment shall be placed behind and away from any required building line and be screened from view from the street.

4.2.7 Land Use Development By Floor

LAND USE	MHN	CS	C	CF
Ground Floor (A)				
Residential Use	Yes	Yes	No*	No
Public / Private Uses	Yes	Yes	Yes	Yes
Transportation / Utility Uses	Yes	Yes	Yes	Yes
Office Uses	No	No	Yes	Yes
Commercial Uses	No	No	Yes	Yes
Lodging Uses	No	No	Yes	Yes
Ceiling Height (min.) (B)	9′	---	14′	14′
Finish Level Above Grade (max.) (C)	4′	4′	0″	0″
Upper Floors (D)				
Residential Uses	Yes	Yes	Yes	Yes
Public / Private Uses	Yes	No	Yes	Yes
Transportation / Utility Uses	No	No	No	No
Office Uses	No	Yes	Yes	Yes
Commercial Uses	No	No	Yes	Yes
Lodging Uses	No	No	Yes	Yes
Ceiling Height (min.) (E)	9′	---	9′	9′



* Ground floor residential uses shall be allowed in the C: Corridor Commercial district for buildings not located along the built-to-line, provided the placement of buildings along the built-to-line and front facade percentage of lot width requirements have been met.

4.2.8 Canopies and Awnings

Canopies and awnings may be required and may encroach over the built-to-line and/or setbacks to the maximum extent indicated below, but shall not exceed over the property line:

A. Front: 10 feet

B. Side: 10 feet

C. Rear: 5 feet

4.2.9 Facade Components and Materials (All Buildings Except Residential-Only)

A. Windows and Transparency:

1. A minimum of seventy five (75%) percent of the ground floor story front facade between two (2) feet and eight (8) feet above the sidewalk must be comprised of transparent, non-reflective windows into the nonresidential space.

2. A minimum of thirty (30%) percent of the upper story facade measured floor to floor shall have transparent, non-reflective, vertically oriented windows.

B. Facade Ornamentation: All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions will be required on larger buildings to break long uninterrupted building walls.

C. Facade Massing: Front façades sixty (60) feet wide or more shall incorporate wall offsets of at least two (2) feet in depth (projections or recesses) a minimum of every forty (40) feet. Each required offset shall have a minimum width of twenty

(20) feet. Such offsets, along with other architectural components, shall be allowed to deviate from the established built-to-line.

D. Roofs:

1. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall be used to conceal the roof and mechanical equipment.

2. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs.

3. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three dimensional cornice treatment so as to have a minimal visual impact as seen from public street, existing single family uses, and land zoned for residential and agricultural uses.

E. Customer Entrances:

1. Each side of a building facing a public street shall include at least one (1) customer entrance, except that no building shall be required to provide entrances on more than two (2) sides of the structure that face public streets. Buildings fronting two (2) streets on a corner lot may satisfy this requirement by having one (1) customer entrance located at the corner of the building placed at a forty five (45) degree angle to the street intersection.

2. Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features:

   a. Canopies/porticos above the entrance;

   b. Roof overhangs above the entrance;

   c. Entry recesses/projections;

   d. Arcades that are physically integrated with the entrance;

   e. Raised corniced parapets above the entrance;

   f. Gabled roof forms or arches above the entrance;

   g. Outdoor plaza adjacent to the entrance having seating and a minimum depth of twenty (20) feet;

   h. Display windows that are directly adjacent to the entrance; or

   i. Architectural details, such as tile work and moldings, that is integrated into the building structure and design and is above and/or directly adjacent to the entrance.

F. Building Materials:

1. Use of traditional building materials shall be used. Fluted concrete masonry units and scored concrete masonry unit block, although not considered

traditional building materials, may be used but shall not exceed twenty five (25%) percent of the surface square footage of any portion of the building exposed to a public right-of-way, customer access or parking area.

2. Materials such as exterior insulation finish system (EIFS), concrete panels, and panel brick are not considered traditional building materials and shall not be used.

4.2.10 Site Lighting

A. Streetlights shall be of a general type specified by the Township and shall meet the applicable standards in Article 6.

B. Wall pack lighting shall only be used on the rear or side of the building to illuminate exits and loading facilities.

C. Front facade illumination lighting shall only be used over the customer entry.

D. Parking lot pole height (including luminaire) shall not exceed the height of the building or twenty seven (27) feet, whichever is less.

4.2.11 Water Quality and Storm Water Management

All projects shall adhere to the Acme Township Storm Water Control Ordinance, as amended, as well as incorporating low impact development (LID) water quality technologies. Low impact development water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures and will be required on-site as a component of the overall storm water plan. The Planning Commission has the authority to determine the type of LID that will be used as part of the approval process.

4.2.12 Parking

Parking shall conform to provisions of Article 6, except as specified below:

A. Location: Parking shall be located behind or adjacent to a building.

B. Screening: All parking lots shall be screened with a three (3) foot, six (6) inch masonry wall or landscaped hedge row on all sides.

C. Setbacks: The following parking lot setbacks shall apply:

1. Front setbacks when adjacent to a building shall be five (5) feet if screened by a masonry wall, or ten (10) feet if screened by a landscape hedge, both measured from the facade of the building.

2. Side street setbacks shall be five (5) feet if screened by a masonry wall, or ten (10) feet if screened by a landscape hedge, both measured from the facade of the building.

3. Side setbacks along a common property line shall be ten (10) feet.

4. Rear setbacks shall be five (5) feet.

D. Cross Access: Where a parking lot abuts an interior and/or common property line the property owner shall provide a cross access easement for the purpose of

connecting adjacent parking lots.

E. Bicycle Parking: Bicycle parking shall be required for every new development and additions or improvements to existing developments that add over one thousand (1,000) square feet of additional impervious surface at the following rate:

1. Two (2) bicycle parking spaces plus one (1) bicycle parking space for every ten (10) vehicle parking spaces.

4.3 WATERFRONT OVERLAY DISTRICT

4.3.1 Intent and Purpose

The Township Board finds that protecting water quality, lakes, streams, wetlands, and other sensitive environmental features is good land use planning and protects the public health, safety, and welfare of the community. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality, and community scenic and recreational values.

4.3.2 Applicability

The standards of the Waterfront Overlay District shall apply to all private development and/or use of that portion of a lot or parcel of land within fifty (50) feet of the following:

A. The ordinary high water mark on Grand Traverse Bay.

B. The normal stream bank of Acme Creek, Bakers Creek, Tobecco Creek, Yuba Creek, and any associated tributaries.

C. Any established wetland.

4.3.3 General Requirements

The following requirements shall apply to all uses, structures, and lands within the Waterfront Overlay District:

A. Compliance with the Acme Township Stormwater Control Ordinance, as amended, is a zoning requirement and a condition of approval of any and all land uses and 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 Practices (GAAMP) approved by the Michigan Department of Agriculture conflicts with any provision of this chapter, the GAAMP shall control.

C. The use of pesticides, herbicides and fertilizers shall be prohibited.

D. Composting, including the collection and storage of leaves, grass clippings, or other similar yard/garden waste shall be prohibited.

E. No fill or excavation shall be permitted, except as allowed through an approved shoreline stabilization project.

4.3.4 Natural Shoreline Buffer

A. Purpose: The purpose of the natural shoreline buffer is to protect water quality by preventing soil erosion, providing a filter for the removal of nutrients, pesticides, fertilizers, and other potential water pollutants, and to preserve a visual barrier by maintaining a strip of natural vegetation along the shoreline.

B. Extent: The natural shoreline buffer shall include all lands located within twenty five (25) feet of the ordinary high water mark on Grand Traverse Bay, a normal stream bank, or an established wetland.

C. Preservation: Vegetation within the natural shoreline buffer shall be maintained in a natural state. The removal or pruning of trees, shrubs or other native vegetation, and the mowing of grasses and herbaceous plants shall be prohibited within the natural shoreline buffer with the following exceptions:

1. Pruning to remove dead portions of trees, shrubs or other vegetation.

2. Removal of dead trees, shrubs or other vegetation, however, the root systems shall be left in place for shoreline stabilization.

3. Removal of invasive species as identified by the Northwest Michigan Invasive Species Network.

4. Removing limbs and/or branches from living trees up to a height of twelve (12) feet above grade and trimming herbaceous plants that exceed a height of four (4) feet above grade to establish filtered views.

5. Clearing and removal of vegetation to accommodate a walkway, a deck or patio structure, and/or to provide reasonable water access. Such allowed vegetation clearings shall be limited as follows:

    1) For parcels along Grand Traverse Bay, such clearing shall be limited to twenty (20%) percent of lot width at the ordinary high water mark, or twenty (20) feet, whichever is less.

    2) For parcels having a stream bordering or traversing the property, such clearing shall be limited to twenty (20%) percent of the length of the stream bordering or traversing the parcel, or twenty (20) feet, whichever is less.

    3) For parcels bordering or containing a wetland, such clearing shall be limited to twenty (20%) percent of the length of the wetland's border within or along the property line, or twenty (20) feet, whichever is less.

D. Restoration: For any project or development requiring a land use permit on a waterfront lot that does not have an established natural shoreline buffer meeting the standards of this Section, the establishment, restoration, and/or maintenance of a natural shoreline buffer shall be required that meets the following standards:

1. Any and all fill material placed within the natural shoreline buffer shall be removed, except those placed as part of an approved shoreline stabilization structure. Only soil substrates consistent with the composition of the pre-existing on-site soil substrates shall be allowed when necessary for growth of new vegetation. The placement of beach sand shall be prohibited.

2. The natural shoreline buffer area shall be replanted solely with native, non-invasive species best suited for that habitat and shall meet the Landscaping Standards and Criteria in Article 6.

3. Native vegetation shall be required at a rate of one (1) deciduous tree and three (3) deciduous or coniferous shrubs per twenty five (25) feet of shoreline. The placement of the trees and shrubs shall be so designed as to imitate the natural shoreline exemplified along the waterfront and to evenly distribute root structures throughout the natural shoreline buffer area to provide soil stability against erosion. The remainder of the natural shoreline buffer area shall be planted with native wildflowers, vines, grasses, rushes, sedges, and/or ferns.

4. All natural shoreline buffer restorations shall require a landscape plan satisfying the requirements of Article 6 and shall be reviewed and approved by the Zoning Administrator.

E. Violation: It is a violation of this Ordinance to alter or disturb the natural shoreline buffer, except as permitted. If altered or disturbed, the following corrective measures shall be required:

1. The natural shoreline buffer shall be restored as prescribed in the Restoration item of this subsection.

2. Plantings that are removed shall be replaced at a rate consistent with the requirements in the Existing Landscape Credit Ration table in Article 6. For example based on the table, if a ten (10) inch deciduous tree is removed, it will need to be replaced with four (4) deciduous trees with a minimum caliper size of two and a half (2 $^{1}/_{2}$) inches.

4.3.5 Permitted Structures

A. Permitted structures within the Waterfront Overlay District shall require a land use permit and shall be limited to the following:

1. Patios and Decks: One (1) permeable patio or deck, not to exceed two hundred (200) square feet. Patios and decks shall be limited to a maximum of two (2) feet above average finished grade surrounding the structure. Fill and excavation shall be prohibited.

2. Walkways and Stairs: A maximum of one (1) walkways, including portions constructed as stairways and boardwalks, shall be allowed per parcel to allow reasonable privater riparian access. Walkways and/or stairs shall be limited to four (4) feet in width and constructed of a permeable surface. Allowance may be permitted by the Administrative Review Committee on a case by case if the applicant can document the necessity of additional width requirement for accessibility needs.

B. All permitted structures shall be constructed of pervious material such as porous concrete, patio blocks, wood chips, gravel, or decking.

C. All permitted structures must meet the side yard setbacks for the district.

D. All permitted structures shall meet the standards of any applicable federal, state, or local agency requirements and shall secure any necessary permits.

4.3.6 Shoreline Stabilization Structures

Shoreline stabilization structures may be allowed in the Waterfront Overlay District through a site plan review approval by the Administrative Review Committee. In addition to the standards for site plan review approval in Article 8, the following standards shall be met for shoreline stabilization structures:

A. The need for the shoreline stabilization structure is to protect existing structures on the property from the imminent threat of loss or damage, and is the minimum amount necessary to provide protection against the threat.

B. In order to minimize negative impacts of natural shoreline processes on neighboring properties and the shoreline ecosystem, shoreline stabilization structures may be permitted in the form of sloping revetments. Vertical structures such as sea walls and structures exceeding a fifty (50%) percent slope (1:2) shall be prohibited.

C. Shoreline stabilization structures shall be constructed parallel to the natural shoreline.

D. Any disturbance to the natural shoreline buffer shall be restored as prescribed in Restoration item of this Section. A landscape plan may be required to indicate the necessary restoration efforts.

E. All permitted structures shall meet the standards of any applicable federal, state or local agency requirements and shall secure any necessary permits.

4.3.7 Limitations On Funnel Development

Any parcel with water frontage to Lake Michigan that is proposed to be used by more than one (1) family unit shall meet the following requirements:

A. The waterfront access shall be on a parcel adjacent to, or contained within, the parcel for residential development for which common access is proposed.

B. Meet the minimum parcel size and setbacks as required by the zoning district in which such use is proposed. The minimum parcel size shall increase by three thousand five hundred (3,500) square feet for each dwelling in excess of two (2) having access privileges.

C. Have a minimum frontage on the water of not less than one hundred (100) feet, measured at the ordinary high water mark. The minimum frontage shall increase by fifty (50) feet for each dwelling in excess of two (2) having access privileges.

D. No dwelling units or clubhouse shall be permitted on any such shared waterfront parcel.

E. Individual docks, boat hoists and related installations shall not exceed one (1) per fifty (50) feet of water frontage, measured at the ordinary high water mark, and shall be located as near as possible to the center of the parcel.

F. Off-street parking shall be provided at a rate of one (1) spot per dwelling having access privileges located on an adjacent lot further than three hundred (300) feet away from the waterfront parcel.

G. For waterfront parcels adjacent to residentially used properties, a twenty (20)

foot wide greenbelt as prescribed in Article 6.

Article 5: General Provisions

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5.2. Vested Right
5.3. Conflicting Regulations
5.4. Fractional Measurements
5.5. Voting Place
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5.8. Sanitation Requirements
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5.12. Demolition of Buildings
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5.29. Private Roads and Service Drives
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5.32. Satellite Dishes
5.33. Nonconformities

5.1 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the Township and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied "as a whole."

5.2 VESTED RIGHT

Nothing in this Article should be interpreted or construed to give rights to permanent vested rights in the continuance of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

5.3 CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

5.4 FRACTIONAL MEASUREMENTS

When using units of measurement to determine requirements of the standards presented in this Ordinance result in a fractional number, any number up to one-half (1/2) shall be disregarded, and fractions equal to one-half (1/2) or more shall be rounded up to the nearest whole number, unless noted otherwise.

5.5 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

5.6 LOT DIVISION

The subdivision or division of a lot is prohibited unless approved under either the Acme Township Subdivision Control Ordinance or the Acme Township Land Division Ordinance. All lots resulting from such land subdivisions or divisions shall comply with the provisions of this Ordinance.

5.7 CORNER LOTS

Corner lots shall have two (2) front setbacks along the roadways and two (2) side yard setbacks.

5.8 SANITATION REQUIREMENTS

No structure shall be erected, altered or moved upon a lot and used in whole or in part for any purpose except in compliance with all provisions of the Grand Traverse County Environmental Health Ordinance.

5.9 BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

5.10 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

5.11 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

5.12 DEMOLITION OF BUILDINGS

No structure shall be demolished until a demolition permit has been issued by the Zoning Administrator. The demolition shall be completed within such reasonable time period as shall be prescribed by the Township and under conditions that may be specified as necessary to protect the public health, safety and welfare. The demolition of structures within the Township shall comply with the following:

A. An application for a demolition permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a demolition permit shall be withheld until such time as approval for the new use is obtained, unless the property is deemed a hazard or attractive nuisance to the general public.

B. Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties.

C. Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil and seeded with an appropriate grass seed

D. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.

5.13 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No temporary building or structure shall be used as a dwelling unit.

5.14 CONSTRUCTION COMPLETION; INSPECTION

Any construction in any zone must have all exterior work completed and inspected within one hundred eighty (180) days from date of permit. Any extensions of permits may only be granted through the Planning Commission.

5.15 ACCESSORY BUILDINGS

A. 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.

B. 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.

C. An accessory building not attached and not made a part of the principal building shall be subject to the standards applicable for accessory buildings in Article 3.

D. Accessory buildings shall be on the same lot as the principal building they are intended to serve.

E. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit within the Township. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a land use permit issued by the Township, subject to the standards for Temporary Buildings for Construction in Article 5.

5.16 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 for Extractive Industries in Article 7.

5.17 PUBLIC USES: CRITICAL, ESSENTIAL AND SUPPORTING

Critical, essential and supporting public uses shall be allowed in any zoning district by right. All applicable laws or other ordinances of the Township shall apply. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Site plan approval and a land use permit shall be required.

5.18 DONATION BINS

Bins designed to solicit donations shall be allowed in any non-residential zoning district as an accessory structure without requiring a land use permit, subject to the following standards:

A. Donation bins shall be limited to one (1) per parcel.

B. No illumination shall be used to draw attention to any donation bin.

C. Donation bins shall be located adjacent to the principal structure on the parcel, but shall not encroach into any required yards or public rights-of-way.

D. The size of all donation bins shall be limited to a height of five (5) feet and a width and depth not to exceed four (4) feet.

E. All donation bins shall be securely attached to the ground or principal structure to prevent any tipping hazard.

5.19 SELF-SERVICE MACHINES

Self-service machines shall include vending machines, automated teller machines (ATM), newspaper boxes, kiosks vending machines, and other similar equipment. The following regulations shall apply to all self-service apparatus:

A. Location: Self-service machines shall only be allowed on a parcel with an established commercial use. The location and positioning of self-service machines shall be:

   1. Within the facade or abutting the building.

   2. Not impeding the circulation of motorized and non-motorized transportation, and shall not reduce the width of a sidewalk below four (4) feet.

   3. Not in front of a window, doorway, or fire department connection.

   4. Anchored to the ground or building in a secure fashion.

B. Ground-Mounted Self-Service Machines:

   1. No single self-service machine shall exceed a depth of three (3) feet, a width of six (6) feet, and a height of eight (8) feet.

   2. No more than two (2) ground-mounted self-service machines shall be allowed on a single premise.

C. Facade-Mounted Self-Service Machines:

1. Facade-mounted self-service machines shall have a maximum area of twenty-four (24) square feet per facade.

D. Appearance:

1. Self-service machines shall not be internally illuminated.

2. Signage on the exterior shall only display the products or services provided, or the institution providing the service, and shall not be used to advertise the principal business(es) on the premise.

E. Exemptions:

1. Self-service machines shall not include ice chests, propane cabinets or firewood racks when the purchase of the products is conducted inside the principal business.

2. Township approved municipal recycling drop-off containers shall not be considered self-serve apparatus.

3. Drive-up ATM's away from the building shall be considered a drive-in/drive-through use and may be approved by the Planning Commission as part of a special use permit approval.

4. ATM's may display the financial institution that operates them on the self-service machine's exterior. The signage shall be limited to fifty (50%) percent of any one side of a ground-mounted self-service machine, or six (6) square feet total for a facade-mounted self-service machine.

5. Informational kiosks may be placed in locations outside of those required in this Section through approval by the Planning Commission.

5.20 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:

A. As required for the storage of usable farm machinery necessary for permitted agricultural uses;

B. As permitted in connection with a use otherwise authorized in the non-residential zoning districts;

C. 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 and may not be stored in the front yard.

5.21 CHICKENS, EGG-LAYING

The keeping of chickens for personal use is allowed in residential zoning districts designated subject to the following:

A. A maximum of six (6) chickens (hens) may be kept per parcel. Roosters are prohibited.

B. Chickens shall be confined/housed within a fenced area in the rear yard.

C. Enclosures shall be located at least twenty five (25) feet from any dwelling on a neighboring parcel and ten (10) feet from the rear and side property line.

D. No chicken shall be kept on parcels with more than one dwelling.

5.22 RIDING HORSES

Keeping of riding horses for the use of residents of the property shall be permitted in any zoning district provided the parcel of land shall contain not less than five (5) acres.

5.23 REFUSE RECEPTACLE ENCLOSURES

Refuse receptacles and waste removal areas serving developments such as multi-unit residential buildings, institutional, commercial, office, industrial or mixed use establishments shall be screened from view on all sides. The screening shall be:

A. Constructed of durable materials that match the facade of the primary building, or of concrete block.

B. At least one (1) foot taller than the refuse receptacle in use, but shall in no event be less than six feet in height.

C. Constructed on a reinforced concrete pad and approach of at least eight (8) inches thick. The minimum dimensions of the approach shall be equal to the dimensions of the enclosure.

D. Landscaped with shrubs or vines installed adjacent to the screening at an interval of one (1) shrub or vine planted for each five (5) lineal feet of screening.

5.24 PERMITTED HEIGHT EXCEPTIONS

The following structural appurtenances shall be permitted to exceed the height limitations of the district within which located:

A. Ornamental appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, and monuments.

B. Mechanical and structural appurtenances such as chimneys, water tanks, ventilators, bulkheads, amateur radio towers, television antennas, satellite dishes one (1) meter (39 inches) or less in diameter, fire and hose towers, and cooling towers but excluding telecommunication towers.

C. Structural extensions deemed necessary for appropriate building design such as cornices or parapet walls that may extend to a maximum of five (5) feet above the height limitations for the district and shall have no openings.

D. The foregoing permitted height exceptions may be authorized only when all of the following conditions are satisfied:

1. No portion of any building or structure, permitted as an exception to a height limitation, shall be used for human occupancy or the conduct of a business;

2. Any permitted structural exception to a height limitation shall be erected only to such height as is necessary to accomplish the purpose it is intended to serve, and no

higher; and

3. If the roof area of such structural elements that are allowed to exceed the height limitations exceed cumulatively more than twenty (20%) percent of the gross roof area or four hundred (400) square feet, they shall be considered to be integral parts of the whole structure and shall not be eligible to exceed the height limitations.

5.25 PERMITTED YARD ENCROACHMENTS

Encroachments in required yards shall be limited to the following:

A. Paved terraces, patios, decks, uncovered porches, and ramps for the physically disabled, provided the area is unroofed and without railings and/or walls, the highest elevation of the surface of the improvement does not extend more than thirty (30) inches above the average surrounding finished grade level, and no portion of the improvement extends more than five (5) feet into a required yard setback.

B. Special structural elements such as cornices, eaves, gutters, sills, chimneys, belt courses, and ornamental features and similar features and roof overhangs provided they do not project more than two (2) feet into a required yard.

C. Unenclosed porches, either roofed or unroofed into required front or rear yards provided no part of the structure is projects more than eight (8) feet in a required rear or front yard, further provided, there shall be no more than one such encroachment in any one yard. No encroachments into a required side yard are permitted.

D. Enclosed and unenclosed balconies provided they project no more than five (5) feet into a front or rear yard. No encroachments into a required side yard are permitted.

E. Enclosed porches built at ground level and having solid foundations shall be considered to be an integral part of the building and shall be subject to all of the yard and area dimensional requirements established for principal buildings.

F. Open fire escapes and stairways may project into a rear yard to a maximum of five (5) feet.

5.26 RECREATIONAL VEHICLES

The outdoor storage of recreational vehicles shall be subject to the following:

A. Be limited to two (2) stored outdoors on any SFT, SFC or MHN lot.

B. Not be located in any front yard.

C. Be registered to the occupant of the property, unless established as an approved storage use.

D. Not be parked overnight on any street, alley, highway or public space.

E. Not be used as a temporary dwelling for a period longer than seven (7) days in a thirty (30) day period, and not more than thirty (30) days in a calendar year.

5.27 FENCES

All fences, walls or structural screens, other than plant material, in the residential zoning districts shall meet the following standards:

A. Side and rear yard height limited to seven (7) feet.

B. Front yard height limited to four (4) feet.

C. Not be constructed in the clear vision area.

D. The finished side of the fence shall face out away from the property.

E. Be entirely erected on the owner's property and maintained in good repair and safe condition.

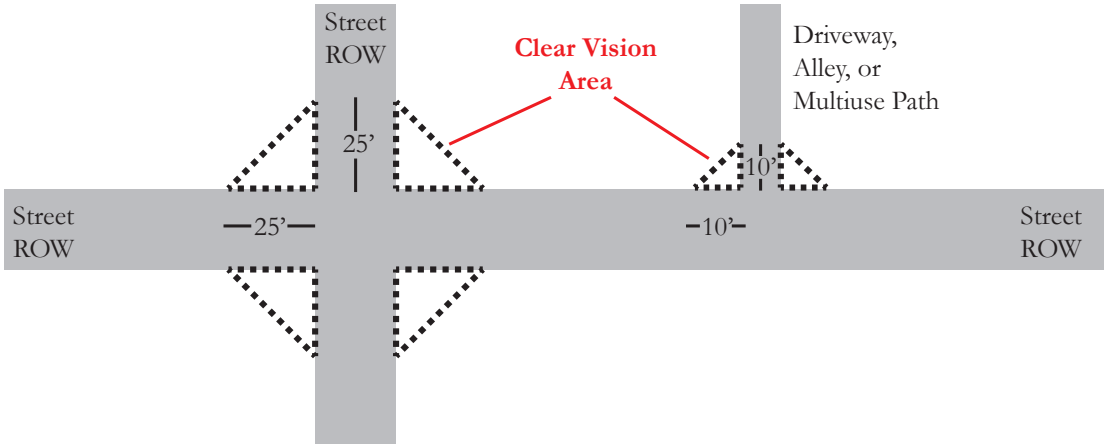
F. Electric fences, barbed wire, or similar style fences shall be prohibited on any lot that is not involved in a qualified farm operation.

5.28 CLEAR VISION AREAS

A. No plantings, signs, or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle approaching the intersection, or entering or exiting a driveway.

B. The following distances shall be used when establishing a clear vision area:

1. Driveways: Ten (10) feet
2. Multi-Use Paths: Ten (10) feet
3. Street Intersections: Twenty five (25) feet



C. This shall not prohibit the maintaining of landscaping less than thirty six (36) inches in height in this area, nor the planting of trees whose lowest branches are higher than eight (8) feet from grade.

D. The Zoning Administrator may require a reduction in the height of screening or vegetation where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to screening or vegetation. In this case, height shall be reduced only for that portion of the screening or vegetation necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety.

5.29 PRIVATE ROADS AND SERVICE DRIVES

All private roads and service drives shall be constructed to meet the Grand Traverse County Road Commission Driveway and Private Road Design Standards, with the following exception:

A. All parcels having a single tax code number at the time of the adoption of this Ordinance shall be entitled to one (1) driveway per road where frontage exists. All future land divisions of the parcel and/or developments on the parcel shall be accessed through private roads or service drives.

B. Landscaping along private roads and service drives shall be determined by the Planning Commission. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.

5.30 FLOODPLAINS

5.30.1 Intent and Purpose

A. It is the purpose of this article to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, Office of Federal Insurance and Hazard Mitigation, as published in the Federal Register.

B. Further, the objectives of this article include:

1. The protection of human life, health, and property from dangerous and damaging effects of flood conditions;

2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial and industrial areas;

3. The prevention of private and public economic loss and social disruption as a result of flood conditions;

4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;

5. Insuring that the public has access to information indicating the location of land areas subject to periodic flooding; and

6. Preservation of the ability of floodplains to carry and discharge a base flood.

5.30.2 Flood Plain Requirements

A. All permitted uses within a designated floodplain shall require site plan approval by the Planning Commission.

B. 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:

1. Open space uses: such as farms, truck gardens, nurseries, parks, playgrounds, recreational trails, golf courses, preserves, bridle paths, or other similar uses.

2. Yard and setback areas: or other open space portions required for any District.

3. Off-street parking uses: provided that all parking areas meet the requirements of Article 6.

4. 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.

C. Restricted Uses and Conditions:

1. Any structure located in a flood plain shall meet Michigan Department of Environment, Great Lakes and Energy requirements as a condition of site plan approval, as well as all applicable requirements of this Section.

2. 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.

3. Where topographic data, engineering studies, or other studies are needed to determine the effects of flooding on proposed construction or the effect of construction of the flow of water, the applicant shall submit such data or studies, prepared by a registered professional engineer, to the Township.

5.31 RIGHT TO FARM ACT

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

5.32 SATELLITE DISHES

5.32.1 Intent & Purpose

The intent of this Section is to regulate reception satellite dish antennas to:

A. Promote safety and prevent hazards to persons and property resulting from accidents involving satellite dishes which could fall from structural mountings due to wind load, snow load or other factors.

B. Promote utilization of ground mounting for satellite dishes where reasonably feasible.

C. Require screening of ground-mounted satellite dishes to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.

D. Exclude from provisions of this Section, conventional VHF and UHF television antennas and short wave radio (HAM) antennas based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the antenna.

E. Balance regulations on the placement and manner of reception satellite dish installation to the minimum required to achieve the objectives herein.

F. Promote and protect the public health, safety and welfare by the exercise of police powers in relation to the property owners right to construct and use reception antennas to receive signals without unreasonable restriction.

5.32.2 General Standards

A. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.

B. The surface of the satellite dish shall be painted or treated as to not reflect glare from sunlight, and shall not be used as any sign or message board.

C. The satellite dish and any support structures shall use materials and colors that blend with the surroundings to the greatest extent possible. Bright and pastel colors shall be prohibited.

D. The satellite dish, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public rights-of-way. Satellite dishes shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property.

E. As per the Federal Communications Commission (FCC) final rule as it relates to satellite dish antennas and appropriate landscaping, no landscaping or screening requirements shall cause interference with a satellite dish antenna's reception window. If a requirement impedes reception, said requirement shall be overruled by the FCC's final rule. The Planning Commission and/or Zoning Administrator may, however, investigate alternative locations and methods of screening for the satellite dish antenna, through the site plan review process, that will not interfere with the reception window. Landscaping requirements surrounding satellite dishes which do not interfere with the reception window can be sustained and will be enforced.

F. Only one (1) satellite dish shall be located on the same lot as a principal building, except for multiple family dwellings in which the maximum number of satellite dishes shall be one (1) per dwelling unit. Satellite dishes are permitted only in connection with, incidental to and on the same lot as a principal building,

structure or use.

5.32.3 Agricultural & Residential Zoning Districts

Ground- and roof-mounted satellite dishes shall be permitted in any agricultural or residential zoning district as an accessory structure without requiring a land use permit subject to the following standards:

A. Setbacks & Location:

1. Satellite dishes shall be prohibited from any front yard.
2. No portion of a satellite dish, including support structures and substructure, shall be permitted within the rear and side setback are established for accessory buildings in the zoning district.
3. Roof-mounted satellite dishes shall be prohibited from the portion of a pitched roof facing public rights-of-way and shall not be mounted to chimneys or any other structural appurtenances.

B. Height & Size:

1. Ground-mounted satellite dishes shall not exceed a height of ten (10) feet measured from the average finished grade within twenty five (25) feet of the satellite dish and the highest point established by the support structure or antenna.
2. Roof-mounted satellite dishes shall not exceed the height of the ridge on the roof it is mounted upon, or five (5) above the height of a flat roof.
3. No satellite dish in a residential zoning district shall exceed two (2) feet in diameter.

5.32.4 Industrial & Commercial Zoning Districts

Satellite dishes in commercial and industrial zoning districts that are under tow (2) feet in diameter shall meet all the standards for satellite dishes in the agricultural or residential zoning districts. Satellite dishes in commercial and industrial zoning districts shall require a land use permit issued by the Zoning Administrator and shall be subject to the following standards:

A. Setbacks & Location:

1. Satellite dishes shall be prohibited from any front yard in industrial zoning districts, and any front or side yard in commercial zoning districts.
2. No portion of a satellite dish, including support structures and substructure, shall be permitted within the rear and side yard setback are established for accessory buildings in the zoning district.
3. Roof-mounted satellite dishes shall be prohibited from the portion of a pitched roof facing public rights-of-way. For flat roofs, satellite dishes shall be located as near to the rear side of the roof as possible.
4. Satellite dishes shall not be mounted to chimneys or any other structural appurtenances.

B. Height & Size:

1. Ground-mounted satellite dishes shall not exceed a height of fifteen (15) feet measured from the average finished grade within twenty five (25) feet of the satellite dish and the highest point established by the support structure or antenna.

2. Roof-mounted satellite dishes shall not exceed the height of the ridge on the roof it is mounted upon, or ten (10) feet above the height of a flat roof.

3. No satellite dish in a commercial zoning district shall exceed six (6) feet in diameter. No satellite dish in an industrial zoning district shall exceed twelve (12) feet in diameter.

C. Screening & Landscaping:

1. Satellite dishes mounted on flat roofs shall use parapet walls to screen satellite dishes to the greatest extent possible, subject to the height limitations for parapet walls in each zoning district.

2. Ground-mounted satellite dishes shall be effectively screened to the greatest extent possible from neighboring properties and public rights-of-ways with vegetation, berms, opaque fencing, walls, or a combination thereof, subject to approval by the Zoning Administrator.

D. Review & Approval:

1. Satellite dishes in the commercial and industrial zoning districts greater than two (2) feet in diameter shall require a land use permit.

2. The Zoning Administrator shall be authorized to review and approve, approve with conditions, or deny land use permit applications for applicable satellite dishes.

3. Satellite dishes shall not require a stormwater review by the Township.

5.33 NONCONFORMITIES

5.33.1 Intent & Purpose

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures and lots to continue until they are removed but not to encourage their survival. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

5.33.2 General Standards

A. Continuation: On or after the effective date of this ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Section.

B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure

which does not alter the nonconforming status.

C. Special Uses and Variances: If a special land use or variance has been approved, the structure or use shall not be considered "nonconforming."

D. Issued Land Use Permit: Any land use permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.

E. Exception for Repairs Pursuant to Public Order: Nothing in this article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

F. Loss of Nonconformity: A legal nonconformity is lost by changing to conform to the ordinance or through vacancy, lack of operation or otherwise for twelve (12) or more successive calendar months. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity.

5.33.3 Nonconforming Uses

Nonconforming uses may be continued, enlarged, or expanded in accordance with the following provisions:

A. Continuance: A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.

B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless approved by the Zoning Board of Appeals, except as required by law or to comply with an order of the county building official.

C. Change of Use Regulations:

1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.

2. Changes to Other Nonconforming Uses: A nonconforming use may be changed to another nonconforming use if approved of the Zoning Board of Appeals, provided that the new use is determined to be more consistent with the spirit of this Ordinance, the neighborhood, and the master plan than the nonconforming use which is being replaced.

D. Approval Standards: The Zoning Board of Appeals shall only approve the enlargement or expansion of an existing conforming structure for a nonconforming use or the change of use to another nonconforming use if it makes findings in support of each of the following:

   a. The new use or expansion will not be contrary to the public interest;

   b. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

   c. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies;

   d. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district;

   e. Approval of the new use or expansion will not substantially weaken the general purposes of this Section or the regulations established in this Ordinance for the applicable zoning district;

   f. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use;

   g. The new use or expansion shall conform to all regulations established in Article 6: Site Development Standards and Article 7: Supplemental Use Standards, of this Ordinance; and

   h. The new use or expansion will not adversely affect the public health, safety, and welfare.

5.33.4 Nonconforming Sites

Nonconforming sites may be continued, enlarged, or expanded in accordance with the following provisions:

A. Applicable Standards: Various site design standards are established in Article 6: Site Development Standards and Article 7: Supplemental Use Standards of this Ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, exterior lighting, storm water requirements and other design specifications. This subsection requires that such nonconforming sites be brought into conformance with all applicable development standards prescribed by this Ordinance.

B. Authority to Continue: Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.

C. Extensions:

   1. In General: A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this ordinance.

2. Single Family Residential Exception: A single family residential structure that is located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this ordinance.

D. Relocations: No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this ordinance.

E. Change in Use: A nonconforming site shall be allowed to be occupied by another use allowed by right in the district so long as no exterior structural or site modifications are to occur. In the event the new occupant desires to provide exterior structural modifications, the site shall be brought into compliance with all applicable site and use standards, unless a nonconforming site variance has been approved by the Zoning Board of Appeals.

5.33.5 Nonconforming Structures

Nonconforming structures may be continued, repaired, replaced, enlarged or expanding in accordance with the following provisions:

A. Continuance of Nonconforming Structures: Subject to all limitations in this subsection, and the provisions for Exception for Repairs Pursuant to Public Order in General Standards subsection, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the provisions under Enlargement or Expansion in this subsection, provided that such maintenance does not exceed an aggregate cost of thirty (30) percent of the assessed value of the structure.

B. Repair and Maintenance of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.

C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint and does not increase the original usable floor area or volume of such structure. Such replacement shall commence within twelve (12) months of the damage or destruction.

D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with

all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable Township ordinances.

5.33.6 Nonconforming Lots

A. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance or which creates a nonconforming structure.

Article 6: Site Development Standards

6.1. Intent and Purpose
6.2. Parking
6.3. Non-Motorized Transportation
6.4. Landscaping
6.5. Exterior Lighting
6.6. Signs
6.7. Stormwater Management

6.1 INTENT AND PURPOSE

The purpose of the regulations contained in this Article is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development.

6.2 PARKING

6.2.1 General Standards

The following standards shall apply to any required off-street parking areas:

A. Use: Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.

B. Location: All off-street parking areas shall be on the same lot as the use it serves or within five hundred (500) feet, measured from the closest point of the building to the nearest point of the off-street parking area.

C. Setbacks: The following minimum setbacks for off-street parking areas shall apply:

OFF-STREET PARKING, STACKING, AND LOADING AREA SETBACKS			
District	Front	Side	Rear
AG	50 feet	25 feet	40 feet
SFR	30 feet	20 feet	10 feet
SFN	30 feet	10 feet	10 feet
MHN	---	5 feet	10 feet
RMH	30 feet	10 feet	10 feet
CS	---	5 feet	10 feet
C	---	5 feet	10 feet
CF	---	5 feet	5 feet
LIW	---	10 feet	10 feet

D. Screening and Landscaping:

1. Off- street parking areas in the MHN, CS, C, and CF districts shall meet the screening standards of the US-31 / M-72 Mixed Use Overlay District in Article 4.

2. Off-street parking areas for uses other than one- and two-family residential dwellings that are adjacent to a residential use or zoning district shall be screened with a six (6) foot high wall, fence or vegetated screen.

3. Off-street parking areas for uses in the LIW district shall be screened where visible from the public right-of-way with a green belt as prescribed in Landscape Buffers and Screening subsection of this Article.

E. Treed Islands: All off-street parking areas with twenty (20) or more parking spaces outside of the LIW zoning district shall provide treed islands into the parking lot design satisfying the following standards:

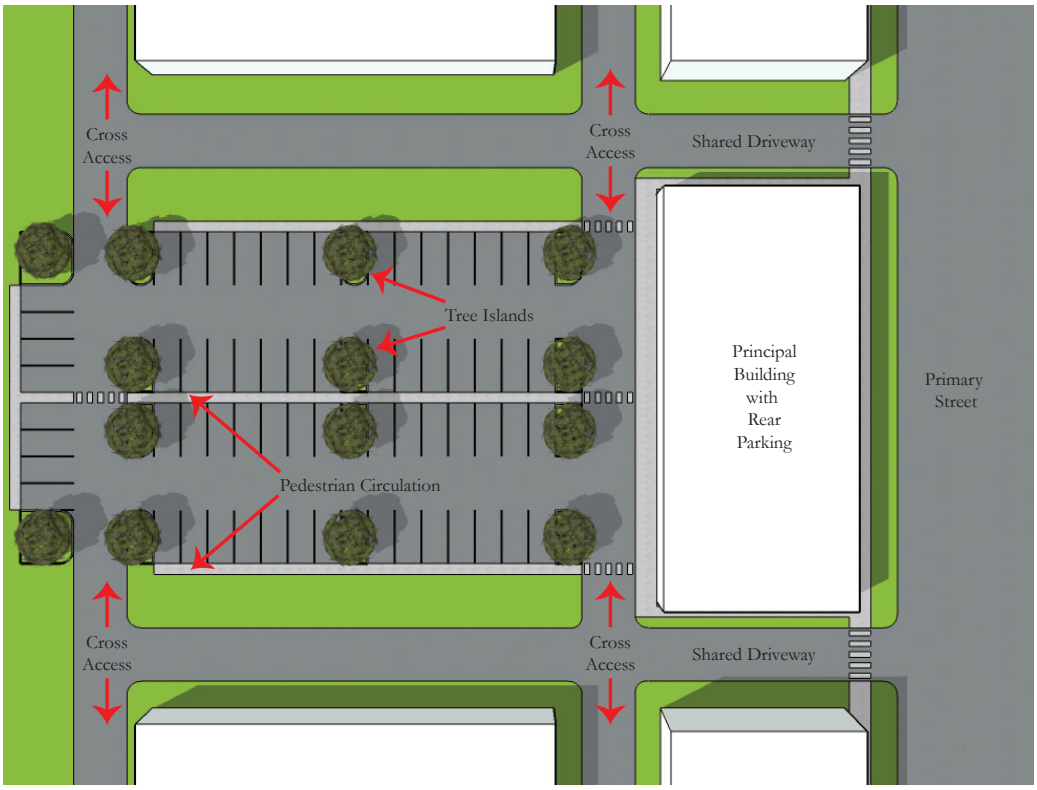
1. Single-loaded aisles shall have one (1) treed island containing one (1) canopy tree at each end of each single-loaded row. The minimum dimensions for each island shall be nine (9) feet by eighteen (18) feet.

2. Double-loaded aisles shall have one (1) treed island containing two (2) canopy trees at each ends of each double-loaded row. The minimum dimensions for each island shall be twelve (12) feet by thirty six (36) feet.

3. In addition to the above required treed islands, additional treed islands shall be provided at a ratio of one (1) treed island per ten (10) parking spots and shall be evenly distributed throughout the off-street parking area. The treed islands shall contain one (1) canopy tree each and shall have the minimum dimensions of nine (9) feet by eighteen (18) feet.

4. Treed islands shall be surrounded by a concrete curb at a height of six (6) inches. In addition to the required canopy tree(s), the interior of the islands shall be vegetated with turf and may be used for stormwater management, however, snow storage is prohibited.

Off-Street Parking Area Example



(For Illustrative Purposes Only)

F. Pedestrian Circulation: All off-street parking areas except those in the LIW District, for one- or two-family dwelling units, or for farm operations in the AG District shall provide safe, efficient pedestrian circulation that meets the following requirements:

1. Single loaded parking rows shall have a sidewalk between the parking stalls and edge of the off-street parking area.

2. Double loaded parking rows shall have a sidewalk between the two rows of parking stalls.

G. Dimensions: Off-street parking areas shall be designed to the following minimum standards:

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
Parking Angle	Min. Stall Width	Min. Stall Depth	Min. - Max. Aisle Widths
Parallel	8 feet	22 feet	12 - 16 feet
45 degrees	8.5 feet	19 feet	12 - 16 feet
60 degrees	8.5 feet	20 feet	16 - 20 feet
90 degrees	8.5 feet	18 feet	22 - 26 feet
90 degrees - compact	8 feet	17 feet	20 - 24 feet

H. Surfacing: Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, or pavers. Gravel shall not be an allowable material under this standard. Exceptions to the surfacing materials may be permitted in the AG District by the Planning Commission in order to maintain a rural, agricultural character.

I. Drainage: All off-street parking areas shall utilize Low Impact Development (LID) water quality technologies to collect and treat stormwater on-site as required for site plan review.

J. Curbs and Vehicle Stops: All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas or landscape areas.

K. Exterior Lighting: Except for parcels zoned for single family and duplex dwelling units, all off-street parking areas with a capacity of four (4) or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. New or redeveloped off-street parking, stacking and loading areas shall comply with the exterior lighting standards in Article 6.

L. Snow Storage: 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 (15) square feet per one hundred (100) square feet of off-street parking area. Snow storage areas shall be located in such a manner that does not obstruct required clear vision areas.

M. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.

N. Completion: All off-street parking, stacking and loading areas indicated on a site plan shall be fully completed before the issuance of Certificate of Occupancy. In the case of phased developments, only the off-street parking, stacking and loading areas associated with a given phase of development shall be required to

be completed.

O. Access Through Yards: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. (These drives shall not be considered as structural violations in front or side yards.) Any walk, terrace, or like surface area not in excess of nine (9) inches above the grade upon which placed shall not be considered to be a structure and shall be permitted in any required yard.

P. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.

Q. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.

6.2.2 Parking Requirements

A. Maximum Parking: To minimize excessive areas of pavement which detracts from the aesthetics of the Township and contributes to high rates of stormwater runoff, this Ordinance establishes a maximum number of parking spaces for each use. There are no minimum parking requirements. The Planning Commission may grant an increase of up to twenty five (25) percent of the maximum number of parking spaces if:

1. The applicant can demonstrate to the Planning Commission's satisfaction the additional parking is necessary based on documented evidence of actual use or anticipated demand.

2. The increase in parking will have no undue burden on neighboring property owners and/or natural features.

3. In granting a request to exceed the maximum number of parking spaces, the additional spaces shall be constructed of pervious pavement, pavers, or similar pervious material acceptable to the Planning Commission.

B. Calculating Parking Maximums: The following rules shall be applied when calculating the maximum number parking spaces:

1. Measurements based on square feet shall be calculated by Usable Floor Area as defined in this Ordinance.

2. The number of employees shall be based on the maximum number needed for the largest shift.

3. Requirements based on the number of individual seats shall use a measurement of twenty four (24) inches of bench or pew space or twenty (25) square feet of floor as one seat.

4. Occupancy shall mean legal occupancy as determined by the fire department or other authorized agency.

5. Parking spaces incorporated into a garage shall not count towards the maximum number of off-street parking spaces permitted.

C. Use Not Specified: The maximum number of parking spaces for uses not specified shall be determined by the Planning Commission.

MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Residential Uses	
Dwellings, Three-Family	1.5 / dwelling unit
Dwellings, Four-Family	1.25 / dwelling unit
Dwellings, Five or more units	1 / dwelling unit
Transient Houses	1 / room
Mobile or Manufactured Homes	2 / dwelling unit
Accessory Dwelling Units	1 / dwelling unit
Live/Work Units	2 / unit
Assisted Living Group Facilities	0.25 / bed + 1 / employee
State Licensed Residential Facilities	2 + 1 / employee
Institutional Uses	
Community Centers	1 / 1,000 square feet
Libraries & Museums	1 / 1,000 sf + assembly requirements
Outdoor Public Recreation Facilities	6 / 1,000 square feet
Private Clubs & Lodges	0.75 / 3 occupancy
Public & Private Schools	1 / 1,000 square feet + 1 / classroom + assembly requirements
Commercial Uses	
Adult Day Care Center	0.25 / guest + 1 / employee
Assembly Facilities	.25 / seat
Automobile Major & Minor Repair	3 / stall
Automobile Service Stations	5 / premises + 1 / stall
Business Services	2 / 1,000 square feet
Child Care Centers	1 / employee + 1 / 10 children
Computing & Data Processing Centers	1 / employee
Drinking Establishments	1 / 3 occupancy
Drive In or Drive Through Services	2 / window
Financial Services	2 / 1,000 square feet
Funeral Homes	0.25 / occupancy
Retail	1.5 / 1,000 square feet + 1 / employee
Healthcare Services	4 / 1,000 square feet
Hospitals	3 / bed
Hotels or Motels	0.75 / room
Kennels, Veterinary Hospitals	1.5 / 1,000 square feet
Personal Services	1.5 / station
Private Recreation Facilities, Indoors	3 / 1,000 square feet
Private Recreation Facilities, Outdoors	1 / 1,000 square feet
Professional Services	2 / 1,000 square feet
Restaurants	1 / 3 occupancy
Self-Service Laundromats & Dry Cleaners	1 / 3 machines
Support Laboratories	1 / 400 square feet
Automobile Rental Establishments	1.25 / vehicle
Industrial Uses	
Central Cleaning Facilities	1 / employee
Contractor Establishments	3 / 1,000 square feet
Data Processing Facilities	1 / employee
Warehousing & Distribution Centers	2 / 1,000 square feet
Greenhouses & Nurseries	0.5 / 1,000 square feet
Manufacturing, Assembling & Processing	1 / 4,000 square feet
Self-Storage Facility	1 / 1,000 square feet
Research & Development	1 / employee
Retail Sales of Products Produced On-Site	1 / 1,000 square feet of sales area

MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Telecommunications	1 / employee
Warehousing & Distribution	2 / employee
Wholesale Activities	2 / employee

6.2.3 Loading Zones

A. In all zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.

B. Location:

1. On-site loading zones shall be permitted in the rear yard only. In exceptional instances, loading zones may be permitted in an interior side yard, with approval of the Planning Commission, when it can be shown that such location is necessitated by site conditions.

2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.

3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.

C. Loading Space Requirements: The minimum number of loading zone spaces shall be provided as described below:

NUMBER OF LOADING ZONE SPACES REQUIRED		
Use Type	Size	Loading Space(s)
Residential	0 - 24 dwelling units	None
	25 - 74 dwelling units	1
	75 or more dwelling units	2
Non-Residential	less than 20,000 sq ft gross floor area	None
	20,001 - 75,000 sq ft gross floor area	2
	75,001 - 100,000 sq ft gross floor area	3
	101,000 sq ft gross floor are or more	5

D. Administrative Waiver: The Planning Commission may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

6.2.4 Access Management

A. All off-street parking, loading and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.

B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.

C. Where a parking area abuts a service drive, access shall be obtained from the service drive. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.

D. Where a parking area has no access to a service drive but has access two or

more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.

E. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.

F. Cross Access Management:

1. All off-street parking areas not accessed by a service drive shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross access on the site plan.

2. A cross access agreement shall be recorded with the Grand Traverse County Register of Deeds prior to occupancy.

3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

G. Curb Cuts:

1. Except for one- and two-family residential developments, no driveway shall be located closer than twenty five (25) feet from a side property line unless neighboring properties have shared driveway access. This separation is intended to help control storm water runoff, permit snow storage on-site, and provide adequate area for any necessary on-site landscaping.

2. One- and two-family residential developments shall be limited to one (1) driveway access point.

3. All developments other than single family and duplex residential developments shall be limited to one (1) driveway access point except under the following conditions:

a. Parcels exceeding six hundred (600) feet of road frontage may be allowed a second driveway access point as long as the distance between existing and proposed driveway access points meet the Michigan Department of Transportation's Guidelines for Unsignalized Driveway Spacing:

MDOT GUIDELINES FOR UNSIGNALIZED DRIVEWAY SPACING	
Speed on Roadway (mph)	Spacing Guidelines (feet)
25	130
30	185
35	245
40	300
45	350
50	455
55	455+

(Source: "Spacing for Commercial Driveways and Streets", MDOT Traffic and Safety Division Note 7.9, Table 1)

H. Shared Driveways: Shared driveways are encouraged between adjacent properties in the commercial and industrial zoning districts, and condominium

units, whenever feasible. Shared driveways shall meet the following standards:

1. Not more than four (4) parcels served by a shared driveway.
2. Minimum easement width shall be twenty four (24) feet.
3. Minimum paved width shall be twenty (20) feet.
4. A shared driveway easement agreement legally describing the driveway and providing for shared use of the driveway shall be entered into.
5. A shared driveway maintenance agreement between the owners of the parcels served by the shared driveway shall be entered into. Such agreement shall further address arrangements for standing, loading and unloading in order to avoid undue interference with the shared use of any shared driveway.
6. The joint agreements entered into pursuant to items (4) and (5) above shall be recorded as a general deed restriction and shall bind the owners, including their successors and assigns, of all lots, parcels and condominiums units with access to the shared driveway. A copy of the recorded easement agreement and maintenance agreement shall be submitted to the Township prior to the issuance of a land use permit.
7. In the event a shared driveway is constructed over a shared property line, setback requirements shall be measured from the limits of the shared driveway easement.

I. Existing Driveways: Except for shared driveways, existing driveways that do not comply with the requirements of this Section shall be closed when an application for a change of use requiring a land use permit or a site plan requiring approval under this Ordinance is submitted and once approval of a new means of access under this Section is granted. A closed driveway shall be graded and landscaped to conform to adjacent land and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority.

6.3 NON-MOTORIZED TRANSPORTATION

Safe, non-motorized transportation options shall provide public access within the Township through sidewalks and shared-use pathways. All new development, re-development, and amendments to previously approved site plans, including substantial additions or improvements to existing buildings, either interior or exterior, with a construction cost of twenty five (25%) percent of the property's State Equalized Value (SEV) or more within a twelve-month period shall be required to provide adequate non-motorized transportation options as prescribed in this Section. New development in the districts zoned AG, SFR, SFN, RMH, and LIW shall be exempt from the following requirements unless part of a site plan under a special land use in Article 9 or the land development options in Article 10.

A. Frontage Sidewalks: All parcels shall have sidewalks that extend across the entire frontage of the property and shall align with any existing sidewalks on adjacent parcels. All frontage sidewalks shall:

1. Be constructed within the street right-of-way as long as a minimum of ten (10) feet from the curb or pavement edge of the street is maintained, or five (5) feet from the edge of an on-street parking area. If insufficient right-of-way exists, then frontage

sidewalks may be located on private property with an appropriate public access easement recorded prior to issuing a land use permit.

2. Be constructed along both street rights-of-way for corner parcels.

3. Be a minimum of eight (8) feet wide for parcels along US-31 and M-72.

4. Be a minimum of five (5) feet wide for parcels along all other roads and easements.

5. Be constructed of concrete and have a minimum thickness of four (4) inches, except in areas crossed by vehicular traffic which shall have a minimum thickness of six (6) inches.

B. Interior Sidewalks: For safety purposes, sidewalks shall be constructed within the interior of any development to link buildings with other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site amenities, such as recreation and common areas. All interior sidewalks shall:

1. Be a minimum of four (4) feet wide.

2. Be constructed of concrete and have a minimum thickness of four (4) inches, except in areas crossed by vehicular traffic which shall have a minimum thickness of six (6) inches.

C. Shared-Use Pathways: The Planning Commission may approve the use of shared-use pathways as part of the site plan as a means of providing non-motorized transportation options. All shared-use pathways shall:

1. Be a minimum of ten (10) feet wide with two (2) feet of cleared shoulder on either side.

2. Be constructed of asphalt and have a minimum thickness of two (2) inches atop a six (6) inch aggregate base.

3. Be no more than five (5%) percent in grade.

D. Sidewalks and shared-use paths shall maintain their grade and not decline in elevation to meet driveways, but rather driveways shall meet the grade of sidewalks and shared-use paths.

E. All reasonable effort shall be made to avoid cutting trees when placing a sidewalks or shared-use pathways.

F. The Planning Commission may modify a non-motorized transportation requirement of this Section or the proposed design as submitted by the developer, upon review of a site plan or under the recommendation of the Township Engineer, Zoning Administrator or Planner.

G. When required, permits must be obtained from the Michigan Department of Transportation or the Grand Traverse County Road Commission.

H. Sidewalk and shared-use pathway maintenance, including replacement in the case of inadequate construction, unsafe, defective, or nonconforming design, as determined by the Zoning Administrator, shall be the responsibility of the parcel owner, or adjacent parcel owner if constructed in the street right-of-way.

6.4 LANDSCAPING

6.4.1 Intent and Purpose

The intent and purpose of the provisions in this Section are to:

A. Improve the visual image of the Township and properties abutting public rights-of-way, thereby reducing conditions which lead to community blight;

B. Requiring buffering between conflicting land uses and zoning districts;

C. Promote public health, safety and general welfare;

D. Protect and preserve the appearance, character and value of the surrounding, development, neighborhoods and parks; and

E. Promote the use of native plant materials while discouraging the use of invasive plant materials.

6.4.2 Applicability

A. Landscape Plan Required:

1. All new uses requiring a site plan review;

2. Additions to existing non-residential structures that increase the floor area by more than twenty (25) percent;

3. Expansions or contractions of nonconforming sites that do not meet the landscape requirements of this Section.

B. Exceptions:

1. The reconstruction of an existing structure of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, wind, storm, or act of nature, and where the reconstruction will not result in an increase in size of the structure, parking facilities, or paved areas;

2. Interior remodeling or façade improvements that do not result in an increase in size of the structure, parking facilities, or paved areas; and

3. Any use, building, or structure for which only a change of use is requested, and which requires no structural modifications that increase its volume or scale.

C. Application: All applicable projects shall submit a landscape plan as part of the site plan review process that contains the following:

1. Plan scale equal to that of the site plan and a 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;

7. Vegetation inventory of all trees that have a caliper of twelve (12) inches or greater.

6.4.3 Standards and Criteria

A. Planting Materials:

1. Plant material shall be healthy, free of insects and diseases and physical damage.

2. Unless otherwise specified, the minimum size for plant materials installed shall be as follows:

PLANTING SIZE STANDARDS		
Plant Material		Mininum Size
Deciduous (canopy) Trees		2.5" caliper
Evergreen Trees		6' height
Ornamental Trees	Single Trunk	2" caliper
	Multi-Trunk	6' height
Deciduous Shrubs		2' height
Upright Evergreen Shrubs		2' height
Spreading Evergreen Shrubs		18" spread

3. Caliper of trunk shall be the diameter measured at breast height (dbh) equal to four and a half (4.5) feet above grade.

4. Native species are encouraged. Class 1 – 4 invasive species in the Northwest Michigan Invasive Species Network's *Recommended Planting Guidelines for Municipalities* shall be prohibited.

B. Fractional Requirements: Where any calculation of required plant materials in this Ordinance results in a fractional requirement, such requirement shall be rounded up to the next highest whole number.

C. Ground Cover: All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water features shall be replanted with ground cover at a minimum. Ground cover may include:

1. Maintained lawn area;

2. Non-invasive wildflowers, vines, grasses, rushes sedges or ferns;

3. Wood chips, mulch or rock provided this type of material does not exceed twenty (20) percent of the total of any individual landscaped area.

D. 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., deciduous or evergreen trees) as the material being replaced.

E. Invasive Species Management: An applicant shall develop a removal and/or management strategy for invasive species identified on the vegetation inventory.

F. Site Design: Landscape areas must be protected from vehicular traffic through the use of concrete curbs, vehicle stops, or other permanent barriers. Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize tree destruction, as well as establishing Protected Root Zones (i.e. tree root buffer zones) to protect vegetation during road widening, sidewalk construction, and cut-and-fill activities.

G. Utilities: Where overhead and underground utilities are present, consideration shall be given to the location and mature height of species. Adjustments to the location of required planting areas may be approved by the Planning Commission to avoid conflict with such utilities provided the intent of the planting or screening requirements are maintained.

H. Maintenance: All required landscaped areas shall be maintained in a healthy condition and kept orderly in appearance. Irrigation shall be provided to all required landscaping by means of a piped underground system. The Planning Commission may waive the irrigation requirements if no additional planting is required, or if a reliable source of water is not reasonably available, so as long as the suitable alternative is presented that will ensure the health of the landscaping.

I. Time Period: Required landscaping shall be installed prior to the issuance of an occupancy permit. If a development is completed during the off-season when plants cannot be installed, the developer shall submit a performance guarantee equal to the materials and labor for the required landscaping to ensure installation at the beginning of the next planting season.

J. Replacement: When trees or shrubs planted in accordance with the requirements of this Section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity and size approved by the Zoning Administrator.

6.4.4 Landscape Buffers and Screening

A. Screening Materials: Effective screening shall be provided as required between incompatible land uses. The Planning Commission shall make the final determination on the required screening method and dimensions based on-site conditions and the specific land use. Screening materials may include the following separately, or a combination thereof:

1. Vegetated Screens: Vegetated screens shall consist of evergreen trees planted no more than fifteen (15) feet apart and can be reasonably expected to achieve a complete visual barrier at a minimum height of six (6) feet in three (3) years. Deciduous trees may be incorporated for plant diversity provided the effectiveness of the screen is achieved.

2. Berms: Berms shall be constructed with slopes no greater than one (1) foot of vertical rise for every three (3) feet of horizontal run with at least a two (2) feet flat surface on top and sodded to provide adequate protection against erosion. Berms shall be landscaped with one (1) deciduous or evergreen tree and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.

3. Obscuring Walls or Fences: Obscuring walls or fences shall be a constructed of durable materials and placed inside and along the property lines. The Planning Commission has the authority to require specific materials based on the site conditions and the nature of the use. Walls and fences shall include one (1) vine or shrub for every ten (10) lineal feet, planted on the exterior face of the structure.

4. Green Belts: Green belts shall occupy a prescribed buffer zone and consist of vegetated ground cover, along with one (1) deciduous or evergreen tree and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.

B. Screening Required: The table below provides the instances when screening is required, along with applicable dimensions and buffer zones.

REQUIRED SCREENING STANDARDS				
Zoning District	Min. Buffer Width	Min. Screen Height	Material	Required Instances & Locations
AG	20 ft	---	Greenbelt	Rear and side property lines of non-agricultural uses
SFR	10 ft	---	Greenbelt	Rear and side property lines of non-residential uses adjacent to a residential district or use
SFN	10 ft	---	Greenbelt	Rear and side property lines of non-residential uses adjacent to a residential district or use
MHN	8 ft	---	Greenbelt	Rear and side property lines of multifamily developments with five (5) or more units and non-residential uses adjacent to a residential district or use
RMH	10 ft	6 ft	Wall/Fence, Vegetated, Berm or Combination	All bounding property lines of a manufactured home development
CS	10 ft	6 ft	Vegetated, Berm or Combination	Rear and side property lines of non-residential uses adjacent to a residential district or use
C	3 ft	6 ft	Vegetated or Wall/Fence	Rear and side property lines adjacent to a residential district or use
CF	5 ft	6 ft	Vegetated or Wall/Fence	Rear and side property lines adjacent to a residential district or use
LIW	10 ft	6 ft	Wall/Fence, Vegetated, Berm or Combination	Rear and side property lines abutting all non-industrial districts.

6.4.5 Right-of-Way Landscaping

All uses subject to the requirements of this Section that abut a right-of-way shall provide the following landscaping along the right-of-way:

A. A landscape zone shall be established along the right-of-way at a minimum width of ten (10) feet. The landscape zone shall only be used for landscaping, screening, drainage, non-motorized facilities or public space.

B. The landscape buffer shall include one (1) deciduous tree and six (6) shrubs for every thirty (30) feet of frontage. Trees shall be evenly spaced, but shrubs may be

clustered.

6.4.6 Lot Landscaping

In addition to any required buffer, right-of-way or treed island landscaping requirements, the following lot landscaping requirements shall apply:

A. All unpaved or undeveloped portions of a lot shall be planted with grass, ground cover, or shrubs.

B. All properties zoned MHN, RMH, CS, C, CF and LIW shall provide one (1) tree per four thousand (4,000) square feet of unpaved or undeveloped lot area for the first twenty four thousand (24,000) square feet, and one (1) tree per six thousand (6,000) square feet of unpaved or undeveloped lot area over twenty four thousand (24,000) square feet. The Planning Commission may modify or waive this requirement if upon determination that such a modification or waiver is necessitated by site conditions.

C. Trees may be grouped or evenly distributed.

6.4.7 Existing Vegetation

A. Preservation: Existing deciduous trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible.

B. Credit: Existing vegetation may be credited as detailed below for the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, and are the appropriate species.

EXISTING LANDSCAPING CREDIT RATION		
Vegetation Type	Maturation	Landscaping Credit
Deciduous Tree	3" or less caliper	1:1
Deciduous Tree	4" – 6" caliper	1:2
Deciduous Tree	7" – 9" caliper	1:3
Deciduous Tree	10" – 12" caliper	1:4
Deciduous Tree	Greater than 12" caliper	1:5
Evergreen or Ornamental Tree	6' or less height	1:1
Evergreen or Ornamental Tree	7' – 12' height	1:2
Evergreen or Ornamental Tree	13' – 16' height	1:3
Evergreen or Ornamental Tree	Greater than 16' height	1:4
Shrub	Any size	1:1

C. Protection of Vegetation:

1. Preserved trees shall be protected with high visibility barriers around the protected root zone. The protected root zone shall be a radius one and a half (1 ½) feet from the trunk for every one (1) inch of the tree caliper.

2. Barriers shall not be supported by the trees.

3. Barriers shall be removed upon completion of construction.

4. No grading, demolition, trenching, operation or storage of equipment, or other activity shall occur in the protected root zone.

5. Where the Zoning Administrator determines that irreparable damage has

occurred to a tree credited for preservation, the tree shall be removed and replaced in size and quantity as required in this Section and having been given credit for.

6.5 EXTERIOR LIGHTING

6.5.1 Intent And Purpose

The provisions of this Section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

A. Encourage good lighting practices such that lighting systems are designed to save energy and money;

B. Minimize glare;

C. Protect the use and enjoyment of surrounding property; and

D. Increase nighttime safety, utility, security and productivity.

6.5.2 Exemptions

The following uses and activities shall be exempt from the standards of this Section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

A. New Technology and/or Location: The Zoning Administrator may grant exceptions to the material, light source, method of installation, or location standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.

B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.

C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.

D. Neon Lights: Displayed as part of an approved sign.

E. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.

F. Temporary Lighting: Associated with an approved temporary event permitted by this Ordinance.

G. Fossil Fuels: Outdoor light fixtures producing light from the combustion of fossil fuels, such as kerosene lanterns and gas lamps.

H. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.

6.5.3 Shielding and Filtration

A. All nonexempt exterior lighting shall by hooded and/or louvered to provide a

glare free area beyond the property line and beyond any public right-of-way.

B. All lighting fixtures shall have one hundred (100) percent cut-off shielding that prevents light from being emitted above a horizontal plane the lowest direct light emitting part of the luminaire.

C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.

Examples of Acceptable / Unacceptable Lighting Fixtures

6.5.4 Illumination

Illumination levels within a site shall ensure that a site is adequately, but not excessively lit, in order to provide visibility, safety, and security without unnecessarily contributing to light pollution and negatively impacting neighboring properties.

A. Intensity: The maximum intensity of light within any site shall not exceed the following standards, measured in footcandles (fc) at grade:

LIGHTING LOCATION	MAXIMUM INTENSITY (fc)
At any point within the site	10.0
Average for the overall site	5.0
At any lot boundary or road right-of-way	0.5

1. Exceptions: Outdoor vehicle dealerships may permit a maximum lighting intensity of twenty (20) footcandles for paved display areas. Fuel station canopy lights may permit a maximum lighting intensity of twenty (20) footcandles under the canopy provided that all light fixtures shall be recessed into the structure. All other site lighting shall be in compliance with this Ordinance.

B. Color Temperature: All exterior lighting shall emit light measuring 4,000 K or warmer (between 0 K and 4,000 K) on the Kelvin scale.

C. Brightness: All exterior lighting sources shall be limited to a maximum brightness of eight hundred (800) lumens.

6.5.5 Exterior Lighting Site Standards

A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and shall be shut off if no customers or staff are present between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.

B. Pole Height: The maximum pole height for exterior lighting shall not exceed twenty seven (27) feet, or the maximum height of the principal building, whichever is less.

C. Wall Pack: Wall pack lighting shall be limited to above points of ingress and egress on side and rear facades for security purposes.

D. Prohibitions: The following light sources and fixtures shall be prohibited:

1. Unshielded luminous tube (neon), fluorescent or LED lighting used as accent lighting on facades.
2. Metal halide
3. Mercury vapor
4. High pressure sodium
5. Halogen
6. Animated, flashing or moving lights
7. Laser sources of light
8. Search lights.

6.6 SIGNS

6.6.1 Intent And Purpose

The intent of this Section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects

on the public health, safety, welfare, and traffic safety. While this Section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration and blight of the business and residential areas of the Township , conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this Section has the following objectives:

A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;

B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;

C. To keep signs within a reasonable scale with respect to the buildings they identify;

D. To reduce visual distractions and obstructions to motorists traveling along, entering or leaving streets;

E. To promote a quality manner of display which enhances the character of the Township;

F. To prevent the proliferation of temporary signs which might promote visual blight; and

G. Promote economic development by allowing a fair opportunity for each property owner to attractively display their message in a clean and clear way.

6.6.2 General Requirements

A. Permit Required: Prior to the erection or structural alteration of sign, a land use permit shall be secured from the Zoning Administrator. Exceptions to the permit requirements of this subsection shall include:

1. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and two (2) square feet of area.

2. Historical signs designated by the state or federal government, limited to ten (10) square feet per parcel.

3. Government signs erected on behalf or pursuant to the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.

B. Design And Condition: All signs and sign structures shall be properly maintained and kept in a good state of repair.

C. Right-Of-Way: No sign shall be placed in the right-of-way except permitted awning, canopy and marquee signs with approval by the agency managing the right of way. Small temporary signs in the C and CF district may be placed on the sidewalk during business hours in accordance with the provisions of this Section, and provided the small temporary sign still allows four (4) feet of unobstructed sidewalk clearance.

D. Clear Vision Area: No sign above three (3) feet shall be placed in any required clear vision area.

E. Traffic Interference: No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

F. The standards in this Section shall not be applicable to any sign not visible from a public right-of-way or neighboring properties.

6.6.3 Sign Measurements

A. Surface Area:

1. Signs shall not exceed the maximum allowable area permitted in this Section for sign type and district or use. When not limited to one sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.

2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.

6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than 90° the sign area is the sum of both sign faces; otherwise, the area is the same as for double-sided signs.

B. Height:

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.

2. Clearance for projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

3. The permitted maximum height for all signs is determined by the sign type and the zoning district or use in which the sign is located.

6.6.4 Illumination

Internal and external illumination of signs shall be permitted for all signs except where limited or prohibited in this Section, subject to the following:

A. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.

B. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed underground in accordance with the National Electrical Code.

C. All illumination shall emit light measuring 4,000 K or warmer (between 0 K and 4,000 K) on the Kelvin scale and shall not exceed 800 lumens.

D. Internally illuminated signs shall have a dark background and light lettering.

E. No sign shall include reflective materials.

6.6.5 Freestanding Signs

FREESTANDING SIGN STANDARDS

Definition

A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure.

Example

General Regulations

A. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
B. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.
C. Freestanding signs shall be located near the center of the parcel to the greatest extent possible.

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	Illuminated: 32 sq ft Unilluminated: 40 sq ft	12 ft	1/parcel	• External illumination only. • Min. 10 ft setback from ROW.	Yes
SFR	Residential Uses: 2 sq ft per lot	4 ft	1/parcel	• Illumination prohibited. • Min. 10 ft setback from ROW.	Yes
	Non-Residential Uses: Illuminated - 24 sq ft Unilluminated - 30 sq ft	6 ft	1/parcel	• External illumination only. • Min. 10 ft setback from ROW.	Yes
SFN	Residential Uses: 2 sq ft per lot	4 ft	1/parcel	• Illumination prohibited. • Min. 10 ft setback from ROW.	Yes
	Non-Residential Uses: Illuminated - 24 sq ft Unilluminated - 30 sq ft	6 ft	1/parcel	• External illumination only. • Min. 10 ft setback from ROW.	Yes
MHN	Individual Residential Lots: 2 sq ft	4 ft	1/parcel	• Illumination prohibited. • Min. 10 ft setback from ROW.	Yes
	Other Uses & Developments: Illuminated: 24 sq ft Unilluminated: 30 sq ft	6 ft	1/entrance	• External illumination only. • Min. 5 ft setback from ROW.	Yes
RMH	Individual Residential Lots: 2 sq ft	4 ft	1/parcel	• Illumination prohibited. • Min. 10 ft setback from ROW.	Yes
	Other Uses & Developments: Illuminated: 24 sq ft Unilluminated: 30 sq ft	6 ft	1/entrance	• External illumination only. • Min. 5 ft setback from ROW.	Yes
CS	Illuminated: 20 sq ft Unilluminated: 25 sq ft	6 ft	1/parcel	• Min. 5 ft setback from ROW.	Yes
C	Illuminated: 32 sq ft Unilluminated: 40 sq ft	6 ft	1/parcel	• Min. 5 ft setback from ROW.	Yes
CF	Illuminated: 32 sq ft Unilluminated: 40 sq ft	6 ft	1/parcel	• Min. 5 ft setback from ROW.	Yes
LIW	Illuminated: 32 sq ft Unilluminated: 40 sq ft	12 ft	1/parcel	• Min. 10 ft setback from ROW.	Yes

6.6.6 Wall Signs

WALL SIGN STANDARDS

Definition

A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as a fascia sign, parallel wall sign, or band sign.

General Regulations

A. No portion of a wall sign shall extend out more than twelve (12) inches from the building wall on which it is affixed.

Example

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	20% of facade, not to exceed 100 sq ft	12 ft	n/a	• External illumination only.	Yes
SFR	Residential Uses: 4 sq ft	8 ft	n/a	• Illumination prohibited.	Yes
	Non-Residential Uses: 20% of facade, not to exceed 50 sq ft	14 ft	n/a	• Illumination prohibited.	Yes
SFN	Residential Uses: 4 sq ft	8 ft	n/a	• Illumination prohibited.	Yes
	Non-Residential Uses: 20% of facade, not to exceed 50 sq ft	14 ft	n/a	• Illumination prohibited.	Yes
MHN	Individual Residential Lots: 4 sq ft	8 ft	n/a	• Illumination prohibited.	Yes
	Other Uses & Developments: 20% of facade, not to exceed 50 sq ft	14 ft	n/a	• External illumination only.	Yes
RMH	Individual Residential Lots: 4 sq ft	8 ft	n/a	• Illumination prohibited.	Yes
	Other Uses & Developments: 20% of facade, not to exceed 50 sq ft	14 ft	n/a	• External illumination only.	Yes
CS	20% of facade, not to exceed 50 sq ft	14 ft	n/a	• External illumination only	Yes
C	20% of facade, not to exceed 100 sq ft	14 ft	n/a	• External illumination only	Yes
CF	20% of facade, not to exceed 100 sq ft	14 ft	n/a	• External illumination only	Yes
LIW	20% of facade, not to exceed 100 sq ft	14 ft	n/a	• External illumination only	Yes

6.6.7 Awning Signs

AWNING SIGN STANDARDS

Definition	Example
A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.	

General Regulations

A. An awning without lettering or other advertising shall not be regulated as an awning sign.
B. Must be centered within or over architectural elements such as windows or doors.
C. Shall be a minimum of 8 feet above grade.
D. Shall be setback a minimum of 6 feet from the curbline or edge of street pavement.
E. Shall not encroach more than 4 feet into the right-of-way. Must obtain road agency permission for encroachment.

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
SFR	Residential Uses: ---	---	---	• Awning signs prohibited	---
	Non-Residential Uses: 50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
SFN	Residential Uses: ---	---	---	• Awning signs prohibited	---
	Non-Residential Uses: 50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
MHN	Individual Residential Lots: ---	---	---	• Awning signs prohibited	---
	Other Uses & Developments: 50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
RMH	Individual Residential Lots: ---	---	---	• Awning signs prohibited	---
	Other Uses & Developments: 50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
CS	50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
C	50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
CF	50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes
LIW	50% of awning area	14 ft	n/a	• Limited to 1st floor.	Yes

6.6.8 Canopy / Marquee Signs

CANOPY / MARQUEE SIGN STANDARDS

Definition

A sign on a structure other than an awning made of fabric, metal, or other material that is either supported by columns or posts affixed to the ground and may also be connected to a building, or supported by and projecting from a building, and providing protection from the elements.

Example

General Regulations

A. Signage shall only be allowed on the valance area of a canopy or marquee.
B. Shall not extend closer than 6 feet from the curb line or edge of street pavement.
C. Shall not encroach more than 4 feet into the right-of-way. Must obtain road agency permission for encroachment.
D. Shall be a minimum of 8 feet above the finished grade.

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	90% of valence area	14 ft	1/building	• Prohibited for residential uses • Limited to 1st floor.	Yes
SFR	Residential Uses: ---	---	---	• Canopy / Marquee signs prohibited	---
	Non-Residential Uses: 90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes
SFN	Residential Uses: ---	---	---	• Canopy / Marquee signs prohibited	---
	Non-Residential Uses: 90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes
MHN	Individual Residential Lots: ---	---	---	• Canopy / Marquee signs prohibited	---
	Other Uses & Developments: 90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes
RMH	Individual Residential Lots: ---	---	---	• Canopy / Marquee signs prohibited	---
	Other Uses & Developments: 90% of valence area	14 ft	n/a	• Limited to 1st floor.	Yes
CS	90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes
C	90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes
CF	90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes
LIW	90% of valence area	14 ft	1/building	• Limited to 1st floor.	Yes

6.6.9 Projecting Signs

PROJECTING SIGN STANDARDS

Definition

A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.

Example

General Regulations

A. No portion of a projecting signs shall project more than 4 feet from the face of the building.
B. Projecting signs shall be a minimum of 8 feet above the finished grade.
C. Illumination is prohibited.
D. Shall only be permitted on the front facade.
E. Projecting signs under an arcade or covered porch outside of the right-of-way shall not count towards the maximum square footage allowed.

District	Max. Area (total for each sign)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	---	---	---	• Projecting signs prohibited	Yes
SFR	Residential Uses: ---	---	---	• Projecting signs prohibited	---
	Non-Residential Uses: 8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
SFN	Residential Uses: ---	---	---	• Projecting signs prohibited	---
	Non-Residential Uses: 8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
MHN	Individual Residential Lots: ---	---	---	• Projecting signs prohibited	---
	Other Uses & Developments: 8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
RMH	Individual Residential Lots: ---	---	---	• Projecting signs prohibited	---
	Other Uses & Developments: 8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
CS	8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
C	8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
CF	8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes
LIW	8 sq ft	14 ft	1/business	• Maximum square footage is per sign, not cumulative for sign type.	Yes

6.6.10 Window Signs

WINDOW SIGN STANDARDS

Definition

Any sign that is applied, painted, or affixed to a window, or placed inside a window, either permanently or temporarily, within 3 feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

Example

General Regulations

A. Illumination shall be prohibited except for approved neon signs in non-residential zoning districts.
B. Translucent or semi-transparent window signs shall be counted toward the total area limits.

District	Max. Area (total for each sign)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	25% of each window's area	---	---	• Limited to 1st floor only	No
SFR	Residential Uses: 25% of each window's area	---	---	• Limited to 1st floor only	No
	Non-Residential Uses: 25% of each window's area	---	---	• Limited to 1st floor only	No
SFN	Residential Uses: 25% of each window's area	---	---	• Limited to 1st floor only	No
	Non-Residential Uses: 25% of each window's area	---	---	• Limited to 1st floor only	No
MHN	Individual Residential Lots: 25% of each window's area	---	---	• Limited to 1st floor only	No
	Other Uses & Developments: 25% of each window's area	---	---	• Limited to 1st floor only	No
RMH	Individual Residential Lots: 25% of each window's area	---	---	• Limited to 1st floor only	No
	Other Uses & Developments: 25% of each window's area	---	---	• Limited to 1st floor only	No
CS	25% of each window's area	---	---	• Limited to 1st floor only	No
C	25% of each window's area	---	---	• Limited to 1st floor only	No
CF	25% of each window's area	---	---	• Limited to 1st floor only	No
LIW	25% of each window's area	---	---	• Limited to 1st floor only	No

6.6.11 Electronic Message Signs

ELECTRONIC MESSAGE SIGN STANDARDS

Definition

A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video. A sign incorporating an electronic messaging sign shall be considered an illuminated sign.

Example

General Regulations

A. Electronic message signs are permitted in the form of freestanding signs only and shall count towards total allowable area for illuminated signs.
B. Animated, pulsing, streaming, flashing and scrolling messages shall be prohibited.
C. Messages shall transition instantly with no transition graphics at a minimum interval of 30 seconds.
D. All messages shall have dark backgrounds with light message content, with each message having the same light intensity.
E. Shall contain a default design that freezes the message if a malfunction should occur.
F. Electronic message signs shall be prohibited from being incorporated into any nonconforming sign.

District	Max. Area (total for each sign)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	---	---	---	• Electronic message signs prohibited	---
SFR	Residential Uses: ---	---	---	• Electronic message signs prohibited	---
	Non-Residential Uses: 30% of freestanding sign	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
SFN	Residential Uses: ---	---	---	• Electronic message signs prohibited	---
	Non-Residential Uses: 30% of freestanding sign area	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
MHN	Individual Residential Lots: ---	---	---	• Electronic message signs prohibited	---
	Other Uses & Developments: 30% of freestanding sign	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
RMH	Individual Residential Lots: ---	---	---	• Electronic message signs prohibited	---
	Other Uses & Developments: 30% of freestanding sign	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
CS	30% of freestanding sign	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
C	30% of freestanding sign	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
CF	30% of freestanding sign	6 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes
LIW	30% of freestanding sign	12 ft	1/parcel	• Must be shut off between 10:00 pm and 7:00 am	Yes

6.6.12 Small Temporary Signs

SMALL TEMPORARY SIGN STANDARDS	
Definition	**Example**
A type of non-permanent sign that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display, but excluding window signs.	
General Regulations	
A. Small temporary signs may be permitted in the right-of-way on sidewalks in the CS, C and CF districts subject to all applicable standards of this ordinance, but shall be removed at the close of business each day.	

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	12 sq ft	6 ft	n/a	• Setback minimum 10 ft from ROW • Illumination prohibited	No
SFR	Residential Uses: 8 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	No
	Non-Residential Uses: 8 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	No
SFN	Residential Uses: 8 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	No
	Non-Residential Uses: 8 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	No
MHN	Individual Residential Lots: 8 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	No
	Other Uses & Developments: 12 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	No
RMH	Individual Residential Lots: 8 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	No
	Other Uses & Developments: 12 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	No
CS	8 sq ft	6 ft	n/a	• Illumination prohibited	No
C	8 sq ft	6 ft	n/a	• Illumination prohibited	No
CF	8 sq ft	6 ft	n/a	• Illumination prohibited	No
LIW	12 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	No

6.6.13 Large Temporary Signs

LARGE TEMPORARY SIGN STANDARDS

Definition

A type of non-permanent sign, permitted to be larger than a small temporary sign, that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.

General Regulations

A. Shall be located no closer to the side property line than the principal building.
B. Large temporary signs may be displayed up to a maximum of 30 consecutive days, and shall not exceed 60 total days a year per parcel.

Example

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	24 sq ft	6 ft	n/a	• Setback minimum 10 ft from ROW • Illumination prohibited	Yes
SFR	Residential Uses: 16 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	Yes
	Non-Residential Uses: 16 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	Yes
SFN	Residential Uses: 16 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	Yes
	Non-Residential Uses: 16 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	Yes
MHN	Individual Residential Lots: 8 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	Yes
	Other Uses & Developments: 24 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	Yes
RMH	Individual Residential Lots: 8 sq ft	4 ft	n/a	• Min. 5 ft setback from ROW • Illumination prohibited	Yes
	Other Uses & Developments: 24 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	Yes
CS	16 sq ft	6 ft	1/parcel	• Illumination prohibited	Yes
C	16 sq ft	6 ft	1/parcel	• Illumination prohibited	Yes
CF	16 sq ft	6 ft	1/parcel	• Illumination prohibited	Yes
LIW	24 sq ft	6 ft	n/a	• Min. 10 ft setback from ROW • Illumination prohibited	Yes

6.6.14 Flags

SMALL TEMPORARY SIGN STANDARDS

Definition

Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. Flags shall not include feather or pennant signs..

Example

General Regulations

A. Each individual flag shall be limited 15 square feet.
B. Poles shall be limited in height to thirty (30) feet.

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
AG	45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
SFR	Residential Uses: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
	Non-Residential Uses: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
SFN	Residential Uses: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
	Non-Residential Uses: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
MHN	Individual Residential Lots: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
	Other Uses & Developments: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
RMH	Individual Residential Lots: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
	Other Uses & Developments: 45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
CS	45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
C	45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
CF	45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No
LIW	45 sq ft	30 ft	3/parcel	• No single flag shall exceed 3 ft x 5 ft	No

6.6.15 Billboards

BILLBOARD SIGN STANDARDS

Definition	Example
An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.	

Findings

The Township has made the following findings related to billboard signs:

A. The placement of signs on lots or structures in the Township that exceed the maximum permitted standards of this Section for freestanding signs would result in visual pollution and obstructions of light and air for adjoining lots and uses.
B. Billboard signs are not appropriate in areas zoned for residential uses because the intense nature of the display activity would be harmful to residential property values and incompatible with residential neighborhood quality of life.
C. Billboard signs are not appropriate in the Township's commercial districts because such signs would be out of scale with the structures and limited commercial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the districts.
D. Unrestricted display of billboard signs along the arterial streets and thoroughfares in the Township would create visual clutter, compete for visual attention, and contribute to an undesirable aesthetic throughout the Township.

General Regulations

Location: Billboards shall be limited to the following locations:

A. All billboards shall be limited to the LIW district on parcels with direct frontage on a state highway.

Spacing and Setbacks: All billboards shall meet the following spacing and setback requirements:

B. Setback at least 100 feet from an existing freestanding sign.
C. Setback a minimum of 50 feet from any property line.
D. Setback at least 500 feet from any residential zoning district.
E. Setback at least 500 feet from any school, religious institution, hospital, cemetery, or government building.
F. The minimum spacing between billboards on the same side of the right-of-way shall be 1,000 feet.

Illumination: All illuminated billboards shall meet the following standards for illumination:

G. All billboards, except those containing electronic message signs as regulated below, shall be externally illuminated with downward facing light fixtures with full cut-off shielding.
H. Electronic message signs shall be permitted to occupy the entire allowable area of the billboard, but shall meet the standards for the display of electronic message signs in this Section.
I. Billboard illumination shall be limited to a maximum of 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset, and not greater than 200 candelas per meter squared all other times.

District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
LIW	200 sq ft	30 ft	1/parcel	• reserved	Yes

6.6.16 Prohibited Signs

The following signs shall be prohibited in the Township :

A. No sign or banner shall be placed across any public right-of-way except by permission of the Township and the applicable road agency.

B. Signs incorporating any manner of flashing, strobe, or moving lights, with the exception of approved electronic message signs.

C. Animated signs: 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:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags and/or other devices or displays that respond to naturally occurring external motivation. This does not include flags as defined in this Section.

2. 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.

3. 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 one (1) hour. This prohibition shall not apply to permitted electronic message signs.

D. Signs on park-type benches, trees or utility poles

E. Abandoned signs

F. Inflatable signs

G. Roof signs

H. Pole- or pylon-mounted signs, except associated with the installation of an approved billboard sign.

I. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.

J. Any sign unlawfully installed, erected or maintained.

K. Signs that completely block the view of other signs.

L. Any additional signage for a business that has an existing nonconforming sign.

6.6.17 Permit Application And Approval Process

A. Application and Approval: Application forms for a land use permit to erect, alter or move a sign shall contain or have attached to it the following information at a minimum:

1. Name, address, and telephone number of the applicant.
2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. If proposed to be attached to a building, its proposed location on the building.
4. A plot plan with dimensions of the sign, location on the lot, illumination source and method of construction and attachment to the building or placement in the ground.
5. Name of person, firm, or corporation erecting the sign.
6. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.
7. Other information as the Zoning Administrator shall require to establish compliance with this Section.
8. For temporary signs, the specific dates that the sign is to be displayed.

B. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If the proposed sign meets all ordinance requirements, the Zoning Administrator shall issue the sign permit within fifteen (15) days of receipt of a fully completed application.

C. Administrative decisions made by the Zoning Administrator, which relate to signs, may be appealed to the Zoning Board of Appeals in accordance with the procedures of Article 11 of this Ordinance.

D. Revocation and Extensions of Sign Permits:

1. Any sign or other advertising structure regulated by this Ordinance which is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is otherwise not in compliance with this Ordinance shall be a violation of this Ordinance.
2. If the work associated with a sign authorized under a land use permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the Zoning Administrator may grant a three (3) month extension without payment of an additional fee if the extension is requested prior to the original sign permit becoming null and void.

6.6.18 Nonconforming Signs

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

A. Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign.

B. Re-established after its discontinuance for two hundred and seventy-five (275) days.

C. Continued in use after cessation or change of the business or activity to which

the sign pertains.

D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent of the appraised replacement cost, as determined by the Zoning Administrator.

6.6.19 Removal Of Unsafe, Unlawful or Abandoned Signs

A. Unsafe or Unlawful Signs:

1. Upon written notice by Zoning Administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, it is determined by Zoning Administrator to be a nuisance, it is deemed unsafe by Zoning Administrator, or it is unlawfully erected in violation of any of the provisions of this Ordinance. The Township may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the Township may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs:

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within one hundred eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in one hundred (180) days the Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

6.7 STORMWATER MANAGEMENT

6.7.1 Intent And Purpose

The purpose of this Section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.

6.7.2 Applicability

This Section applies to any application for site plan approval required by this ordinance. A stormwater management plan shall be provided in compliance with the Acme Township Storm Water Control Ordinance, as amended or replaced.

6.7.3 Stormwater Detention

A. Level of Service Standard: Stormwater detention shall mitigate peak flow rates to predevelopment or existing development conditions.

B. On-site Detention: On-site detention facilities shall be privately owned and shall be maintained in their designed state. A maintenance schedule may be required by the Township prior to approval of construction plans.

6.7.4 Compliance Required

No development, other than one- and two-family residential structures shall take place except in conformity with an approved stormwater management plan.

6.7.5 Low-Impact Development Stormwater Management Design

Low Impact Development (LID) stormwater management techniques are a set of small-scale stormwater management practices which mimic and work with nature to reduce water runoff and pollutants and provide a natural open space. By incorporating LID practices, the amount of site development area necessary to be dedicated to a traditional stormwater basin can often be decreased substantially. For example, required landscaping areas may also function as bio-swales or retention basins. The use of low-impact stormwater management design techniques may be required, especially in areas adjacent to environmentally sensitive areas or in circumstances where water is proposed to be redirected into environmentally sensitive areas.

6.7.6 Multiuse Facilities

The use of multiuse detention facilities to alleviate existing flooding problems, enhance and provide amenities for older neighborhoods, and support the revitalization of economically depressed areas in public and private redevelopment initiatives may be required. Multiuse facilities are stormwater management facilities that provide stormwater management functions and other benefits, such as water quality improvement, water recharge, open space, recreation, or habitat. Such facilities shall not increase the rate or volume of erosion resulting from the use of a facility without multiple uses.

Article 7: Supplemental Use Standards

7.1. Intent and Purpose
7.2. Agricultural Assembly Spaces
7.3. Agricultural Tourism
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7.5. Customary Agricultural Operations
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7.18. Extractive Industries
7.19. Self-Storage Facilities
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7.23. Medical Marihuana Facilities
7.24. Micro Breweries
7.25. Small Distilleries
7.26. Small Wineries
7.27. Religious Institutions
7.28. Sexually Oriented Businesses
7.29. Personal Wireless Service Facilities
7.30. Solar Energy Farms
7.31. Wind Energy Generation Systems

7.1 INTENT AND PURPOSE

It is the purpose of this Article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts. In addition to the applicable standards elsewhere in this Ordinance, the following standards apply to specific uses:

7.2 AGRICULTURAL ASSEMBLY SPACES

A. The minimum lot size shall be twenty (20) acres.

B. The property must be actively engaged in agricultural operations that comprise at least fifty (50%) percent of the lot.

C. The Planning Commission may allow designated parking spaces to be of a gravel or vegetated surface if it is determined to have no discernible negative effect on surrounding property owners.

7.3 AGRICULTURAL TOURISM

A. The minimum lot size shall be ten (10) acres.

B. The property must be actively engaged in agricultural operations that comprise at least fifty (50%) percent of the lot.

C. The Planning Commission may allow designated parking spaces to be of a gravel or vegetated surface if it is determined to have no discernible negative effect on surrounding property owners.

D. The following agricultural or agriculturally-related uses and activities are under this Section:

1. Seasonal "U-Pick" fruit and vegetable operations

2. Roadside market stands

3. Outdoor mazes of agricultural origin such as straw bales or corn.
4. Value-added agricultural products or activities such as education tours, classes, lectures, seminars, or processing demonstrations.
5. Bakeries selling baked goods containing produce grown primarily on-site.
6. Playgrounds or equipment typical of a school playground, such as slides, swings, etc., not including motorized vehicles and rides.
7. Petting farms, animal displays and pony rides.
8. Wagon, sleigh and hayrides.
9. Nature trails.
10. Open air or covered picnic area with restrooms.
11. Historical agricultural exhibits.
12. Kitchen facilities processing/cooking items for sale on or off premises.
13. Gift shops for agricultural or agriculturally related products.
14. Gift shops for non-agricultural products such as antiques and crafts.

7.4 RIDING STABLES

A. The minimum lot area shall be ten (10) acres.

B. A minimum setback of one hundred (100) feet shall be established along any portion of a lot containing a riding adjacent to a residential zoning district.

C. An animal waste management plan shall be provided by the applicant. Animal waste must be managed in a manner so as not to be a hazard to health or a nuisance to neighbors.

D. All required state and local licenses and permits shall be obtained and maintained in good standing at all times.

7.5 CUSTOMARY AGRICULTURAL OPERATIONS

Including general farming, truck gardening, fruit orchards, nursery greenhouses not selling at retail on the premises, and the usual farm buildings, subject to the following:

A. That the raising or keeping of small animals such as rabbits, poultry and goats, other than household pets, or the raising or keeping of livestock such as cattle, hogs, and sheep shall not occur on a parcel of land less than five (5) acres in area.

B. The carrying out of such practices shall not generate any noise, odor, pollution or other environmental impact which will have an adverse effect on adjacent properties.

C. No storage or unusual accumulation of manure or odor or dust producing materials shall be permitted within one hundred (100) feet of any property line.

D. No building for storage of mechanical equipment for agricultural purposes or housing of animals shall be permitted closer than one hundred (100) feet of any property line.

E. No products shall be publicly displayed or offered for sale from the roadside.

F. 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 standard listed above, the GAAMP shall control.

7.6 LIVESTOCK AUCTION YARDS

A. The minimum lot area shall be twenty (20) acres.

B. The facility shall not be used as a livestock feed lot. No animal shall be kept on premises for more than ten (10) consecutive days following each auction.

C. All corrals, pens, or rings for live animals shall be located at least two hundred (200) feet from the following:

1. Any public right-of-way, measured from the edge of the right-of-way or easement;
2. A residential zoning district, measured from the boundary of the district;
3. Or a body of water, measured from the ordinary high water mark or stream bank.

D. The butchering of livestock on-site shall be prohibited.

E. No manure shall be stored on-site. An animal waste management plan shall be provided by the applicant. Animal waste must be managed in a manner so as not to be a hazard to health or a nuisance to neighbors.

F. All required state and local licenses and permits shall be obtained and maintained in good standing at all times.

G. The area shall include adequate off-street parking for automobiles and trucks and shall be designed to provide adequate truck maneuvering space for both loading and unloading, as determined by the Planning Commission.

7.7 AUTOMOBILE REPAIRS, MINOR

A. All repairs shall be conducted within an enclosed building.

B. Outside noise shall not exceed sixty (60) dba at the property line.

C. Designated parking spaces shall not be used for vehicle storage or repairs.

D. The selling of vehicles and trailers shall be prohibited on-site.

E. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

7.8 AUTOMOBILE REPAIRS, MAJOR

A. All repairs shall be conducted within an enclosed building or within a screened area in the rear or side yards.

B. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround

all areas designated for the temporary outdoor storage of equipment and materials or repairs. The finished side of any fence or wall shall face adjacent properties.

C. Outside noise shall not exceed sixty (60) dba at the property line.

D. Designated parking spaces shall not be used for vehicle storage or repairs.

E. The selling of vehicles and trailers shall be prohibited on-site.

F. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

7.9 AUTOMOBILE SERVICE STATIONS

A. Enclosed Building: All accessory uses and services shall be conducted within a completely enclosed building.

B. Minimum Site Size: Fifteen thousand (15,000) square feet.

C. Site Location: The proposed site shall have at least one property line on a major thoroughfare. The Automotive Services site, or sites, shall be located where it can be away from patterns of pedestrian circulation and have direct unencumbered access to traffic arteries.

D. Curbing and Paving: A raised curb of at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The area used for servicing vehicles within the automotive service stations property lines shall be paved with a permanent surface of concrete or asphalt.

E. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints,solvents and thinners, shall conform to all applicable federal, state and local regulations.

7.10 BED AND BREAKFAST ESTABLISHMENTS

A. Intent and Purpose: It is the intent of this Section to allow for and regulate bed and breakfast establishments, and to ensure that the property is suitable for transient lodging facilities, the use is compatible with other uses in the agricultural and lower density residential districts, that residential and agricultural lands shall not be subject to increased trespass, and that the impact of the establishment is no greater than that of a private home with house guests. It is the intent to encourage the use and adaptive re-use of historical or architecturally significant buildings in the Township for such bed and breakfast establishments.

B. Permitted Uses:

1. Bed and Breakfast Homes: in addition to the requirements of this Section, the following limitations shall apply to Bed and Breakfast Homes:

   a. No more than five (5) rooms available for rent at any time.

   b. Such homes shall not be located on property less than one (1) acre in size.

2. Bed and Breakfast Inns: in addition to the requirements of this Section, the following limitations shall apply to Bed and Breakfast Inns:

    a. No more than ten (10) rooms available for rent at any time.

    b. Such inns shall not be located on property less than five (5) acres in size.

C. Requirements: The following requirements for all bed and breakfast homes and inns together with any other applicable requirements of this Ordinance shall be complied with:

1. The minimum lot size shall be one acre for bed and breakfast homes and five (5) for bed and breakfast inns.

2. In addition to the sign standards set forth in this Ordinance, bed and breakfast homes and inns shall meet the following requirements:

    a. Signs for bed and breakfast homes and inns shall not exceed sixteen (16) square feet in size.

    b. No sign shall be located closer than ten (10) feet from the road right-ofway.

    c. No internally lit signs will be permitted. External sign lighting shall be from an overhead position only shining downward onto the sign face in such a way that there results in a minimum reflection of light off the sign face. Light sources shall be shielded from view from adjacent streets and properties by light fixture shields.

3. The establishment shall be owner-occupied at all times. In the case a bed and breakfast home or inn has multiple owners, at least one owner shall occupy the establishment at all times. Any other arrangement shall require the approval of the Township.

4. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four occupants per room.

5. In the event the Township determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township may require that fencing and/or a planting buffer be constructed and maintained.

6. Use of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

7. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use.

8. All bed and breakfast homes or inns shall be an active member in the State of Michigan's Bed and Breakfast Association. A copy of all reviews, as part of the association review process, shall be provided to the township upon completion.

9. All bed and breakfast homes or inns shall meet all local and state regulations for

construction code and fire safety.

10. All rooms for rent in any bed and breakfast home or inn shall be rented for temporary periods of time. No room shall be used as the primary residence of any non-family renter.

7.11 CAMPGROUNDS

Campgrounds shall comply with the provisions of Part 125 of the Michigan Public Health Code, and with the following requirements:

A. No campgrounds shall be located except with direct access to a major thoroughfare, or with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the campground through a residential district.

B. The minimum lot area per campground shall be ten (10) acres.

C. Campsites in campgrounds may be rented by the day or week or for indefinite periods; or sold provided, however, that no site shall be occupied as a permanent or principal residence.

D. Management headquarters, recreational facilities, toilets, showers, off-street parking areas, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided that:

   1. Such accessory uses shall not occupy more than ten (10%) percent of the area of the campground.

   2. Such accessory uses shall be restricted in their use to occupants of the campground and their guests.

   3. Such accessory uses shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground and their guests.

E. No campsite shall be so located that any part intended for sleeping purposes is within one hundred feet of the right-of-way line of any public road or highway. Setback spaces shall be occupied by plant materials and appropriately landscaped. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the park from adjacent roads and properties. The plans, specifications and proposed arrangement of such plantings shall be prepared by a registered landscape architect.

F. The campground site plan shall be subject to the review and approval of the Grand Traverse County Health Department.

G. Individual campsites are not subject to setback and accessory structure placement requirements that would otherwise be required under this Ordinance.

7.12 ACCESSORY DWELLING UNITS

Accessory dwelling units (ADU's) are intended to provide flexible housing options in the Township by allowing homeowners to establish a second dwelling unit on their property. ADU's are subject to the following standards:

A. ADU's shall be limited to permitted districts and properties with single-family dwelling

units as the principal use. ADU's shall be subordinate to the single-family dwelling unit.

B. The owner of the property shall live on site, either in the principal dwelling unit or the accessory dwelling unit.

C. Both the principal dwelling unit and ADU shall be prohibited from being operated as a short-term rental.

D. ADU's shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.

E. ADU's may be attached to the single-family dwelling unit and may occupy a basement, first floor or second floor of the principal dwelling, or may occupy a separate, detached accessory building.

F. The use of a mobile home, camper trailer, recreational vehicle, or other temporary and/or transient structures shall be prohibited from being used as and ADU.

G. ADU's shall be connected to municipal sanitary sewer.

H. All ADU's shall meet applicable building and fire codes.

I. Building materials and designs used on detached ADU's or additions to the principal dwelling for an attached ADU, shall be of similar style as that of the principal dwelling

J. The minimum size living area shall be three hundred (300) square feet.

K. The maximize size shall not exceed eight hundred (800) square feet, or the size of the principal dwelling unit, whichever is less.

7.13 DUPLEX DWELLING UNITS

A. Duplexes shall be limited to permitted districts.

B. The principal structure containing the duplex dwelling units shall meet the minimum ground floor area for the district.

C. Duplex dwelling units shall be connected to municipal sanitary sewer.

D. The use of a duplex dwelling unit as a short-term rental unit shall be prohibited.

7.14 TOURIST HOMES

The specific provisions related to the operation of tourist homes are outlined in the Acme Township Short-Term Rental Ordinance. All tourist home operations shall require a license issued by Acme Township.

7.15 VACATION HOMES

The specific provisions related to the operation of vacation homes are outlined in the Acme Township Short-Term Rental Ordinance. All vacation home operations shall require a license issued by Township. Vacation homes in the C - Corridor Commercial and CF - Corridor Flex Districts shall be limited to operating within detached single-family dwellings.

7.16 HOME OCCUPATIONS

Home occupations may be carried on in a dwelling or accessory building to that dwelling

under the following conditions:

A. Customary home occupations such as instruction in a craft or fine art, cottage industries, specialty catering, professional offices, dress-making, bookkeeping, accounting, real estate, and insurance sales and similar gainful employment shall only be permitted.

B. Home occupations shall only be permitted when carried on by the occupant of the dwelling.

C. A home occupation shall not be allowed if the essential character of a lot or building within a zoning district (in terms of use, traffic generation, noise, odor, vibration, electrical interference or appearance, including signage) is changed by the home occupation.

D. A home occupation shall not be allowed that commonly has regularly scheduled appointments arriving on a frequent basis within an interval of two hours or less.

E. The area utilized for the home occupation shall not exceed twenty five (25%) percent of the floor area of one story of the dwelling whether or not the dwelling or an accessory building is so utilized.

F. All activities involved in the home occupation (other than parking) shall take place within the dwelling or accessory building.

G. Professional offices shall be occupied by not more than one professional practitioner with no more than one full time equivalent employee unless all additional persons employed are members of the family occupying the principal structure.

H. No retail or other sales shall be permitted on the premises unless they are clearly incidental and directly related to the conduct of the home occupation.

I. The principal use of the parcel shall be a dwelling and the operator of a home occupation shall make the dwelling unit within which the home occupation is conducted his or her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.

J. All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.

7.17 CONTRACTOR STORAGE YARDS

Outdoor storage of equipment and materials for contractor establishments shall be allowed under the following conditions:

A. No equipment or materials shall be stored in the required front, side or rear setbacks.

B. If a building exists on a parcel, the outdoor storage of equipment and materials shall only occur in the side or rear yards.

C. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the outdoor storage of equipment and materials. The finished side of any fence or wall shall face adjacent properties.

7.18 EXTRACTIVE INDUSTRIES

A. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.

B. The Township Board may require the applicant to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by item k of this Section.

C. No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line.

D. The use shall be enclosed by a fence or suitable plantings six (6) feet or more in height for the entire periphery of the property.

E. No slope shall exceed an angle with the horizontal of forty five degrees (45°).

F. At all stages of operations, pits or quarries shall be completely and continually drained of water when not in use or supervised by a watchman. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.

G. No building shall be erected on the premises except as temporary shelter for machinery or field office.

H. The Township Board shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the Township. That portion of access roads within the area of operation shall be provided with a dustless surface.

I. All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Township in general.

J. Proper measures, as determined by the Township Board, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavating materials on the site.

K. When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three to one in horizontal-vertical gradient. A layer of gravel topsoil shall be spread over the excavated areas to minimum depth of four inches in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial rye grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.

7.19 SELF-STORAGE FACILITIES

A. The minimum size of the site devoted to such use shall not be less than three (3) acres.

B. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side, or equal to the building height, whichever is greater.

C. The total lot coverage of all structures shall be limited to fifty (50%) percent of the total lot area.

D. A screen with a minimum height of six (6) feet shall be provided around the perimeter of the development. The screen may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six (6) feet in height

and shall be constructed of brick, stone, masonry units, or wood products, which are determined by the Planning Commission to be durable and weather resistant.

E. Internal driveway aisles shall be a minimum of twenty four (24) feet in width.

F. All off-street parking areas and driveways shall be hard surfaced and properly drained.

G. All ingress and egress from this site shall be directly onto a public street.

H. Building height shall not exceed one story or fifteen (15) feet, except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty five (25) feet.

I. No single storage building shall exceed five thousand (5,000) square feet.

J. All storage on the property shall be kept within an enclosed building except as approved by the Planning Commission.

K. The use of the premises shall be limited to storage only, and shall not be used for any auction, sales, storage, or the servicing, repair, or fabrication of any vehicle, boat, trailer, or similar item.

7.20 RECREATION FACILITIES

A. Facilities are to be constructed, maintained, and operated by an incorporated, non-profit club or organization, or for-profict commercial entity with a specified limitation of members and their guests.

B. The minimum site size shall be five (5) acres with a minimum width of two hundred (200) feet.

C. In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be from said thoroughfare.

D. A front yard setback of fifty (50) feet shall be provided.

E. Off-street parking may be located in a side or rear yard provided that it is not located closer than fifty (50) feet to any adjacent property in the residential zoning districts.

F. An outdoor swimming pool shall be permitted in the rear yard only, shall be located at least one hundred (100) feet from any adjoining property in the residential zoning districts, and shall be enclosed with a protective fence six (6) feet in height with entry provided by means of as controlled gate.

7.21 GOLF FACILITIES

7.21.1 Golf Courses And Country Clubs

A. These regulations shall not include stand-alone golf-driving ranges and miniature golf courses.

B. The site area shall be a minimum of fifty (50) acres and have its main ingress and egress from a major thoroughfare.

C. Development features shall be so located as to minimize any possible adverse effects upon adjacent property. All principal and accessory buildings, structures, and parking areas shall not be less than two hundred (200) feet from any property line of abutting residentially zoned land.

D. Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be enclosed with a protective fence six (6) feet in height, with entry limited by means of a controlled gate.

7.21.2 Driving Ranges Not Part Of A Golf Course

A. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare.

B. All points of entrance and exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

C. Acceleration and deceleration lanes may be required at points of ingress and egress to the site, and left turns at entrances and exits should be limited on the major thoroughfare where possible.

D. Whenever any use permitted herein abuts property within any residential district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass and structural screens or fences of a type approved by the Planning Commission shall be placed within said transition strip.

E. A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

F. All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.

7.22 KENNELS

A. The minimum lot area shall be five (5) acres for the first five (5) animals, and an additional five thousand (5,000) square feet for each animal in addition to the first five (5). The Planning Commission may reduce this requirement based on-site conditions.

B. Buildings and/or the use shall not exceed twenty-five (25) percent of the lot except as pasture for animals.

C. The applicant shall declare, as part of the special land use application, the maximum number of animals intended to be housed at the facility. For the purposes of this paragraph, newborn animals not yet weaned shall not be counted toward such maximum.

D. Buildings where animals are kept, dog runs, tethers and exercise areas shall not be located nearer than fifty (50) feet from any adjoining property line. Additional landscape screening, berms, or fencing may be required by the Planning Commission.

E. Dog runs and exercise areas shall not be located within any front yard.

F. All principal use activities, other than outdoor dog runs, tethers or exercise areas, shall be conducted within a totally enclosed building.

G. An animal waste management plan shall be provided by the applicant. Animal waste must be managed in a manner so as not to be a hazard to health or a nuisance to neighbors.

H. All required state and local licenses and permits shall be obtained and maintained in good standing at all times.

I. Noise emanating from a kennel shall not cause the unreasonable interference of the comfortable use and enjoyment of an adjoining property.

7.23 MEDICAL MARIHUANA FACILITIES

7.23.1 Intent And Purpose

The purpose of a Medical Marihuana Facility is to allow for the uses set out in the Medical Marihuana Facilities Licensing Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety, and welfare of the general public.

7.23.2 Specific Medical Marihuana Facilities Requirements

All Medical Marihuana Facilities shall comply with the following:

A. Possess a valid license from both Acme Township and the State of Michigan.

B. A Medical Marihuana Facility shall not be located within a one thousand (1,000) foot radius of any existing public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a library, or a playground or park, or a public or private youth recreation facility.

1. For purposes of this Section the term "library" means a library that is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.

2. For purposes of this Section the term "playground" means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing sets, and teeterboards.

3. For purposes of this Section the term "park" means any land or facility of any size or shape, including but not limited to road ends, and submerged lands, that are open to the public and used for recreation or held for future recreational use. For purposes of this Section the term "park" shall not mean linear ways or multiuse paths.

4. For purposes of measuring the one thousand (1,000) foot radius in this Section, the measurement shall be taken from the nearest property line of the existing public or private elementary, vocational, or secondary school, or public or private college, junior college, or university, library, or playground or park, or a public or private youth recreation facility to the nearest point on

the building where the proposed Medical Marihuana Facility is proposed.

C. The number of licenses issued for each type Medical Marihuana Facility in a particular zoning district shall be limited as follows:

1. Corridor Commercial (C) District:

a. Medical Marihuana Provisioning Center: no more than one (1) Provisioning Center may be licensed and operating at any given time, and no more than one (1) license may be issued.

2. Agricultural (AG) District:

a. Medical Marihuana Grower: no more than two (2) may be licensed and operating at any given time, and no more than two (2) licenses may be issued.

b. Medical Marihuana Processor: no more than two (2) may be licensed and operating at any given time, and no more than two (2) licenses may be issued.

3. Light Industrial & Warehousing (LIW) District:

a. Medical Marihuana Grower: no more than three (3) may be licensed and operating at any given time, and no more than three (3) licenses may be issued.

b. Medical Marihuana Processor: no more than three (3) may be licensed and operating at any given time, and no more than three (3) licenses may be issued.

c. Medical Marihuana Secure Transporter - no more than three (3) may be licensed and operating at any given time, and no more than three (3) licenses may be issued.

d. Medical Marihuana Provisioning Center: no more than three (3) may be licensed and operating at any given time, and no more than three (3) licenses may be issued.

e. Medical Marihuana Safety Compliance Facility: no more than three (3) may be licensed and operating at any given time, and no more than three (3) licenses may be issued.

7.24 MICRO BREWERIES IN THE AG DISTRICT

The following standards shall apply to breweries in the AG District:

A. The minimum lot size shall be ten (10) acres.

B. A minimum of five (5) acres of the parcel shall be used at all times for the production of farm products customarily used in the brewing process.

7.25 SMALL DISTILLERIES IN THE AG DISTRICT

The following standards shall apply to distilleries in the AG district:

A. The minimum lot size shall be ten (10) acres.

B. A minimum of five (5) acres of the parcel shall be used at all times for the production of farm products customarily used in the spirit distilling process.

7.26 SMALL WINERIES IN THE AG DISTRICT

The following standards shall apply to wineries in the AG district:

A. The minimum lot size shall be ten (10) acres.

B. A minimum of five (5) acres of the parcel shall be used at all times for the production of farm products customarily used in the wine fermenting process.

7.27 RELIGIOUS INSTITUTIONS

7.27.1 Intent And Purpose

In recognition of many institutional uses that have been found to be reasonably compatible with residential uses, the Township may authorize the construction, maintenance and operation of religious uses.

7.27.2 Standards

A. Religious institutions in the residential and agricultural zoning districts shall require a minimum lot size of one (1) acre.

B. Such uses shall be duly licensed by the Michigan Department of Licensing and Regulatory Affairs.

C. Fencing of outdoor play areas may be required should it be determined that conditions exist in the immediate vicinity which could be hazardous to the user, children, or the public hearing on the application for a special use permit indicates objectionable trespass could occur onto neighboring properties by the user children.

7.28 SEXUALLY ORIENTED BUSINESSES

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimatize activities which are prohibited by Township Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those Sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually

oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. No sexually oriented business shall be greater than five thousand (5,000) square feet.

B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state licensed child care facility, or residential zoning district.

C. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.

D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in item (B) above.

E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.

F. The proposed use must meet all applicable written and duly promulgated standards of Acme Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.

I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that state:

   1. "Persons under the age of 18 are not permitted to enter the premises", and

   2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.

K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)

L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

   1. Shall be handicap accessible to the extent required by the Americans With

Disabilities Act;

2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

7.29 PERSONAL WIRELESS SERVICE FACILITIES

7.29.1 Intent And Purpose

The Telecommunications Act of 1996 sets forth provisions concerning siting and construction of personal wireless services facilities. Without coming into conflict with this federal law, it is the purpose of this Article to otherwise regulate the siting and construction of such Facilities within the Township.

7.29.2 Definitions

As used in this Article, the following terms shall have the meanings set forth below:

A. Alternative tower structure: means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

B. Antenna: means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, as part of a personal wireless service facility.

C. Backhaul network: means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

D. Co-location: means the location by two or more personal wireless service providers of personal wireless service facilities on a common structure, tower or building, with the goal of reducing the overall number of towers in the Township.

E. FAA: means the Federal Aviation Administration.

F. FCC: means the Federal Communications Commission.

G. Height: means, when referring to a personal wireless service facility, the distance measured from the finished grade of the parcel to the highest point on the Facility.

H. Personal Wireless Services: means "personal wireless services" as defined in the

Telecommunication Act of 1996 at 47 U.S.C. 332(c)(7)(C)(i).

I. Personal Wireless Service Facilities: means "personal wireless service facilities" as defined in the Telecommunication Act of 1996 at 47 U.S.C. 332(c)(7)(C)(ii).

J. Tower: means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas as part of a personal wireless service facility, including alternative tower structures.

K. Township-designated area: means the hotel tower at the Grand Traverse Resort.

7.29.3 General Standards

All Personal Wireless Service Facilities shall be subject to the following general standards:

A. Multiple Antenna/Tower Plan: The Township encourages the submission of a single application for approval of multiple tower and/or antenna sites simultaneously. Applications for approval of multiple sites shall be given priority

B. Inventory of Existing Sites: All applicants for a permit for a new tower shall provide to the Zoning Administrator an inventory of their existing towers that are either within the Township or within two miles of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants for permits under this Article or other organizations seeking to locate towers within the jurisdiction of the Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available.

C. Placement in Road Rights-of-Way Prohibited: personal wireless service facilities shall not be placed in any road right-of-way or in any easement for road purposes.

D. Lot Size: The minimum lot size for a personal wireless service facility shall be as per this Ordinance for a dwelling unit the zoning district in which the facility is located. The Zoning Board of Appeals shall not reduce this minimum lot size.

E. Setbacks: The personal wireless service facility shall not be within any setbacks for the zoning district where the Facility is located. Also, no tower shall be placed closer than one hundred (100%) percent of its height from any lot line or from any dwelling unit.

F. Airport and FAA Approval: Any approval required by either the Cherry Capital Airport Commission and/or the FAA shall be sought and obtained prior to any approval by the Township under this Article.

G. State and Federal Requirements: All personal wireless service facilities must meet or exceed current regulations of the FAA, the FCC, and any other agency of the state or federal government with regulatory authority. If such regulations are changed then the owners of the personal wireless service facilities governed by this Ordinance shall bring such Facilities into compliance with such revised regulations within six months of the effective date of such regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

H. Building Codes; Safety Standards: personal wireless service facilities shall be maintained in compliance with standards contained in the applicable state or local building codes and any applicable standards for such facilities that are published by the Electronic Industries Association.

I. Construction: personal wireless service facilities shall be constructed so as to be as compatible with their surroundings as possible, and shall thereby meet the following requirements:

1. A service building associated with personal wireless service facilities shall be constructed using materials, colors, textures, screening, and landscaping that will blend such facilities into the natural setting. In the alternative, such a building may be designed to architecturally match the exterior of buildings within three hundred feet of the property on which they are located, in which case the building shall be constructed of compatible materials such as wood, brick, or stucco. Metal exteriors shall not be allowed for a building associated with Personal Wireless Service Facilities.

2. Personal wireless service facilities shall be landscaped and fenced as follows:

   a. Landscaping shall consist of a five (5) foot wide buffer of plant materials that effectively screens the view of the tower compound from adjacent parcels. This buffer shall be located outside the perimeter of the compound.

   b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

   c. Existing vegetation and natural land forms on the site shall be preserved to the maximum extent possible.

3. All connecting wires from towers to service buildings shall be underground, to the extent possible.

4. All electrical and other service wires to the personal wireless service facility shall be underground, to the extent possible.

5. Service buildings shall be no larger than necessary to house equipment, and shall meet all setback requirements of this Ordinance for such structures.

6. If, at the time of initial construction, the proposed tower layout is a co-location-site, which provides service to other use providers, then the building shall be designed to accommodate all use providers at that time. Co-location shall not be cause for additional buildings on-site.

7. The Planning Commission may, at its sole discretion, require that the Tower be camouflaged to resemble a tree, or otherwise be made to be less obtrusive, if doing so would be consistent with promoting the public's health, safety and welfare.

J. Tower Construction: To minimize visual impact, monopole towers are required. Towers shall be finished in a single, non-reflective matte finished color.

K. Antenna Types: Singular tube antenna types, such as omnidirectional antennas or arrangements that use compact-type platforms, instead of broad designed-type sectorized antenna arrays, shall be preferred for all applications.

L. Lighting: Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the property. Light poles and fixtures shall be located as low as practical; a greater number of low area lights are favored over higher lights. Strobe lights shall not be allowed except as required by the FAA. All exterior lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lenses.

M. Signs: No signs, advertisements or identification of any kind intended to be visible from the ground or other structures shall be allowed on an antenna or tower, except as required for emergency purposes.

N. Safety: All personal wireless service towers shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. A sign shall be posted near the tower or operations and maintenance building that will contain emergency contact information.

O. Tower Heights/Co-Location: Towers may exceed height limits in the zoning district, providing they comply with the following additional standards:

1. In order to maximize the efficiency of the provision of telecommunication services, while minimizing the impact of such services on the Township, colocation shall be required by the Township.

    a. The applicant shall be required to provide information regarding the feasibility of co-location of antennas at proposed sites. Factors to be considered in determining feasibility of co-location include available space on existing towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, and any FCC limitations on sharing towers.

    b. The applicant shall be required to send a certified mail announcement to all other tower users in the area, stating their siting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied or deny space on a tower unless the applicant demonstrates, to the satisfaction of the Township, that mechanical, structural or regulatory factors prevent them from sharing.

    c. The applicant may be required to provide a letter of intent to lease excess space on a tower and commit itself to:

        1) Respond to any requests for information from another potential shared use applicant;

        2) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is practicable; and

        3) Make no more than a reasonable charge for a shared use lease.

    d. Once a co-location-type tower has received a special land use approval, the Zoning Administrator may approve such co-location antennas

without review by the Planning Commission.

2. Tower height may be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the Township determined by the Township Board to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of the maximum height in that zoning district. Where the independent evaluation shows that service can be provided by a lower tower, no tower in excess of the maximum height in that zoning district shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

P. Separation From Residential Areas: Towers shall be set back at least two hundred (200) feet from all existing residential structures and all Residential zoning districts

Q. Separation Between Towers: Tower separation distances between proposed and pre-existing monopoles over thirty five (35) feet in height shall be one thousand five hundred (1,500) feet. Separation distances between lattice and guyed towers shall be five thousand (5,000) feet.

7.29.4 Administratively Approved Uses

A. General: The Zoning Administrator may administratively approve the uses listed in this Section, subject to the following:

1. Each applicant for administrative approval shall apply to the Zoning Administrator, providing all information required by this Ordinance and a nonrefundable fee as established by resolution of the Township, to reimburse the Township for the costs of reviewing the application.

2. The Zoning Administrator shall review and either approve or deny the application in writing within sixty (60) days after the application is complete. If the Zoning Administrator fails to reach a decision within sixty (60) days, then the application shall be deemed to be approved.

3. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

4. If an administrative approval is denied, the applicant shall be required to file an application for a special use permit pursuant to this Section prior to filing any appeal that may be available under this Ordinance or otherwise.

B. List of Administratively Approved Uses: The following uses may be approved by the Zoning Administrator:

1. Personal Wireless Service Facilities in Township-designated areas: personal wireless service facilities which are to be placed in a Township-designated area may be administratively approved, with the exception that, in Township-designated areas in which one or more towers already exist, co-location shall be required.

2. Antennas on existing structures: Compact platform-type, omnidirectional, or singular-type antennas which are not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

    a. The antenna does not extend more than fifteen (15) feet above the highest point of the structure;

    b. The antenna complies with all applicable FCC and FAA resolutions; and

    c. The antenna complies with all applicable building codes.

3. Co-location: An antenna which is to be attached to an existing tower may be approved by the Zoning Administrator, and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing Towers shall take precedence over the construction of new towers, provided such colocation is accomplished in a manner consistent with the following:

    a. Reconstruction: A tower which is modified or reconstructed to accommodate the colocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

    b. Height: An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the co-location of an additional antenna. This height change may only occur one time per tower. The additional height shall not be permitted if it requires an additional distance separation or setback, as provided elsewhere in this Ordinance.

    c. On-site location:

        1) A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on-site within fifty feet of its existing location, provided, however, that the tower may not be moved nearer to a lot line than any required setback.

        2) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.

        3) A relocated on-site tower shall continue to be measured from the original tower for purposes of calculating separation distances between towers as provided elsewhere in this Ordinance. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this Ordinance.

        4) The on-site relocation of a tower which comes within the separation distancesto residential units or Residential zoning districts shall only be permitted when approved by the Zoning Administrator.

    d. Microcell networks: Installation of a cable microcell network through the use of multiple low powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or

similar technology that does not require the use of Towers.

7.29.5 Uses Approved By Special Use Permit

A. General:

1. A special use permit shall be required for a personal wireless service facility that is not otherwise a permitted use under this Ordinance.

2. Applications for special use permits under this Section shall be subject to the procedures and requirements of this Ordinance for special use permits, except as modified in this Section.

3. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

4. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Township to reimburse the Township for the costs of reviewing the application.

B. Information required: In addition to any information required for applications for special use permits pursuant to the Ordinance and the general requirements set forth in General Standards subsection above, applicants for a special use permit for personal wireless service facilities will be required to provide additional information as follows:

1. Evidence of ownership of the property on which the personal wireless service facility is to be placed.

2. Name and address of the proposed owner and/or operator of the site.

3. Engineering requirements for the service to be provided at the site.

4. Name and address, including the phone number of the person responsible for determining the feasibility of location on a Township-designated area and/or colocation as provided in this Article.

5. Preliminary design of all proposed structures.

6. Registered engineer's certification of the design and safety of the proposed tower to withstand winds of one hundred (100) miles per hour.

7. A landscape plan showing specific landscape materials.

8. Method of fencing, and finished color and, if applicable, the method of camouflage and illuminations.

9. For a tower, a notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

10. For a tower, the separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

11. For a tower, identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

12. For a tower, a description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

13. For a tower, a description of the feasible location(s) of future towers or antennas within the Township or within two miles of the borders of the Township, based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

C. Factors Considered in Granting Special Use Permits for Towers: In addition to any standards for consideration of special use permit applications under this Ordinance, the Township shall consider the following factors in determining whether to issue a special use permit for a tower:

1. Height of the proposed tower.

2. Proximity of the tower to residential structures and residential district boundaries.

3. Nature of uses on adjacent and nearby properties.

4. Surrounding topography.

5. Surrounding tree coverage and foliage.

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

7. Proposed ingress and egress.

8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

9. Aesthetic effect on views.

D. Availability of Suitable Township-Designated Areas or Existing Towers, Other Structures, or Alternative Technology: No tower shall be permitted by special use permit unless the applicant demonstrates to the reasonable satisfaction of the Township that no Township-designated area or existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Township related to the availability of suitable Township-designated areas or existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no Township-designated area or existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the

applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support the applicants proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

6. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

7.29.6 Removal Of Abandoned Personal Wireless Facilities

Any personal wireless service facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such facility shall remove same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned facility within ninety (90) days shall be grounds to remove the Facility at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

7.29.7 Bonds

The owner of a personal wireless service facility shall post a bond with the Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the facility in the event that the facility is abandoned, and the owner fails to dismantle and/or remove the same within ninety days of notice from the Township. The required bond shall be with a reputable insurance or guaranty company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and/or removing the personal wireless service facility.

7.30 SOLAR ENERGY FARMS

7.30.1 Intent And Purpose

To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar energy farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish the minimum requirements for solar energy farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner

7.30.2 Required Standards

A. Minimum Lot Size: There is no minimum lot size. Each solar energy farm is

permitted as a use authorized by special use permit which review will consider its compatibility with the surrounding area.

B. Height Restrictions: All photovoltaic solar panels and support structures located in a solar energy farm shall be restricted to a maximum height of sixteen (16) feet when orientated at maximum tilt.

C. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be set back a minimum of fifty (50) feet from all property lines. If the right-of-way exists as an easement, the fifty (50) foot setback shall be measured from the edge of the easement. Solar panels shall be kept at least two hundred (200) feet from an existing residential dwelling, measured to the nearest point on the residential structure. Any additional setback requirements in this Ordinance that exceed this requirement shall be adhered to, including but not limited to setbacks from streams, lakes, and wetlands.

D. Maximum Lot Coverage: maximum lot coverage restrictions shall not apply to the photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

E. Safety/Access: A security fence (height and material to be proposed and reviewed/ approved through the special use permit approval process) shall be placed around the perimeter of the solar energy farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for security personnel access.

F. Noise: No solar energy farm shall exceed sixty (60) dBA as measured at the property line.

G. Glare: Solar energy farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or rights-of-way at any time of the day.

H. Landscaping: The special use permit application for a solar energy farm shall include a proposed landscape plan prepared by a licensed landscape architect. This plan will be reviewed through the special use permit approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. A landscape plan shall meet following standards:

1. Plans: A plan view illustrating the landscape plan for the entire project and a rendered view illustrating the view from public rights-of-ways.

2. Species: A list of plant species meeting the landscaping standards in Article 6 included on the drawings or as a separate narrative.

3. Buffer: A twenty five (25) foot wide landscape buffer shall consist of two (2) rows of staggered evergreen trees that at planting shall be minimum of four (4) feet in height. If a solar energy farm is adjacent to a residential dwelling or district, then the minimum height shall be eight (8) feet at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center, measured from the central trunk of one tree to the central trunk of the next tree. The buffer shall also consist of native grasses,

wildflowers, or plants which will provide wildlife and pollinator habitat, soil erosion protection, and/or aid in strengthening the soil structure. The buffer shall be required under the following conditions:

a. Along the property line adjacent to all residential zoning districts.

b. If solar panels are located within two hundred (200) feet of a public road right-of-way.

c. Along the property line for the portion of the project within a two hundred (200) foot radius of a residential dwelling in a nonresidential zoning district.

4. Credit for Existing Conditions: Existing topographical features and existing wooded areas may be accepted in lieu of or in combination with the above by approval of the Planning Commission.

5. Planting Timeline: The required trees shall be planted between April 1st and September 15th. If construction of the solar energy farm begins after August 15th, the required plantings shall be installed by May 1st the following calendar year.

I. Performance Guarantee: A bond, letter of credit, or cash surety shall be provided in the amount equal to one and one-half (1.5) times the cost of the required plantings that the Township shall hold until the next planting season.

J. Maintenance: The required plantings shall be continuously maintained in a healthy condition. Dead evergreen foliage shall be replaced.

K. Local, State, and Federal Permits: Solar energy farms shall be required to obtain all necessary permits and licensing from Acme Township, Grand Traverse County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

L. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.

7.30.3 Additional Special Use Criteria

In addition to the site plan review criteria in Article VIII and special use permit criteria in Article 6, the applicant shall address the following topics in the application for a solar energy farm facility:

A. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.

B. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.

C. Visual Impacts: Graphically demonstrate the visual impact of the project using

photos or renditions of the project with consideration given to setbacks and proposed landscaping.

D. Environmental Analysis: Identify impacts on surface and ground water quality and any impacts to established natural or constructed drainage features in the area.

E. Waste: Identify any solid or hazardous waste generated by the project.

F. Lighting: Provide photometric plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the Exterior Lighting requirements in Article 6 and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.

G. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar energy farm access drives. It shall be required to pave and curb any driveways and parking lots used for occupied offices that are located on-site.

H. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public rights-of-way and to the general public that may be created.

I. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.

J. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated.

K. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. To ensure proper removal of the project upon abandonment/termination, a bond, letter of credit or cash surety shall be:

1. In an amount approved by the Township Board to be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments;

2. Based on an estimate prepared by the engineer for the applicant, subject to approval of the Township Board;

3. Provided to the Township prior to the issuance of a land use permit;

4. Used in the event the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project. The Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

7.31 WIND ENERGY GENERATION SYSTEMS

7.31.1 Intent And Purpose

The intent and purpose of this Section is to regulate the siting, construction, and operation of wind energy systems in Acme Township.

7.31.2 Definitions

As used in this Section, the following terms and phrases shall have the meanings set forth below:

A. Ambient: Ambient is defined as the sound pressure level exceeded ninety (90%) percent of the time or L90.

B. ANSI: American National Standards Institute.

C. dB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

D. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

E. IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

F. ISO: International Organization for Standardization. ISO is a network of the national standards institutes of one hundred fifty six (156) countries.

G. Leased Property: The property leased by the wind energy system developer for purposes of constructing a wind energy system and meeting all other requirements.

H. Meteorological Tower: A tower used during a wind site assessment and to which equipment designed to assess wind resource is attached. Such equipment generally includes anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached at various levels above the ground.

I. On-Site Use Wind Energy Systems: An on-site use wind energy system is intended to primarily serve the needs of the owner of the property where the system is located.

J. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

K. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

L. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

M. Sound Pressure: Average rate at which sound energy is transmitted through

a unit area in a specified direction. The pressure of the sound measured at a receiver.

N. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

O. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

P. Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

Q. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

7.31.3 On-Site Use Wind Energy Systems

An on-site use wind energy system is intended to primarily serve the needs of the owner of the property where the system is located.

A. On-Site Use Wind Energy System Requirements: All on-site use wind energy systems and Met towers must meet the following requirements:

1. Property Set-back: The distance between an on-site use wind energy system and the owner's property lines shall be at least one time the height of the wind energy system tower including the top of the blade in its vertical position. The distance between a meteorological tower and the owner's property lines shall be at least one time the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.

2. Sound Pressure Level: on-site use wind energy systems shall not exceed fifty (55) dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).

3. Construction Codes, Towers, & Interconnection Standards: on-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid wind energy systems are exempt from this requirement.

4. Safety: An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over

speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing horizontal axis rotor.

B. On-Site Use Wind Energy Systems Subject to a Special Use Permit: An on-site use wind energy system with a tower higher than sixty six (66) feet shall be a use permitted by special use permit (Article 9) in all zoning districts and meet all requirements of the On-Site Use Wind Energy Systems subsection. Meteorological towers more than sixty six (66) feet in height used to conduct a wind site assessment for possible installation of an on-site use wind energy system shall also be a use by special use permit (Article 9) in all zoning districts and meet all requirements of the On-Site Use Wind Energy Systems subsection.

1. On-Site Use Wind Energy System Requirements: In addition to the requirements of Article 9 and the rest of the Zoning Ordinance, an application for a special use permit for an on-site use wind energy system with a tower higher than 66 feet shall provide proof that the standards under the item Safety in the On-Site Use Wind Energy System subsection have been met, and proof of the applicant's public liability insurance.

2. Meteorological Tower Requirements: In addition to the requirements of Article 9 and the rest of this Ordinance, an application for a special use permit for a Met tower more than sixty six (66) feet in height shall provide proof of the following: a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower (if applicable) and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment; and proof of the applicant's public liability insurance.

C. On-Site Use Wind Energy Systems By Right: On-site use wind energy systems with no towers or towers of sixty six (66) feet or less shall be a use by right in all zoning districts where structures of any sort are allowed, subject to the requirements of this Section and Ordinance.

7.31.4 Utility Grid Wind Energy Systems

A utility grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility grid wind energy systems shall be considered a use by special use permit in all zoning districts. In addition to the other information required by Article 9 and the rest of the Ordinance, an application for a special use permit for utility grid wind energy system shall include proof of the applicant's ownership and/or leases, and public liability insurance.

A. Wind Site Assessment for Utility Grid Wind Energy Systems: Installation of any Met towers to assess wind speeds and feasibility shall be considered a use permitted by special use permit in all zoning districts as set out in 7.30.3(b).

B. Utility Grid Wind Energy System Requirements: All utility grid wind energy systems must meet the following requirements. The Planning Commission or Township Board may require proof of one or more of these requirements at its discretion.

1. Property Setback: The distance between a utility grid wind energy system

and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one (1) piece of property and the requirement shall apply to the combined properties. Any SCADA (supervisory control and data acquisition) tower shall also comply with this property set-back requirement. The setback shall be at least the height of the SCADA tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall be permitted as accessory uses but shall comply with any property set-back requirement that may be applicable to that type of building or equipment in that zoning district. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

2. Sound Pressure Level: The sound pressure level generated by a utility grid wind energy system shall not exceed fifty five (55) dB(A) measured at the property lines between leased and non-leased property. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus five (5) dB(A). As part of the application and prior to installation, the applicant may be required to provide modeling and analysis that will confirm that the utility grid wind energy system is not expected to exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, the Township may require sound pressure level measurements to be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within sixty (60) days of the commercial operation of the project.

3. Construction Codes, Towers, and Interconnection Standards: Utility grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and any local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

4. Safety: All utility grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.

A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

5. Visual Impact: Utility grid wind energy system projects shall use monopole towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.

6. Avian and Wildlife Impact: Measures to prevent and mitigate avian and wildlife impacts shall be taken in the location, design and construction of a utility grid wind energy system.

7. Shadow Flicker: Measures to prevent and mitigate shadow flicker shall be taken in the location, design and construction of a utility grid wind energy system.

C. Decommissioning: All applications for a utility grid wind energy system shall include a decommissioning plan as follows. The plan shall include:

1. The anticipated life of the project,

2. The estimated decommissioning costs net of salvage value in current dollars,

3. The method of ensuring that funds will be available for decommissioning and restoration, and

4. The anticipated manner in which the project will be decommissioned and the site restored.

Article 8: Site Plan Review

8.1. Intent and Purpose
8.2. General Requirements
8.3. Standards for Site Plan Approval
8.4. Site Plan Application Requirements
8.5. Application Submission Procedures
8.6. Approval, Conditions, and Denial
8.7. Record of Actions
8.8. Expiration, Revocation, and Reapplication
8.9. Amendments and Modifications
8.10. Fees and Performance Guarantees

8.1 INTENT AND PURPOSE

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 and planned unit developments shall receive a recommendation from the 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 GENERAL REQUIREMENTS

8.2.1 Site Plan Required

Site plans are required for the following uses:

A. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, a single family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single family dwellings, excluding accessory dwelling units.

B. Development of non-residential uses in a residential zoning districts.

C. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a residential use in the AG, SFR, SFN, MHN, RMH and CS districts.

D. Any use or construction for which submission of a site plan is required by any provision of this Ordinance.

E. Establishment, expansion, or enlargement of any regulated use unless expressly exempted in this Article.

8.2.2 Site Plan Not Required

Site plan approval is not required for the following activities, however, payment of any or all applicable bonds is required for issuance of a land use permit.

A. Construction, moving, relocating or structurally altering a principal residential structure in the AG, SFR, SFN, MHN, RMH and CS districts, including any customarily incidental accessory structures.

B. Excavating, filling, or otherwise removing soil, provided that such activity is

normally and customarily incidental to single family uses described in this subsection for which site plan approval is not required.

C. A change in the ownership of land or a structure.

D. A change in the use of a structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of this Ordinance and that the site maintains full and continuing compliance with these regulations.

E. Permitted home occupations.

8.3 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

B. Site Design Characteristics: All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.

C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3:, unless otherwise provided in these regulations.

E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.

H. Parking: The parking provided for an intended use meets the standards of Article 6 of this Ordinance.

I. Drainage: Appropriate measures shall be taken to insure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the

public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.

J. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Grand Traverse County soil erosion control standards.

K. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.

L. Public Services: Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

M. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height. All walls must be solid and constructed of masonry and shall be subject to the approval of the code official and cannot be located in required setbacks without written authorization from the code official.

N. Danger from Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township . Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

O. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

P. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

8.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	√	
2.	The boundary lines of the property, to include all dimensions, gross and net acreage, and legal description.	√	
3.	The location and width of all abutting rights-of-way.	√	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.	√	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	√	
6.	Description of all existing and proposed structures referenced in item 5.		√
7.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	√	
8.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	√	√
9.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	√	
10.	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 areas of change.		√
11.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	√	
12.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	√	
13.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	√	√
14.	Location, type and size of all above and below grade utilities.	√	
15.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	√	
16.	Location of any cross access management easements, if required.	√	
17.	Location of pedestrian and non-motorized facilities, if required.	√	
18.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.	√	
19.	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.		√
20.	Plans to control soil erosion and sedimentation, including during construction.	√	√
21.	The method to be used to serve the development with water.		√
22.	The method to be used for sewage treatment.		√
23.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	√	
24.	Elevations for all building facades.	√	
25.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		√
26.	Phasing of the project, including ultimate development proposals.	√	

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
27.	General description of deed restrictions and/or cross access management easements, if any or required.		√
28.	The name and address of the property owner.	√	√
29.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	√	√
30.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	√	

A. Upon recommendation by the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.

B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of submitted site plan.

C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Grand Traverse County Road Commission, Grand Traverse Department of Public Works, Grand Traverse County Environmental Health Department, Grand Traverse Metro Fire Department, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (MDEGLE), and Michigan Department of Natural Resources (MDNR). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.

D. All site plan drawings shall be submitted on one (1) set of twenty four (24) inch by thirty six (36) inch sheets and in digital PDF format.

8.5 SITE PLAN REVIEW APPLICATION SUBMISSION PROCEDURES

8.5.1 Pre-Application Conference

An applicant shall be required to hold a pre-application conference with the Zoning Administrator and/or Planner to discuss in general the substantive requirements for the application prior to submittal.

8.5.2 Conceptual Review

After a pre-application conference, an applicant may submit an application for conceptual review before the Planning Commission prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements of the Planning Commission. Feedback provided by the Planning Commission under a conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A conceptual review does not include a completeness or technical review by the Zoning Administrator.

8.5.3 Completeness Review

All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent at least twenty one (21) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose

of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance.

8.5.4 Technical Review

An application determined to be complete will undergo a technical review by the Zoning Administrator or Township designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

8.6 SITE PLAN APPLICATION REVIEW

Site plan review applications shall be reviewed by the Planning Commission or Administrative Review Committee as determined by the criteria below.

8.6.1 Administrative Review Committee

The Administrative Review Committee may review and make a decision on a qualifying site plan review application. The Administrative Review Committee shall consist of the Zoning Administrator, Planning Commission Chair and a Planning Commissioner, and shall perform the duties of the Planning Commission prescribed in this Article when conducting an administrative review. No part of this subsection shall prohibit the Zoning Administrator, Administrative Review Committee or Applicant from requesting the site plan be submitted to the Planning Commission for review and approval. A site plan review application qualifying for administrative review shall meet all of items A. - D. below, or item E.:

A. The use is permitted by right in the established zoning district;

B. Will result in less than one thousand (1,000) square feet of new development or construction;

C. Will be located at least five hundred (500) feet from Acme Creek or Yuba Creek;

D. Will generate less than five hundred (500) additional trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers;

E. Is a shoreline stabilization structure.

8.6.2 Planning Commission Review

All other uses requiring a site plan shall be reviewed and decided upon by the Planning Commission.

8.7 SITE PLAN APPLICATION DETERMINATIONS

Upon review of a site plan review application, the Planning Commission or Administrative Review Committee shall make a determination to approve the application, require any conditions it may find necessary, or deny the application.

8.7.1 Approval

The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

8.7.2 Conditional Approval

The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:

A. 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;

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;

C. 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 insure compliance with those standards.

8.7.3 Denial

If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township , it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

8.8 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

8.8.1 Minutes

All minutes from any meeting where the site plan was considered.

8.8.2 Finding of Fact

The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

8.8.3 Final Site Plans

An electronic pdf version and one (1) full size print set (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.

A. Approved site plans shall include any required revisions and the date of the revisions. The print set shall be marked "Approved" and signed and dated by the Applicant and Planning Commission Chair.

B. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair if denied.

8.8.4 Development Agreement

An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Chair.

8.8.5 Occupancy

No occupancy or operation of a use and/or structure allowable under an approved site plan review shall be permitted to occur prior to receiving an occupancy permit from the Zoning Administrator.

8.9 EXPIRATION, REVOCATION AND REAPPLICATION

8.9.1 Expiration

A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a land use permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.

8.9.2 Revocation

If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

8.9.3 Reapplication

An application that has been denied wholly or in part by the Planning Commission or Administrative Review Committee may reapply once all bills for the review have been paid in full. Reapplication shall constitute a new application and shall require resubmission of all required materials, payment of all applicable fees, and the establishment of a new escrow account.

8.10 AMENDMENTS AND MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

8.10.1 Insignificant Deviations

The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. 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.

8.10.2 Minor Amendments

The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.

8.10.3 Major Amendments

All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

8.11 FEES AND PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

Article 9: Special Use Permits

9.1. Intent and Purpose
9.2. General Standards
9.3. Special Land Use Application Requirements
9.4. Application Submission Procedures
9.5. Approval, Conditions and Denial
9.6. Record of Actions
9.7. Expiration, Revocation and Reapplication
9.8. Amendments and Modifications
9.9. Fees and Performance Guarantees

9.1 INTENT AND PURPOSE

This Article provides the review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. The procedures and standards apply to those special land uses which are specifically designated as such in this Ordinance.

9.2 GENERAL STANDARDS

Each application shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including the specific standards below:

A. Meet all standards for site plan approval in Article 8.

B. Will be in accordance with the general objectives, intent and purposes of this Ordinance.

C. Will be designed, constructed, operated, maintained and managed so as to be appropriate in appearance with the existing or intended character of the general vicinity.

D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, of drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

E. Will not be hazardous or disturbing to existing or future neighboring uses.

F. Will not create excessive additional requirements at public expense for public facilities and services.

G. Will be in accordance with all required conditions of the district in which it will be located.

H. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located, and will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

9.3 SPECIAL LAND USE APPLICATION REQUIREMENTS

An application for special land use permit approval shall include a complete site plan review

satisfying all the standards in Article 8.

9.4 SPECIAL USE PERMIT APPLICATION SUBMISSION PROCEDURES

The procedures for application submittal for a special land use permit shall follow those outlined is Article 8.

9.5 SPECIAL USE PERMIT APPLICATION REVIEW

Special use permit applications shall be reviewed in the following manner:

9.5.1 Planning Commission Review

The Planning Commission shall:

A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance.

B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in Article 12.

C. The Planning Commission shall submit a finding of fact and make a recommendation to the Township Board to approve, approve with conditions, or deny the special land use permit.

9.5.2 Township Board Review

The Township Board shall:

A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance, and Planning Commission's recommendation.

B. Determine whether to hold an additional public hearing at their discretion or refer the application back to the Planning Commission for further consideration.

C. Make a determination to approve, approve with conditions, or deny the application. Any decision made shall include the adoption of a finding of facts to support the Township Board's decision.

9.6 SPECIAL USE PERMIT DETERMINATIONS

Upon review and recommendation of a special use permit application by the Planning Commission, the Township Board shall make a determination to approve the application, require any conditions it may find necessary, or deny the application.

9.6.1 Approval

The special land use permit shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.

9.6.2 Conditional Approval

The Township Board may approve a special land use permit, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall the objectives of outlined in Article 8.

9.6.3 Denial

If the Township Board determines that a proposed special land use does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application.

9.7 RECORD OF ACTIONS

All decisions on a special land use shall be recorded consistent with the requirements of Article 8, with the addition that the development agreement and final site plans be recorded at the Grand Traverse County Register of Deeds Office and evidence of the record by submitted to the Township Clerk within forty five (45) days.

9.8 EXPIRATION, REVOCATION AND REAPPLICATION

The standards and procedures for expiration and revocation of an approved special land use permit, or the reapplication for a special land use that has been denied either wholly or in part shall be the same as those for site plan review in Article 8.

9.9 AMENDMENTS AND MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in Article 8, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in Article 12.

9.10 FEES AND PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in Article 12.

Article 10: Land Development Options

10.1. Intent and Purpose
10.2. Planned Development (PD)
10.3. Open Space Preservation Development (OSPD)
10.4. Condominium Subdivisions
10.5. Manufactured Housing Communities

10.1 INTENT AND PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by Acme Township. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. The purpose of this Article is to set forth the regulations regarding the different land development options in order to protect the health, safety, and welfare of the citizens of Acme Township. Where necessary the provisions relating to the different development options contain design standards that supplement or replace particular standards in Article 6 and Article 7, and procedures which supplement or replace particular procedures in Article 8.

10.2 PLANNED DEVELOPMENT (PD)

10.2.1 Intent And Purpose

A. The Planned Development (PD) option is intended to allow, with Township approval, private or public development which is consistent with the goals and objectives of the Township Master Plan and Future Land Use Map.

B. The development allowed under this Article shall be considered as an optional means of development only on terms agreeable to the Township.

C. Use of the PD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; to provide proper housing including workforce housing; or to provide employment, service and shopping opportunities suited to the needs of the residents of the Township.

D. It is further intended the PD may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district and to allow the mixing of land uses that would otherwise not be allowed; provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the Acme Township Community Master Plan and Future Land Use Plan Map.

E. It is further intended the development will be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

F. The number of dwelling units for the PD development shall not exceed the

number of dwelling units allowed under the underlying Zoning District, unless there is a density transfer approved by the Township.

10.2.2 Uses Permitted

A. A land use plan shall be proposed for the area to be included within the PD. The land use plan shall be defined primarily by the current Township Zoning Ordinance Districts applicable to the various land use areas of the PD.

B. Uses permitted and uses permitted subject to special use permit approval in this Ordinance may be allowed within the districts identified on the PD plan, except that some uses may be specifically prohibited from districts designated on the PD plan. Conditions applicable to uses permitted subject to special use permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission provided such conditions are indicated on the PD plan.

C. The Township may allow uses not permitted in the district if specifically noted on the PD plan. All uses not permitted in the district but part of an approved PD plan must be specified in the approval and PD development agreement. The allowed uses not permitted in the district shall not occupy more than fifty (50%) percent of the developed area, excluding the area dedicated to circulation, parking, and utility infrastructure, at any given phase of development.

10.2.3 Height, Bulk, Density And Area Standards

The standards about height, bulk, density, and setbacks of each district shall be applicable within each district area designated on the plan except as specifically modified and noted on the PD plan and approved by the Township.

10.2.4 Density Transfer

Acme Township encourages flexibility in the location and layout of development, within the overall density standards of this Ordinance. The Township therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"), as provided below. For purposes of this Section, all sending parcel(s) and receiving parcel(s) shall be considered together as one PD parcel.

A. All density transfers require a special use permit approved by the Township Board, upon the recommendation of the Planning Commission, as part of a PD application. A special use permit application for a density transfer shall be submitted and include:

   1. Signatures by the owners (or their authorized representatives) of the sending and receiving parcels.

   2. A proposed development plan (subdivision and/or site plan) for the receiving parcel.

   3. Density calculations for both the sending and receiving parcels.

B. Upon receipt of a special use permit application for a density transfer the Township shall determine:

   1. The number of allowable dwelling units permitted on the receiving parcel(s) based on the current zoning classification.

2. The number of eligible dwelling units allowed to be transferred to the receiving parcel(s). The transferred dwelling units shall not increase the allowable density by more than fifty (50%) percent.

3. The number of allowable dwelling units permitted on the sending parcel(s) based on the current zoning classification.

4. The number of eligible dwelling units allowed to be transferred from the sending parcel(s).

C. The Township Board, upon recommendation from the Planning Commission, may grant a special use permit allowing the transfer to the receiving parcel(s) of some or all of the allowable residential dwelling units from the sending parcel(s) only if it finds that all of the following have been satisfied:

1. The sending parcels dwelling unit transfers are actual available dwelling units considering all limitations, including wetlands, and those units are documented.

2. The addition of the transferred dwelling units to the receiving parcel will not increase the maximum allowable density by more than fifty (50%) percent.

3. The addition of transferred dwelling units will not adversely affect the area surrounding the receiving parcel.

4. The density transfer will benefit the Township by protecting developable land with conservation value on the sending parcel(s).

5. The density transfer will be consistent with the sending and receiving zones designated on the Dwelling Unit Density Transfer Map. Exception may be granted by Township Board, upon the recommendation of the Planning Commission, to allow a density transfer FROM a receiving zone TO a receiving zone if:

   a. The sending parcel(s) is deemed to contain unique natural, cultural, or historical features which should be preserved

   b. The density transfer to the receiving parcel will not place an undue hardship or strain on the Township infrastructure

   c. The density transfer is in accordance with the Intent and Purpose of this Article

6. The parcel(s) receiving the density transfer will not exceed the land development build out (buildings, parking, setbacks, open space, etc.) prescribed by the Zoning District of the property unless waived by the Planning Commission and Township Board.

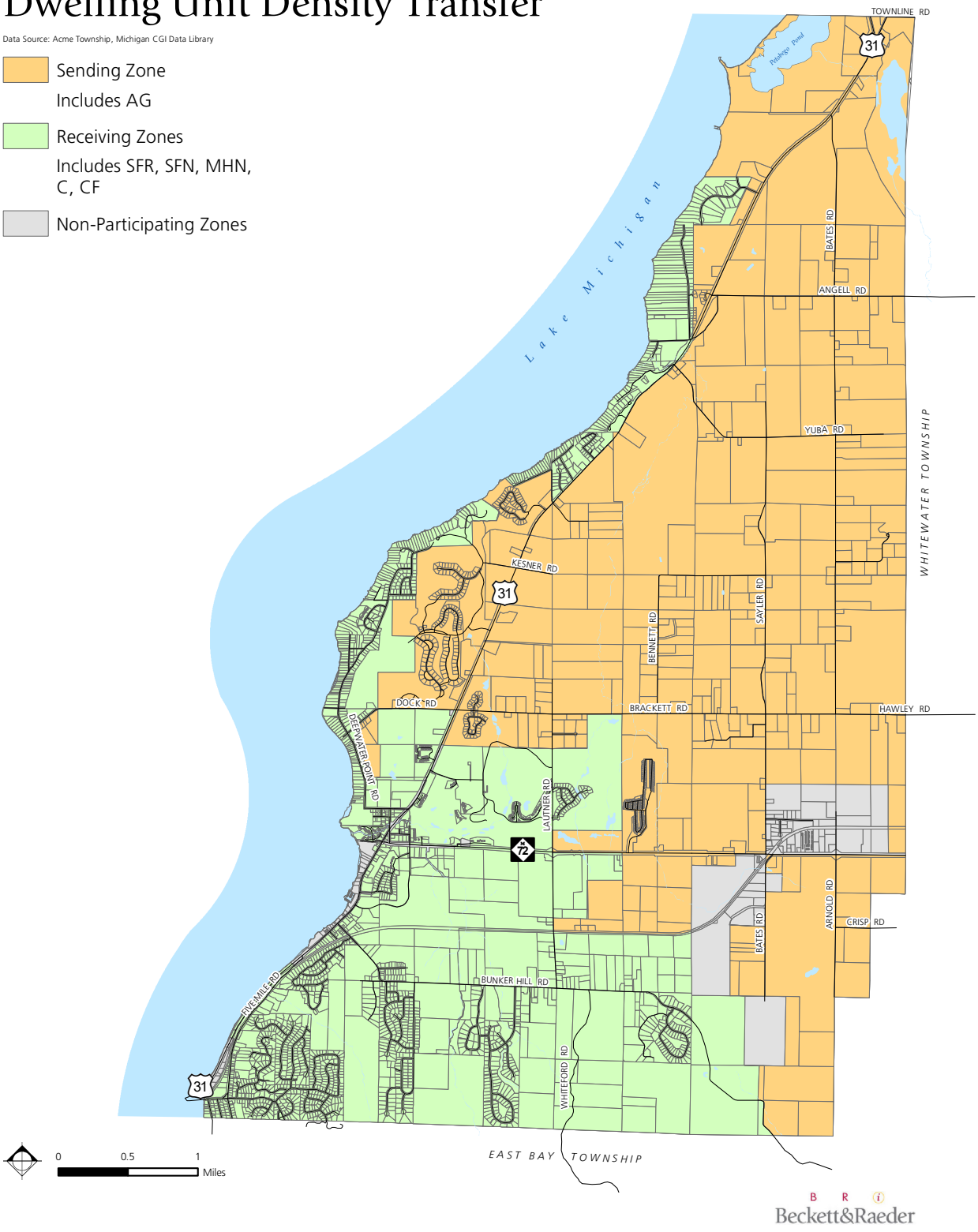
7. Sending parcel(s) satisfying the requirements this Section shall be executed and recorded in the office of the Grand Traverse County Register of Deeds, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of dwelling units transferred. This reduction in density shall not prevent the owner(s) of the sending parcel(s) from developing the remaining allowable dwelling units under either an open space or conventional development plan, provided that all open space requirements are satisfied. The land area subject to the land transfer will

ACME TOWNSHIP

Dwelling Unit Density Transfer

Data Source: Acme Township, Michigan CGI Data Library

- Sending Zone
  Includes AG
- Receiving Zones
  Includes SFR, SFN, MHN, C, CF
- Non-Participating Zones



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remain perpetually in an undeveloped state by means of a conservation easement, or other legal means that runs with the land, as prescribed by this Ordinance, and approved by the Township.

10.2.5 Qualifying Standards

To qualify for the Planned Development option, it must be demonstrated that all of the following standards will be met:

A. The properties are zoned AG, SFR, SFN, MHN, C, CF, or LIW Districts.

B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.

C. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.

D. The PD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PD.

E. The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.

F. The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective f(9) in addition to its five (5) objectives.

1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.

2. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.

3. To accept dedication or set aside open space areas in perpetuity.

4. To provide alternative uses for parcels which can provide transition buffers to residential areas.

5. To promote the goals and objectives of the Township Master Plan.

6. To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

7. To bring about redevelopment of sites where an orderly change of use or

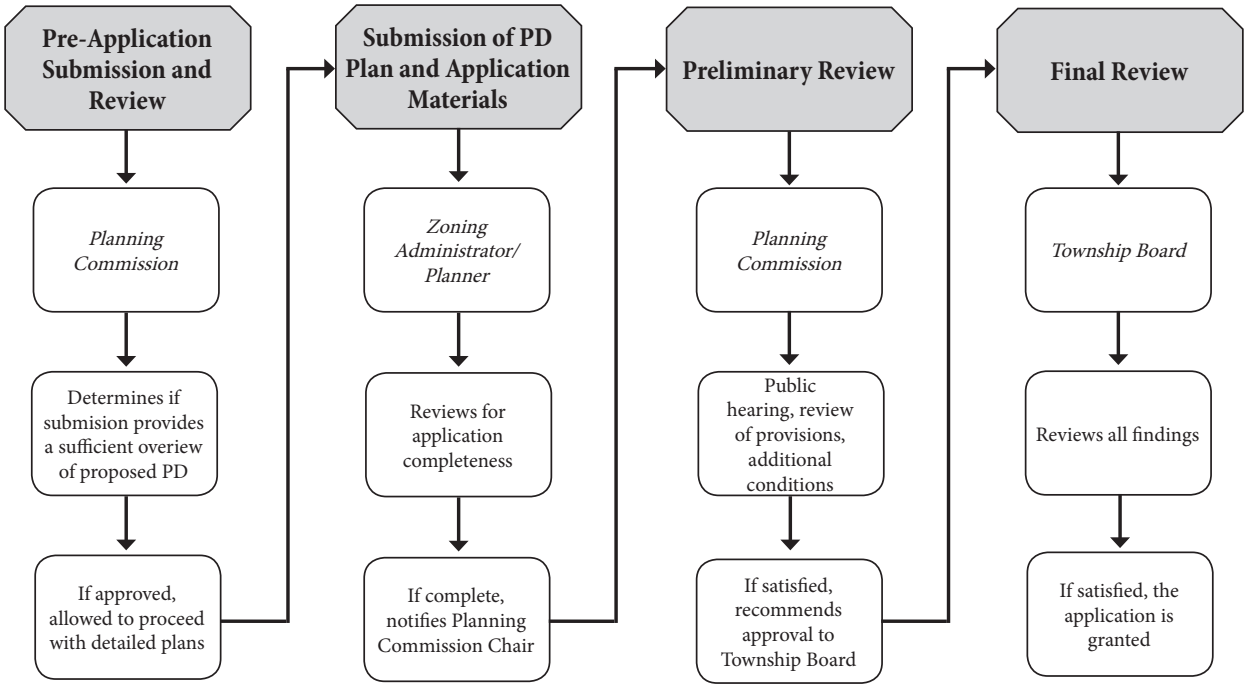
requirements is determined to be desirable.

8. To promote the goals and objectives of the Acme Township Community Master Plan, the Acme Township Placemaking Plan and the US-31/M-72 Mixed Use Overlay District.

9. To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique cultural, historical or natural features which should be preserved.

10.2.6 Application Submission Procedures

The PD application submission and review procedures follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PD plan and application materials, 3) preliminary review and recommended approval or denial of the PD, and 4) final review and approval or denial of the PD. This procedure is illustrated in the figure below and elaborated upon in the following subsections. A PD plan involving a density transfer shall have the transfer approved through a special use permit as outlined in this Section after the pre-application submission and review step.



10.2.7 Pre-Application Submission And Review

A. Any person owning or controlling land in the Township may make application for consideration of a PD. Such application shall be made by presenting a request for a preliminary determination to whether a parcel qualifies for the PD option.

B. The request shall be submitted to the Township and the submission shall include the information required below.

1. Proof the criteria set forth in the Qualifying Standards Section above, are or will be met.

2. A schematic land use plan containing enough detail to explain the role of open space; location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.

3. A plan to protect natural features or preservation of open space or greenbelts.

4. A storm water management plan incorporating low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.

C. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether the proposed schematic land use plan meets the minimum Qualify Standards in this Section for the PD option. If determined that the minimum Qualifying Standards have been met, then the applicant may continue to prepare a complete PD plan and application on which a final determination will be made. Satisfying the minimum Qualifying Standards for the PD option is not a guarantee for final PD approval.

10.2.8 Application Submission And Review

The application, reports, and drawings shall be filed in paper and digital format. Printed drawings shall be on 24" x 36" sheets. All drawings shall be provided to the Township in AutoCadTM, MicroStation, or similar site civil / architectural drawing format requested by the Planning Commission. Other graphics and exhibits, text and tabular information shall be provided in Adobe Acrobat™ "pdf" format. All drawings shall be created at a scale not smaller than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Township.

A. A proposed PD plan application shall be submitted to the Township for review that contains the following:

1. A boundary survey of the exact acreage prepared by a registered land surveyor or civil engineer.

2. A topographic map of the entire area at a contour interval of not more than two feet. This map shall show all major stands of trees, bodies of water, wetlands and unbuildable areas

3. A proposed development plan showing the following, but not limited to:

a. Land use areas represented by the current Zoning Districts listed as AG, SFR, SFN, MHN, C, CF, or LIW of this Ordinance.

b. A circulation plan including vehicular circulation patterns, major drives and location of vehicular access, parking areas, non-motorized circulation patterns, pedestrian and bicycle facilities, and cross sections of public and private streets.

c. Transition treatment, including minimum building setbacks to land adjoining the PD and between different land use areas within the PD.

d. The general location of nonresidential buildings including general land use types (e.g. retail, restaurant, office, etc.), parking areas, estimated floor areas, building coverage and number of stories or height.

e. The general location of residential unit types and densities and lot sizes by area.

f. The general location and type of all Low Impact Development (LID) storm water management technologies.

g. Location of all wetlands, water and watercourses, proposed water detention areas and depth to groundwater.

h. The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership.

i. A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.

j. A preliminary grading plan, showing the extent of grading and delineating any areas, which are not to be graded or disturbed.

k. A public or private water distribution, storm and sanitary sewer plan.

l. Elevations of the proposed buildings using traditional building materials shall be used. Materials such as exterior insulation finish system (EIFS), fluted concrete masonry units, concrete panels, panel brick, and scored concrete masonry unit block are not considered traditional building materials.

m. A written statement explaining in detail the full intent of the applicant, showing dwelling unit types or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended phasing plan for the development and supportive drawings.

4. A market study, traffic impact study, and /or environmental impact assessment, if requested by the Planning Commission or Board of Trustees.

5. A pattern book or design guidelines manual if requested by the Planning Commission or Board of Trustees.

B. The Township Zoning Administrator and/or Planner will review the PD plan application for completeness. Once deemed complete, the Township Zoning Administrator and/or Planner will conduct a technical review of the application. Upon completion of the technical review, the Township Zoning Administrator and/or Planner shall notify the Planning Commission Chair who will place the application on the agenda for a preliminary review by the Planning Commission.

10.2.9 Planning Commission Review And Recommendation

Planning Commission Review of Proposed PD Plan:

A. Review: Upon notification from the Township Zoning Administrator and/or Planner of a complete PD plan application, the Planning Commission shall review the proposed PD plan and make a determination about the proposal's

qualification for the PD option and for adherence to the following objectives and requirements:

1. The proposed PD still adheres to the Intent and Purpose and satisfies the Qualifying Standards of the PD option and promotes the land use goals and objectives of the Township.

2. All applicable provisions of the Planned Development (PD) Section shall be met. If any provision of this Section shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PD area.

3. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services are satisfactory.

B. Public Hearing: The Planning Commission shall hold a public hearing on the PD plan and shall give notice as provided in Article 12.

C. Finding of Facts: After the review and public hearing, the Planning Commission shall adopt a finding of fact relative to the PD under consideration as the basis of their recommendation to approve or deny the application, along with any applicable conditions.

D. Recommendation: The Planning Commission shall submit its recommendation to the Township Board along with the technical review, finding of facts for final determination, and any required conditions.

10.2.10 Township Board Review And Approval

A. On receiving the report and recommendation of the Planning Commission, the Board shall review all findings. If the Board shall decide to grant the application, it shall direct the Township attorney to prepare a PD development agreement setting forth the conditions on which such approval is based. Once the PD development agreement is prepared it shall be signed by the Township Supervisor and the applicant.

B. The PD development agreement shall become effective on execution after its approval. The PD development agreement shall be recorded at the Grand Traverse County Register of Deeds' office by the applicant within forty five (45) day of execution. Once an area has been included within a plan under a PD development agreement, no development may take place in such area nor may any use of it be made except under such PD development agreement, unless under an approved amendment, or the plan under a PD contract is terminated. Amendments to the PD plan and/or PD development agreement shall follow the processes in this Section.

10.2.11 Submission Of Final Site Plans; Schedule For Completion Of Planned Development

Before any permits are issued for the PD, final site plans and open space plans for a project area shall be submitted to the Township for review and approval by the Planning Commission, and where applicable the Township Board, of the following:

A. Review and approval of site plans shall comply with Article 8, as well as this Section except as otherwise modified in the approved plan and PD development agreement.

B. Before approving of any final site plans, the Planning Commission shall decide that:

1. All portions of the project area shown on the approved plan for the PD for use by the public or the residents of lands within the PD have been committed to such uses under the PD development agreement;

2. The final site plans are in conformity with the approved plans and PD development agreement;

3. Provisions have been made under the PD development agreement to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PD development agreement.

4. If development of approved final site plans is not substantially completed in three (3) years after approval, further final submittals under the PD shall stop until the part in question is completed or cause can be shown for not completing same.

C. A certificate of occupancy shall not be issued for any use not allowed in the current zoning district but approved as part of the PD plan in a given phase until the whole phase is complete. Certificates of occupancy may be issued for uses allowed by right or through special use permit in the current zoning district upon completion as along as all applicable conditions have been met.

D. The applicant shall be required, as the PD is built, to provide the Township with "as built" drawings in both paper and digital format following the same provisions outlined in this Section.

10.2.12 Termination & Expiration

A. An approved plan under a PD development agreement may be terminated by the applicant or the applicant's successors or assigns, before any development within the area involved, by filing with the Township and recording at the Grand Traverse County Register of Deeds an affidavit so stating. The approval of the plan under the PD development agreement shall terminate on such recording.

B. No approved plan under a PD development agreement shall be terminated after development begins except with the approval of the Board and of all parties interest in the land.

C. Within one (1) year following execution of the PD development agreement by the Township Board, approved final site plans for an area embraced within the PD must be filed as provided. If such plans have not been filed within the one (1) year period, the right to develop the approved plan under the PD development agreement shall be automatically terminated unless an extension is requested in writing by the applicant. The applicant is entitled to one (1) extension of one (1) year by right and shall be approved by the Zoning Administrator upon request. The Township Board may approve two (2) additional extensions of one (1) year

each if the applicant can demonstrate a need for the extension(s) acceptable to the Township Board.

D. The termination of a PD development agreement involving a density transfer shall nullify the transaction and all transferred densities shall return to the original sending parcel(s). The return of the transferred densities shall be recorded at the Grand Traverse County Register of Deeds' office.

10.2.13 Fees And Performance Guarantees

Fees and performance guarantees for review and approval of PD plans under this Section shall be consistent with the requirements in Article 12.

10.2.14 Interpretation Of Approval

Approval of a PD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the Township and the applicant.

10.2.15 Amendments To Planned Development Plan

Proposed amendments or changes to an approved PD plan and/or PD contract shall be presented to the Planning Commission and shall decide whether the proposed modification is of minor or major nature based on the criteria in Article 8. For the purpose of PD's, insignificant deviations shall be treated as a minor amendment.

A. Minor Amendment: If determined to be a minor amendment, the Planning Commission may review and approve or deny the request. The PD contract shall be modified to reflect any approved minor amendment.

B. Major Amendment: If determined to be a major amendment, the Planning Commission shall hold a public hearing consistent with the requirements in Article 12 as part of its review and make a recommendation to the Township Board to approve or deny the request. The Township Board shall have the final determination to approve or deny a major amendment request. The PD contract shall be modified to reflect any approved major amendment.

10.3 OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)

10.3.1 Intent And Purpose

The purpose of an Open Space Preservation Development (OSPD) is to allow property zoned for residential uses to be developed with the same number of dwelling units but on smaller parcels than would otherwise be required by this Ordinance, in return for the preservation of part of the property in an undeveloped state.

10.3.2 Standards

A. Density Calculation:The number of permitted dwelling units in an OSPD shall be no greater than if the subject property were subdivided based upon the minimum parcel size per dwelling unit as specified in Article 3 for the respective residential use in its respective zoning district.

B. Reduction of Minimum Parcel Size: Minimum parcel size per dwelling unit in an OSPD shall be reduced to half that as specified in Article 3 for the respective use

in its respective zoning district. If a subject lot of this reduced minimum parcel size is unbuildable, then the otherwise required setbacks for that lot shall be reduced by half.

C. Required Open Space: At least half of the subject property in an OSPD, as designated by the landowner, shall remain perpetually in an undeveloped state, as that phrase is defined in this Ordinance, by means of a conservation easement. Otherwise unbuildable areas such as wetlands shall not qualify as land in an undeveloped state for purposes of meeting this standard.

D. Conservation Easement:The conservation easement shall be granted by the landowner to the Township or to a nonprofit conservation organization approved by the Township Board. The conservation easement must be approved by the Township Board in order to fulfill the requirements of this Ordinance. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded by the landowner at the Register of Deeds.

10.3.3 Procedure

The determination that the above standards have been satisfied by an OSPD shall be made by the Township as part of its review for the proposed land division, platted subdivision, or condominium subdivision.

10.4 CONDOMINIUM SUBDIVISIONS

10.4.1 Intent And Purpose

Michigan statutes provide for developments consisting of residential dwelling units and sites through procedures other than those authorized by the Land Division Act. The intent of this Section is to provide procedures and regulations for residential subdivisions implemented under the provisions of the Condominium Act (PA 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions and promote the orderly development of the adjacent areas. Non-residential condominium projects shall not be subject to the provisions of this Section of the Ordinance.

10.4.2 General Provisions

For the purpose of this Section, a "Condominium Subdivision" is defined as a residential development proposed under the provisions of the Condominium Act (PA 59 of 1978, as amended) consisting of two or more dwellings on a single parcel.

10.4.3 Required Plan And Conditions

A. Condominium Lots: The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this Section and to assure compliance with the provisions herein, these parcels shall be referred to as "condominium lots."

B. Area and Bulk Requirements: The description, size, location and arrangement of condominium lots shall conform to the requirements of this Ordinance that would otherwise be imposed on a conventional platted subdivision, including as

follows:

1. Each condominium dwelling unit shall be located within a condominium lot.

2. The maximum size condominium lot per dwelling unit, the maximum dwelling unit height, the minimum yard setbacks, the minimum elevation, width of principal structure and the maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which the Condominium dwelling unit is located.

3. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.

4. Side condominium lots lines shall be essentially at right angles to straight roads and radial to curved roads.

5. Narrow deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed two and a half (2.5) times the width as measured at the building line.

6. Corner condominium lots shall have extra width to permit appropriate building setback from both roads and orientation to both roads.

7. Condominium lots shall contain a landscaped buffer at least 20 feet wide along any public or private road to restrict access to the public or private road, to minimize noise, and protect outdoor living areas.

8. Condominium lots extending through a block and having frontage on two local roads shall be prohibited.

9. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along US 31 and M-72, and other Grand Traverse County Primary Roads shall not front but shall back up to such roads.

10. All condominium lots in developments other than a Conservation Subdivision or OSPD shall front upon a public road, private road or frontage road.

C. Streets: If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Grand Traverse County Road Commission for private roads. All public streets within a condominium subdivision shall be constructed as required by the Grand Traverse County Road Commission.

D. Trees: Street trees shall be provided for as required by the Township's Subdivision Control Ordinance.

E. Plan Application - Date and Information Required: The condominium subdivision developer shall submit a written application to the Zoning Administrator for approval of the condominium subdivision plan and also the fee established by the Board for review of such plans.

1. Protective Covenants and Deed Restrictions: The condominium subdivision developer shall submit to the Zoning Administrator an electronic pdf and paper copy of any proposed protective covenants and deed restrictions.

2. Site Plan: A site plan shall be submitted that satisfies all of the requirements in Article 8, as well as the following additional information:

    a. A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.

10.4.4 Application Submission Procedures

The procedures for application submittal for a special use permit shall follow those outlined is Article 9.

10.4.5 Approval, Conditions, And Denial

An application for a condominium subdivision shall be reviewed based on the standards for site plan review in Article 8 and Special Uses in Article 9, shall follow the procedures in for Approval, Conditions, and Denial in Article 9.

A. Planning Commission Review: The Planning Commission shall:

1. Review the application to determine if it satisfies the standards for special uses, and all other applicable standards of this Ordinance.

2. Hold a public hearing to consider the proposed special uses consistent with the procedures for a public hearing in Article 12.

3. The Planning Commission shall submit a finding of fact and make a recommendation to the Township Board to approve, approve with conditions, or deny the special uses permit.

10.4.6 Record of Actions

All decisions on a condominium subdivision shall be recorded consistent with the requirements of the Record of Action Sections in Article 9, with the addition that the development agreement and final site plans be recorded at the Grand Traverse County Register of Deeds Office and evidence of the record by submitted to the Township Clerk within forty five (45) days.

10.4.7 Expiration, Revocation, And Reapplication

The standards and procedures for expiration and revocation of an approved special uses permit, or the reapplication for a condominium subdivision that has been denied either wholly or in part shall be the same as those provided in the Expiration, Revocation, and Reapplication Section in Article 9.

10.4.8 Amendments And Modifications

The standards and procedures for amendments or modifications of an approved condominium subdivision shall be the same as those provided in the Amendments and Modifications Section in Article 9.

10.4.9 Fees And Performance Guarantees

Fees and performance guarantees associated with the review and approval of a condominium subdivision application shall be consistent with the requirements in Article 12.

10.5 MANUFACTURED HOUSING COMMUNITIES

10.5.1 Intent And Purpose

The purpose of this Section is to regulate manufactured housing communities in order to maintain the character of the residential zoning districts where permitted and to protect the health, safety, and general welfare of the residents within the manufactured housing communities and the Township.

10.5.2 General Standards

All manufactured housing communities shall meet the following standards:

A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, PA 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.

B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

10.5.3 Review And Approval

The procedures for review and approval of a manufactured housing community shall be the same as those for a special use permit approval under Article 9, including the applicable special use permit standards.

Article 11: Zoning Board of Appeals

11.1. Authority
11.2. Membership
11.3. Organization
11.4. Applications
11.5. Appeals of Administrative Decisions
11.6. Interpretation of Zoning District Boundaries
11.7. Interpretation of Zoning Ordinance Provisions
11.8. Variances
11.9. Exceptions
11.10. Hearings and Decisions
11.11. Fees
11.12. Limitation of Authority

11.1 AUTHORITY

There is hereby established a Zoning Board of Appeals (herein referred to as the "Board"), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected and substantial justice done.

11.2 MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates appointed by the Township Board for three (3) year terms as follows:

A. One (1) member may be a member of the Planning Commission, and one (1) member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member.

B. Members shall be selected from the electors of the Township and reside within the Township.

C. The members selected shall be representative of the population distribution and of the various interests present in the Township.

D. Members of the Board may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Township Clerk and a public hearing has been held by Township Board.

E. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Township Board.

F. Members shall be appointed not more than one (1) month after the term of the preceding member has expired.

G. A member of the Board who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

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H. In the event a Board member is elected to Township Board and such election increases the number of Township Board members serving on the Board to more than one (1), then such member's seat on the Board shall be deemed vacant. Such vacancy shall be filled for the remainder of the unexpired term by appointment in the same manner as for regular appointments for full terms.

11.2.1 Alternatives

Alternate members may be called on a rotating basis to sit as members of the Board in the absence of regular members. An alternate member may also be called on to serve in the place of a Board member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. The alternate member appointed shall serve in the case involving the conflict of interest until a final decision is made.

11.3 ORGANIZATION

The Board shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

A. The Board shall elect a Chair, Vice-Chair and Secretary from its membership. A member of the Township Board shall not serve as chair of the Board.

B. All meetings of the Board shall be held at the call of the Chair at such times as the Board may determine.

C. The Board shall render decisions upon all matters within a reasonable time.

D. The Board may distribute the application materials to the Zoning Administrator or other designated Township consultants to review the application and provide a report to the Board that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan and any sub-area plans.

E. The Board may request that any or all of the following information be provided to the Board by the Township Clerk or Zoning Administrator, where available and applicable to the issue in question:

1. The history of development on the site in question.

2. A summary of past Township approvals, orders and decisions related to the site or issue in question.

3. Whether all outstanding infractions related to this Ordinance or other Township ordinances have been resolved, other than the issue to be addressed by the Board.

F. A concurring vote of a majority of the total Board membership shall be necessary to render a decision. The Board shall not conduct business unless a majority of its members are present.

G. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action. Such minutes shall also be filed with the Township Clerk.

H. The Board shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files and other information pertinent to the

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matters before it.

11.4 APPLICATIONS

Applications to the Board shall be filed with the Township, and a fee established by Township Board shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

A. Applicant's name, address, telephone and facsimile numbers.

B. The address, location and tax identification number for each parcel involved in the request.

C. Zoning classification of the subject parcel(s) and all abutting parcels.

D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.

E. A letter from the applicant summarizing the request, and stating the reasons for the request.

F. Any additional information deemed necessary by the Board to make a determination on the issue in question.

11.5 APPEALS OF ADMINISTRATIVE DECISIONS

The Board shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, board or bureau of the Township affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the Township within a reasonable time of the order, requirement, decision or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Inspector certifies to the Board that, by reason of facts stated in the certificate, a stay in the opinion of the Building Inspector would cause imminent peril to life or property.

The Board shall reverse an administrative decision only after finding that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

11.6 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Board shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Acme Township Zoning Ordinance and Community Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, watercourses or alleys shall be construed to follow such center lines.

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B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as parallel to or extensions of features indicated in subsections "A" through "D" above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board shall interpret the district boundaries.

G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district line into the remaining portion of the lot.

11.7 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

The Board shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance, the Master Plan or any sub-area plans. This shall include use determinations upon appeal of an opinion issued by the Zoning Administrator, and the consideration of expanding a conforming structure for a nonconforming use and the replacement of a nonconforming use with another nonconforming use, subject to the applicable standards in Article 5.

11.8 VARIANCES

The Board shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. The Board may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

B. The variance will do substantial justice to the applicant, as well as to other property owners.

C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

11.9 EXCEPTIONS

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the Board to act. Any exception shall be subject to such conditions as the Board may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

11.10 HEARINGS AND DECISIONS

The Board shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in Article 12. Each decisions of the Board shall include a written record of the Board's findings and determinations in the case.

11.11 FEES

The Township Board may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the Board. Such fees shall be paid to the Township at the time of filing the application.

11.12 LIMITATIONS OF AUTHORITY

A. No order of the Board permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

B. No order of the Board pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.

C. The Board shall not consider appeals of any decisions by the Planning Commission or Township Board regarding requests for approval of amendments, special approval uses, or planned developments, as defined in this Ordinance.

D. Board jurisdiction to consider appeals of site plan determinations shall be limited to cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the Board. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the Board, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.

E. The Board shall not have the authority to alter this Zoning Ordinance or Zoning Map.

Article 12: Administration and Enforcement

12.1. Zoning Administrator
12.2. Fees
12.3. Performance Guarantees
12.4. Taxes
12.5. Public Hearings
12.6. Land Use Permits
12.7. Violations and Penalties

12.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board. The duties of the Zoning Administrator may be delegated by the Township Board to another employee of the Township or a consultant approved by the Township Board.

12.1.1 Duties

It shall be the duty of the Zoning Administrator to:

A. Receive applications for land use permits and issue or deny same;

B. Inspect buildings or structures in order to determine compliance with the land use permits issued in compliance with this Ordinance;

C. Be in charge of the enforcement of this Ordinance. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The Township Board may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties; and

D. Perform pre-application conferences, completeness reviews and technical reviews for all applications that include a site plan review.

12.2 FEES

The fees for applications, permits and other requests shall be established by the Township Board. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to the Acme Township Escrow Policy, as defined in that policy.

12.3 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission may require that a cash deposit, irrevocable letter of credit, certified check, 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 building permit. The Township shall not require the deposit of the performance guarantee until it is prepared to issue the building permit. If requested by the applicant of the site plan review, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work

completed on the required improvements as work progresses.

12.4 TAXES

When the Township receives an application for any new or amended land use permit, site plan review, special land use permit, any other application, or any request for a permit or approval required by this Zoning Ordinance, the applicant shall be required to present a signed statement from the Township Treasurer that all real and personal property taxes, fees, penalties, fines, assessments, general assessments and other monies owed to the Township are current and paid up to date. The Township Treasurer's signed statement shall cover the accounts of all named applicants and all properties upon which the application or request is made. The Township shall take no action on any application or request until the applicant or requesting party acquires the Township Treasurer's signed statement that all of the above monies owed are current and paid up to date. The Township shall make no final decision on any application or request if any of the above monies owed become delinquent or remain unpaid during consideration.

12.5 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2008, as amended), and the following:

12.5.1 Public Notice

A. Notice of the public hearing shall be:

1. Posted by the Township Clerk at the place the hearing will be held;
2. Published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the public hearing; and
3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the public hearing to:
    a. The applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question:
    b. All occupants of structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.

B. The notice shall include all of the following:

1. Describe the nature of the request.

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the request will be considered.

4. Indicate when and where written comments will be received concerning the request.

12.6 LAND USE PERMITS

12.6.1 General

No person shall erect, alter, move or demolish a structure to the extent of more than two hundred (200) square feet of floor area or to establish a new use or change in use for any parcel, without a land use permit. The Zoning Administrator shall issue a land use permit if the proposed structure or use is in compliance with the provisions of this Ordinance. The applicant shall furnish permits or approvals from the Grand Traverse Department of Public Works, Grand Traverse County Department of Environmental Health, Grand Traverse County Road Commission, the Michigan Department of Transportation, Michigan Department of Natural Resources, and any other applicable agency if required, before the Zoning Administrator may issue a permit. A copy of each land use permit will be retained by the Zoning Administrator as a part of the permanent records of the Township . The Zoning Administrator shall promptly inform the applicant of the denial of a land use permit if the proposed structure or use does not comply with the provisions of this Ordinance. Issuance of a land use permit, or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.

12.6.2 Application

Each application for a land use permit shall include the following minimum requirements:

A. Plot Plan: Drawn to scale illustrating:

1. The actual shape, location, and dimensions of the lot.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and if any building or other structure is already on the lot.

3. The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.

4. Such other information concerning the lot or adjoining lots as may be essential to determining that the provisions of this Ordinance are being

observed.

B. Property Boundaries: In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor. In cases on properties located along a stream or shoreline, if there is any question of the location of the ordinary high water mark, the Zoning Administrator may also require this level to be set and marked by a registered surveyor.

C. Evidence of Ownership: All applications for land use permits under the provisions of this Ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy, or commitment, abstract or attorney's opinion of title, or such other evidence of ownership as the Zoning Administrator determines acceptable.

D. Supporting Documentation: In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a land use permit, the Zoning Administrator may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

12.6.3 Voiding Permit

Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first construction code inspection. The applicant shall have the option of extending the permit by a maximum of six (6) months upon written notice to the Zoning Administrator. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a land use permit expires, the applicant will have to reapply as a new application.

12.6.4 Inspection

The developer of the property is solely responsible for meeting the conditions and terms of the land use permit and this Ordinance.

12.7 VIOLATIONS AND PENALTIES

12.7.1 Nuisance Per Se

Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

12.7.2 Municipal Civil Infraction

Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance

shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

12.7.3 Penalties

Any person, partnership, corporation, or association who shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed two hundred dollars ($200.00), and each day such violation continues shall be deemed a separate offense.

12.7.4 Zoning Administrator

The Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

12.7.5 Nuisance Abatement

In addition to enforcing this Ordinance as a municipal civil infraction the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Article 13: Amendments and Severability

13.1. Amendments
13.2. Conditional Rezoning
13.3. Severability

13.1 AMENDMENTS

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

13.1.1 Initiation Of Amendment

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, Zoning Administrator or by petition from one (1) or more residents or property owners of the Township. An amendment to the Official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, Zoning Administrator or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Administrator.

13.1.2 Application

An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Administrator) shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.

B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.

C. The existing and proposed zoning district designation of the subject property and surrounding properties.

D. A written description of how the requested amendment meets the criteria stated in this Section.

13.1.3 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

A. Completeness Review: Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.

B. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.

C. Public Hearing: The Planning Commission shall hold a public hearing for all proposed amendments in accordance with the procedures in Article 12.

D. Planning Commission Consideration and Recommendation: Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission shall consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:

1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Townsip or Grand Traverse County with unplanned capital improvement costs or other unplanned public expenses.

5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).

6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

9. Other factors deemed appropriate by the Planning Commission and Township Board.

E. Township Board Action: The Township Clerk shall forward a copy of the

proposed amendment, findings, and recommendation from the Planning Commission to the Township Board for consideration and final action.

1. The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration. The Township Board may modify the proposed amendment as long as the modifications are de minimis. If the Township Board requests any substantial revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.

2. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment. Furthermore, the Township Board shall hold a public hearing if requested by an interested property owner. Any public hearing held by the Township Board shall follow the procedures in Article 12.

13.1.4 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The amendment shall become effective eight (8) days after being published.

13.1.5 Re-Application

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.

B. New or additional information is available that was not available at the time of the review.

C. The new application is materially different from the prior application.

13.2 CONDITIONAL REZONING

13.2.1 Intent And Purpose

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the Township must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the Township master plan, available infrastructure, and natural features. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. It is not the intent of this section to provide for rezonings that

are inconsistent with the Township's master plan or surrounding land uses, nor is it the intent to provide a mechanism for circumventing any requirements of this Ordinance.

13.2.2 Conditional Rezoning Standards For Approval

The following standards shall be used as a basis upon which conditional rezoning requests will be reviewed and approved. The applicant's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.

A. Standards for Rezoning: The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the Planning Commission and Township Board shall, at a minimum, consider all the following standards in rendering a decision on a request for conditional rezoning, although not all standards must be met in order to approve a conditional rezoning:

1. Will the proposed rezoning be in accordance with the basic intent and purpose of this Ordinance?
2. Is the proposed rezoning consistent with the Township master plan.
3. Have the conditions changed since the current zoning was adopted, or was there a mistake in the zoning ordinance that justifies a rezoning?
4. Will the rezoning correct an inequitable situation created by the zoning ordinance rather than merely grant special privileges?
5. Will the amendment set an inappropriate precedent?
6. Is the requested rezoning consistent with the existing or planned surrounding land uses?
7. If the rezoning is granted, could all requirements in the proposed zoning classification be complied with on the subject property?
8. Would the proposed rezoning be consistent with the trends in land development in the general vicinity of the subject property?
9. Would the proposed rezoning have a negative impact on public services, utilities, or roads?
10. Would the proposed rezoning negatively impact natural features on the site, such as woodlands or wetlands?

B. Other Required Approvals:

1. Any use or development proposed as part of an offer of conditions that would require a special use permit under the terms of this Ordinance may only be commenced if a special use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
2. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this

Ordinance.

3. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

13.2.3 Application And Offer Of Conditions

An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below. For a request to be considered for a conditional rezoning, the following items shall be submitted to the Township:

A. An application on a form provided by the Township and any applicable fees.

B. A written proposal explicitly describing the proposed conditional rezoning.

C. A conceptual site plan that includes all of the following items:

1. Applicant's name, address, and telephone number.
2. Scale, north arrow, and dates of submission and revisions.
3. Zoning classification of applicant's property and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the property and within one hundred feet of the property.
5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking area, driveways, and other improvements proposed for the property.
6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
7. Location of existing drainage courses, floodplains, lakes and streams, wetlands, and woodlands.
8. All existing and proposed easements.
9. Location of sanitary sewer or septic systems, existing and proposed.
10. Location and size of water mains, well sites and building service, existing and proposed.
11. A conceptual plan showing the specific proposed use(s) of the property.

13.2.4 Conditional Rezoning Application Submission Procedures

A. Pre-Application Conference: Prior to filing an application for a conditional rezoning, the applicant must informally meet with the Zoning Administrator, and other representatives as deemed necessary by the Township, to discuss the proposed development. The pre-application conference is intended to be

informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the Township. The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the Township employees, attorneys, agents or representatives at the pre-application conference have no legal force and are not legally binding promises, commitments or contracts.

B. Completeness Review: Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.

C. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.

13.2.5 Conditional Rezoning Application Review

Complete conditional rezoning applications shall be reviewed following the procedures outlined below:

A. Public Hearing: The Planning Commission shall set and hold a public hearing for all proposed conditional rezoning requests in accordance with the procedures in Article 12.

B. Planning Commission Review and Recommendation: After the public hearing and consideration of the standards for conditional rezoning set forth in this Section, the Planning Commission may recommend to the Township Board approval as presented or denial of the conditional rezoning.

C. Township Board Review: After receipt of the Planning Commission's recommendation, the Township Board shall review the Planning Commission's recommendation consistent with the standards of this Section and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission subsequent to the recommendation of the Planning Commission, then the Township Board shall refer such proposed additional or different conditions to the Planning Commission for review and recommendation within a time specified by the Township Board, and the Township Board shall then proceed to deny or approve the conditional rezoning.

D. Amendment of Conditions: The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original conditional rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

13.2.6 Approval

If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the standards of this Section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance codified in this Ordinance adopted by the Township Board to accomplish the requested conditional rezoning. The statement of conditions shall:

A. Be prepared in a form recordable with the Grand Traverse County Register of Deeds.

B. Contain a legal description of the land to which it pertains.

C. Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land.

D. Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning.

E. Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions.

F. The statement of conditions may be reviewed and approved by the Township attorney, with the applicant to pay all costs associated with such review and approval.

G. The approved statement of conditions shall be filed by the owner with the Grand Traverse County Register of Deeds within forty five (45) days after approval of the conditional rezoning. The owner shall provide the Township with a recorded copy of the statement of conditions within forty five (45) days of receipt.

H. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

13.2.7 Compliance With Conditions

Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

13.2.8 Time Period For Establishing Development Or Use

The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the effective date by publication of the conditional rezoning, and must thereafter proceed diligently to completion. This time limitation may, upon written

request, be extended an additional eighteen (18) months by the Township Board if:

A. It is demonstrated to the Township Board's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and

B. The Township Board finds that there has not been a change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

13.2.9 Reversion Of Zoning

If approved development and/or use of the rezoned land do not occur within the time frame specified in this Section, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2)

13.2.10 Subsequent Rezoning Of Land

When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to This section, or upon application of the landowner, or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Grand Traverse County Register of Deeds a notice that the statement of conditions is no longer in effect.

13.2.11 Amendment Of Conditions

A. During the time period for commencement of an approved development or use specified pursuant to This section, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the statement of conditions.

B. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.

13.2.12 Township Right To Rezone

Nothing in the statement of conditions or in the provisions of this section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act. (PA 110 of 2006, as amended).

13.2.13 Failure To Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

13.3 SEVERABILITY

If any article, Section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township

intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Article 14: Definitions

14.1. Rules of Construction
14.2. “A” Terms
14.3. “B” Terms
14.4. “C” Terms
14.5. “D” Terms
14.6. “E” Terms
14.7. “F” Terms
14.8. “G” Terms
14.9. “H” Terms
14.10. “I” Terms
14.11. “J” Terms
14.12. “K” Terms
14.13. “L” Terms
14.14. “M” Terms
14.15. “N” Terms
14.16. “O” Terms
14.17. “P” Terms
14.18. “R” Terms
14.19. “S” Terms
14.20. “T” Terms
14.21. “U” Terms
14.22. “V” Terms
14.23. “W” Terms
14.24. “Y” Terms
14.25. “Z” Terms

14.1 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

A. The particular shall control the general.

B. All words used in the present tense shall include the future.

C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.

D. The word “shall” is always mandatory and not discretionary and the word “may” is permissive

E. The masculine gender includes the feminine and neuter.

F. All measurements shall be to the nearest integer, unless otherwise specified herein.

G. The words “used” or “occupied” includes the words “intended,” “designed”, “arranged to be used or occupied” and “maintained.”

H. The word “building” includes the word “structure.” The word “structure” includes the word “building.” A “building” or “structure” includes any part thereof. The word “dwelling” includes “residence.” The word “build” includes the words “erect” and “construct.”

I. The word “person” includes “corporation,” “copartnership,” ‘’partnership,” “association,” “incorporated association,” “individual,” or any similar entity.

J. Whenever a word or term defined hereafter appears in the text of the Zoning Regulations, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.

K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either/or’’ the conjunction shall be interpreted as follows:

L. “And” indicates that all the connected items, conditions, provisions, or events shall

apply.

M. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

N. "Either/or'' indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

O. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

P. The intent, when spelled out in a Section, dictates the meaning of any regulation.

14.2 "A" TERMS

ACCESSORY BUILDING or STRUCTURE: A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related

ACCESSORY USE: A use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

ADULT DAYCARE FACILITY: A facility, other than a private residence, receiving at least three (3) but not more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

ADULT DAYCARE HOME: A private residence receiving fewer than six (6) adults or more adults to be provided with care for periods of less than 24 hours a day.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

AGRICULTURAL ASSEMBLY SPACE: An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

AGRICULTURAL PROCESSING FACILITY: One or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use and surrounding property.

AGRICULTURAL TOURISM: A use that involves the visiting of an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Also referred to as "ag-tourism" or "agri-tourism".

AGRICULTURAL ZONING DISTRICT: A zoning district primarily established for agricultural land uses. Industrial zoning districts shall include those zoned AG.

AIRFIELD: see AIRPORT

AIRPORT: Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

ALTERATIONS: Any change, addition, or modification in construction to a structure or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the completed act of which may be referred to herein as "altered" or "reconstructed."

AMENDMENT: Any change to the districts of the zoning map (rezoning) or text of this ordinance,master plan, sub area plan, or similar adopted plans or development approval.

AMUSEMENT PARK: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

APARTMENT: A room or suite of rooms in a two-family dwelling, duplex, apartment complex, apartment house, or commercial building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

APARTMENT, STUDIO: An efficiency unit is a type of multiple family or apartment dwelling unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

APPEAL: An appeal to the Zoning Board of Appeals or designated body where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

APPROVAL AUTHORITY: Any Board, Commission, or administrative official tasked with rendering a final decision on an application.

ARCHITECTURAL FEATURES: The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

ASSEMBLY FACILITY: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

ASSISTED LIVING FACILITY: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTIC: The area located between the ceiling of the highest habitable floor and the roof of the structure.

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.

AUTOMOBILE: Every vehicle that is self-propelled.

AUTOMOBILE SALES AND RENTALS: Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

AUTOMOBILE REPAIRS, MAJOR: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment that provides for the removal and temporary storage (less than seven days) of vehicles, but does not include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or recreational vehicles.

AUTOMOBILE REPAIRS, MINOR: The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

AUTOMOBILE SERVICE STATION: Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto, and sale of convenience goods, food and beverages.

14.3 "B" TERMS

BAR: A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor. Bars may also include the incidental sale of prepared food and live performances.

BASEMENT: That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height A basement shall not be counted as a story. This definition shall include a cellar that may be below grade with an entrance separate from the principal building.

BED AND BREAKFAST ESTABLISHMENT: A use that is subordinate to the principal use of a dwelling unit as a single family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BEDROOM: A room designed or used in whole or part for sleeping purposes and has a closet and window.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BREWER: A person as defined and licensed by the Michigan Liquor Control Code

BREWERY: A facility or facilities owned or controlled by a licensed Brewer.

BUILDING: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

BUILDING, PRINCIPAL (MAIN): A building or, where the context so indicates, a group of buildings that are permanently affixed to the land and that are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

BUILDING, ACCESSORY: See **ACCESSORY BUILDING or STRUCTURE**

BUILDING, TEMPORARY: A building that is not of a permanent construction that is not affixed to the property, and is permitted to exist for a specific reason for a specific time.

BUILDING ELEVATION: The entire view of any building or other structure from one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

BUILDING ENVELOPE: The area of a lot that is defined by the minimum setback requirements

within which building construction is permitted by the terms of this Ordinance.

BUILDING HEIGHT, FEET: The vertical distance measured from the finished grade to:

- The highest point of the roof surface for flat roofs;
- To the deck line of mansard roofs; and
- To the average height between eaves and ridge for the highest gable, hip studio, and gambrel roofs.
- Seventy five (75) percent of the height of an A-frame.
- The number of habitable stories when maximum height is defined by stories, which shall not include attics or basements.

Where a building is located on sloping terrain, the height shall be measured from the average ground level grade at the building wall.

BUILDING HEIGHT, STORIES: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

BUILDING LINE: A line parallel to the front lot line at the minimum required front setback line.

BUILT-TO-LINE: An alignment established a certain distance from the property line, or right-of-way easement if present, to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

BUSINESS SERVICES: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, Township planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

14.4 "C" TERMS

CAMPGROUND: Any parcel or tract or land upon which two (2) or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof .The term also includes any building, structure, enclosure, driveway, equipment or facility used or designed and intended for use incidental to temporary living purposes in connection with the recreational pursuits or mode of travel of the general.

CATERING SERVICES: An establishment that serves and supplies food to be consumed off premises.

CELLAR: See BASEMENT

CENTRAL CLEANING FACILITY: A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

CEMETERY: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

CHANGE OF OCCUPANCY: The term "change of occupancy'' shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or, the expansion of a use.

CHILDCARE CENTERS: A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include those uses excluded under "Child Care Center" in the Child Care Organization Act (1973 PA 116, MCL 722.111(1)(h).

CHURCH: See RELIGIOUS INSTITUTION

CLEAR VISION TRIANGLE: A triangular area formed at a street intersection by the right of way lines, or at a driveway intersection by the right of way line and driveway edge, and a line connecting them at a distance designated in this Ordinance. In the case of a rounded property corner from the intersection of the street property lines extended.

CLINIC, MEDICAL or DENTAL: An establishment for examination and treatment of human patients who are treated by a group of physicians, dentists or similar professionals on the site and the patients are not lodged overnight. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or the service of its patients, but may not include facilities for overnight patient care or major surgery.

CLUB or FRATERNAL ORGANIZATION: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

CO-LOCATE: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

COMMERCIAL ZONING DISTRICTS: A zoning district primarily established for commercial land uses. Commercial zoning districts shall include those zoned CS, C and CF.

COMMUNITY KITCHEN: A facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be used for cooking classes and/or other related activities.

COMPUTING AND DATA PROCESSING: An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- Condominium Act: Shall mean Michigan Public Act 59 of 1978, as amended.
- Condominium Lot: That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Dimensional Requirements of this Ordinance.
- Condominium Subdivision Plan: Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.
- Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.

- Common Elements: Portions of the condominium project other than the condominium units.
- Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

CONTRACTOR RETAIL ESTABLISHMENTS: Establishments primarily engaged in retailing new building materials, lawn and garden equipment, and supplies from a fixed point-of-sale location for the construction, repair, maintenance and improvement of the home and associated grounds. May include display of products, and display equipment designed to handle lumber, materials, and related products, garden equipment, and supplies kept either indoors or outdoors under covered areas. The staff is usually highly knowledgeable in the use of the specific products being retailed.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONVALESCENT HOME: See **NURSING HOME**

COVERAGE, IMPERVIOUS: The percent of the lot covered by impervious surfaces including roofs, patios, driveways, and other hard surfaces that result in storm water run off.

COVERAGE, LOT: The percent of the lot covered by buildings and accessory structures.

CROSS ACCESS: A service road or driveway providing vehicular access between two or more contiguous sites so the driver need not enter the public road system.

COURT: An open, uncovered, unoccupied space, other than a yard, partially or wholly surrounded on at least two (2) sides by building walls. A court having at least one (1) side open to a street, alley, yard, or other permanent open space is an outer court. Any other court is an inner court.

CULTURAL INSTITUTION: A public or non-profit institution that engages in the cultural, intellectual, scientific, environmental, educational, or artistic enrichment of the community. Examples include, but are not limited to museums, libraries, historical societies, art galleries, botanical societies, land conservation organizations, performing art centers, scientific societies, and wildlife conservation societies. Cultural Institutions do not include any school or institution primarily engaged in religious or sectarian activities.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

CUSTOMARY AGRICULTURAL OPERATION: Agricultural operations that include general farming, truck gardening, fruit orchards, nursery greenhouses not selling at retail on the premises, and the usual farm buildings.

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.

14.5 "D" TERMS

DECK: A platform that is typically attached to a house, and used for outdoor leisure activities.

DENSITY: The number of dwelling units allowed per acre of land.

- Gross Density: The number of units per acre of total land being developed.
- Net Density: The number of units per acre of land devoted to residential use.
- Base Density: The maximum number of dwelling units permitted by right for a particular zoning district.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

DEVELOPMENT: The construction of a new building reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DISTILLER: A person as defined and licensed by the Michigan Liquor Control Code

DISTILLERY: A facility or facilities owned or controlled by a licensed Distiller

DISTRIBUTION CENTER: A use that typically involves both warehouse and office/ administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

DOMESTIC PET: An animal that is tamed or domesticated, generally regarded as household pets, and who are not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic pets.

DOMESTIC PET SERVICES: An establishment providing such services as day care for all or part of the day, obedience classes, training, behavioral counseling, clipping, bathing, or combed and related services to domestic pets and for which a fee is charged. This use does not include overnight boarding, services that require anesthesia or veterinary care.

DONATION BIN: A structure used for the collection of unwanted goods and items deposited without reimbursement and without an attendant present. Donation bins do not include recycling drop-off bins.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVE-THROUGH: A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T'' shaped drive located within a front yard is included within this definition.

DUPLEX DWELLING: A building designed as a single structure, containing two separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING: Any building, or part thereof: containing sleeping, kitchen and bathroom facilities designed for and occupied by an individual or one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

14.6 "E" TERMS

EDUCATIONAL INSTITUTION: Any public or private school for kindergarten through twelfth grade, or any colleges or universities, authorized by the State to award degrees.

ENFORCEMENT OFFICIAL: The Enforcement Official is the person or persons with the responsibility for enforcing and administering requirements of applicable Sections of these Zoning Regulations. The Enforcement Official may be referred to as the Zoning Administrator, Building Official, or other appropriate party so designated by the Township Board. Such titles do not refer to a specific individual, but generally to the office, department, or Township official(s) most commonly associated with the administration of the regulation being referenced.

EQUIPMENT RENTAL ESTABLISHMENTS: An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical

operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except common household gardening, farming and general ground care.

EXTRACTIVE INDUSTRY: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

14.7 "F" TERMS

FAMILY:

- One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or
- A collective number of individuals living together in one dwelling unit, under a relationship that is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY CHILD CARE HOME: A state licensed facility in a dwelling unit in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family Child Care Home also includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

FARM MARKET: A market operated as a part of a farming business, selling farm products produced on and off the proprietor's farm, as well as a limited number of household convenience goods.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human passage regardless of the component material.

FILL: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

FLOOD PLAIN: Is deemed to mean that area of land adjoining a natural watercourse within

the Township that is subject to either periodic flooding as established by the profiles in the most current report of a flood insurance study by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the I00-year flood boundary). A flood plain shall not necessarily include a drainage district established by the County or Township.

FLOOR AREA RATIO: Expresses the relationship between the gross floor area permitted in a building (or buildings) and the area of the lot on which the building is constructed. It is calculated by dividing the gross floor area of a building by the total area of the lot, usually express as a decimal fraction.

FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

FLOOR AREA, LIVABLE: The sum of the of the horizontal areas of each story of a residential structure, or portion of a structure intended for residential use, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings. The livable floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE NONRESIDENTIAL: The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Such floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from this computation of Usable Floor Area.

FOOD PRODUCTION: Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution; (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

FOR-PROFIT EDUCATIONAL INSTITUTION: An educational institution that are privately controlled entities that are operated as a business with the expectation to generate a positive monetary return.

FOSTER CARE: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979, as amended.

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours

a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which fore than four (4) but fewer then seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRATERNAL ORGANIZATION: See CLUB

FREIGHT TERMINAL: A heavy distribution transfer facility for pick-up and distribution utilizing railroad or trucking modes of transit.

FRONTAGE: The portion of any property that abuts a private or public street or a waterway. A comer lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.8 "G" TERMS

GARAGE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures, but shall be located on the same lot as the principal structure.

GRADE: The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

GRADE, AVERAGE: The average ground elevation on each of the four (4) sides of a building, measured within six (6) feet of the building's exterior walls.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads, brought to grades as shown official plans or designs related hereto.

GREENHOUSE: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

GOLF FACILITY: A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, maintenance structures, driving range, practice facilities, instruction and training center. A golf facility may provide additional services customarily furnished such as swimming, outdoor recreation, and

related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required special land use permit.

GROUP CHILDCARE HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

14.9 "H" TERMS

HAZARDOUS MATERIALS AND CHEMICALS: All highly flammable materials or products that may react to cause a fire or explosion hazard; or that because of their toxicity, flammability, or liability for explosion render firefighting abnormally dangerous or difficult. This also includes flammable liquids or gases that are chemically unstable and that may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials and chemicals shall include flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases that have a degree of hazard rating in the health, flammability or reactivity of three (3) or four (4) as ranked by NFPA 704 and as adopted by the Township and/or all items that are regulated as hazardous materials under Act 451 of 1994, as amended (MCLA 324.101 - 324.90106).

HEALTHCARE SERVICES: A clinic, business or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

HOME OCCUPATION: A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.

HOSPITAL: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias and giftshops.

HOTEL: A building occupied as a more or less temporary lodging place for individuals with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen.

14.10 "I" TERMS

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INDOOR RECREATION CENTER: An establishment that provides indoor exercise facilities and indoor court sports facilities, and that may include spectator seating in conjunction with

the sports facilities. For the purposes of this Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

INDUSTRIAL PARK: A tract of land, the control and administration of which are vested in a single body, suitable for industrial use because of location, topography, proper zoning, availability of utilities, and accessibility to transportation. The uses permitted may be regulated by protective minimum restrictions (covenants), including the size of the site, parking, and loading regulations, and building setback lines from front, side, and rear yards that may be more restrictive than this Ordinance.

INDUSTRIAL ZONING DISTRICTS: A zoning district primarily established for industrial land uses. Industrial zoning districts shall include those zoned LIW.

INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

INSTITUTIONAL USE: Institutional land uses are generally defined as land uses which serve the community's social, educational, and cultural needs, including but not limited schools, libraries, places of worship, and government facilities, but not health care services.

14.11 "J" TERMS

JUNK: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

JUNK YARD: see SALVAGE YARD

14.12 "K" TERMS

KENNEL: Any premises, except where accessory to an agricultural use, where three or more domestic animals, such as dogs and cats, are boarded, trained, bred or sold.

14.13 "L" TERMS

LAKE: As defined by Part 303 of Michigan's Natural Resources and Environmental Protection Act, MCL 324.30101 et seq., namely, a natural or artificial lake, pond, or impoundment; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including Grand Traverse Bay.

LAND DIVISION ACT: Public Act 288 of the Public Acts of 1967, as amended.

LAND USE PERMIT: Shall mean the same as a zoning permit, per the Michigan Zoning Enabling Act.

LANDSCAPE LIGHTING: Such outdoor light fixtures and/or practices intended for the convenience, enjoyment, and safety of a property owner or tenant or guest.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

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.

LIGHT SOURCE: The bulb or other element in an outdoor light fixture which emits light.

LIVESTOCK AUCTION YARD: A commercial establishment where livestock is collected for sale and auctioned or otherwise sold.

LIVE/WORK UNIT: A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence.

LOT (or ZONING LOT): For the purposes of enforcing this Ordinance, a lot is defined as a piece of land under single ownership or control that is sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of any of the following:

- Single lot of record.
- Portion of a lot of record
- Combination of lots of record, or portion(s) thereof.
- Condominium lot.
- Parcel or tract of land described by metes and bounds.

LOT AREA, GROSS: The net lot area plus one-half(l/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

LOT AREA, NET: The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards.

LOT, CONTIGUOUS: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

LOT, CORNER: A lot abutting on and at the intersection of two (2) or more streets. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

LOT COVERAGE: The part or percentage of the lot that is occupied by all buildings and/or structures. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

LOT, INTERIOR: Any lot other than a corner lot with only one (l) lot line fronting a street.

LOT, THROUGH or LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets or a waterway and street(s) as distinguished from a corner lot.

In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

LOT LINES: The lines bounding a lot as defined herein:

- Front Lot Line: In the case of an interior lot, is that line separating said lot from the public or private right of way. In the case of a comer lot, or double frontage lot, is that line separating said lot from the road that is designated as the front on the plat, or that is designated as the front of the site plan review application or request for a building permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line parallel to and nearest the street from which access is obtained.

- Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the Zoning Administrator shall designate the rear lot line.

- Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the Zoning Administrator shall designate the side lot line(s).

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a plat, document or other formal map on file with the County Register of Deeds or in common use by the Township or County Officials, and which actually exists as so shown, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the County Register of Deeds. A lot of record may also be identified to a sidwell or tax parcel identification number.

LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

LOW IMPACT DEVELOPMENT (LID) STORMWATER MANAGEMENT: LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rain water and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

LOUNGE: see BAR

14.14 "M" TERMS

MAIN ACCESS DRIVE: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

MAJOR THOROUGHFARE: See STREET

MANUFACTURED HOME: A factory-built home constructed off-site after to June 15, 1976 and transportable in one or more sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers.

MANUFACTURED HOME LOT: An area within a manufactured home park that is designated for the exclusive use of a specific manufactured home.

MANUFACTURED HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

MARIHUANA TRACKING ACT: Act 282 of the Public Acts of 2016, as amended.

MARINA: A commercial boat basin or dock with facilities for berthing and servicing all types of water craft, as well as providing supplies, provisions, service and fueling facilities.

MASTER DEED: Has the same meaning as in the Condominium Act.

MASTER PLAN: Any plan adopted or amended under this Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended. This includes, but is not limited to, a plan prepared by a planning commission authorized by the act and used to satisfy the requirement of Section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, Township plan, plan, or any other term

MEDICAL MARIHUANA FACILITY: A Facility authorized and defined pursuant to Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA FACILITIES LICENSING ACT: Act 281 of the Public Acts of 2016, as amended.

MEDICAL MARIHUANA GROWER: A Medical Marihuana Grower as defined in the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA LICENSING ACT: MCL 333.27101 et seq, as amended and the regulations adopted pursuant to the act. The definitions found in the Medical Marihuana Facilities Licensing Act are incorporated into this Ordinance for all purposes concerning Medical Marihuana licensing.

MEDICAL MARIHUANA PROCESSOR: A Medical Marihuana Processor as defined in the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA PROVISIONING CENTER: A Medical Marihuana Provisioning Center as defined in the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY: A Medical Marihuana Safety Compliance Facility as defined in the Medical Marihuana Facilities Licensing Act.

MEDICAL MARIHUANA SECURE TRANSPORTER: A Medical Marihuana Secure Transporter as defined in the Medical Marihuana Facilities Licensing Act.

MEZZANINE: An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

MICHIGAN LIQUOR CONTROL CODE: Public Act 58 of the Public Acts of 1998, as amended.

MICHIGAN MEDICAL MARIHUANA ACT: Initiated Law 1 of 2008, as amended.

MICHIGAN NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT: Public Act 451 of the Public Acts of 1994, as amended.

MICHIGAN PLANNING ENABLING ACT: Public Act 33 of the Public Acts of 2008, as amended.

MICHIGAN PUBLIC HEALTH CODE: Public Act 368 of the Public Acts of 1978, as amended.

MICHIGAN RIGHT TO FARM ACT: Public Act 93 of the Public Acts of 1981, as amended.

MICHIGAN ZONING ENABLING ACT: Public Act 110 of the Public Acts of 2006, as amended. Also referred to as MZEA.

MICRO BREWER: A person as defined and licensed by the Michigan Liquor Control Code

MICRO BREWERY: A facility or facilities owned or controlled by a licensed Micro Brewer

MIXED-USE DEVELOPMENT: Means a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation, or other functions. It shall be pedestrian-oriented and contain elements of a work-live-play environment that maximizes space usage, has amenities and architectural expression, and mitigates traffic and sprawl.

MODULAR HOME: A factory-built home constructed off-site after 1971 and transportable in one or more sections. A modular home is designed constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards.

MOSQUE: See RELIGIOUS INSTITUTION

MOTEL: See HOTEL

MOTOR VEHICLE: See AUTOMOBILE

MUNICIPALITY: The Township of Acme, Grand Traverse County, Michigan.

MULTIPLE FAMILY DWELLING: A building designed for and occupied by two (2) or more families living independently in separate dwelling units.

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

MUTUAL ACCESS AGREEMENT: An agreement that allows neighboring property owners to share access way between two properties, allowing for convenient and efficient flow of vehicular and pedestrian traffic. The agreement may allow access of each party and their affiliates to cross over the other owner's property while entering, circulating, parking, leaving an area, or sharing a driveway.

14.15 "N" TERMS

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING USE: A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

NONCONFORMING SITE: A lot, parcel, or development site that was lawfully established but that does not comply with the standards of Article 6, or other applicable site standards of this ordinance.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NONRESIDENTIAL ZONING DISTRICT: A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zone AG, CS, C, CF and LIW.

NON-USE VARIANCE: A dimensional variance to standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. These variances are granted based on a showing of a practical difficulty.

NORMAL STREAM OR RIVER BANK: That bank or steep slope which confines waters of a stream or river during normal periods of flow.

NUISANCE: Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses,

violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

NURSERY: see GREENHOUSE

NURSING HOME: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

14.16 "O" TERMS

OBSCURING WALL: Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

OCCUPIED: Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

OFF-STREET PARKING: An area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

OPEN SPACE: That part of a parcel, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

OPEN SPACE PRESERVATION DEVELOPMENT: A development option that allows property zoned for residential uses to be developed with the same number of dwelling units, but on smaller parcels than would otherwise be required by this Zoning Ordinance, in return for the preservation of part of the property in an undeveloped state. (As defined by MCL 125.3506 of the Michigan Zoning Enabling Act).

ORDINARY HIGH WATER MARK: A line between upland and bottomland, which persists through successive changes in water levels, below which the present action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. For the purposes of this Ordinance, the Ordinary High Water Mark along Grand Traverse Bay shall be 580.5 feet above the International Great Lakes Datum 1985, as established by the U.S. Army Corps of Engineers and defined by the Michigan Natural Resources and Environmental Protection Act, as amended.

OUTDOOR SERVICE: A designated area for dining and/or consumption seats and/or tables located outdoors entirely outside the walls of an established principal use such as a restaurant, coffee shop, bar, tavern, lounge, bakery, or other drinking or eating establishment.

OUTDOOR STORAGE: The keeping of any goods, junk, material. merchandise or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

OUTSIDE DISPLAY: The outdoor standing or placement of immediately usable goods that are available for sale, lease or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

14.17 "P" TERMS

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

PARKING SPACE: An area of definite length and width. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PATTERN BOOK: A visual presentation of the architectural styles of buildings, including the height of cornice lines, roof profiles, finish materials, windows, and ornamentation as it relates to the project and that is adopted as part of the record of an approval.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, construction or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

PERMITTED USE: A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL SERVICES: Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

PERSONAL WIRELESS SERVICE FACILITY: Means "personal wireless service facilities" as defined in the Telecommunication Act of 1996 at 47 U.S.C. 332(c)(7)(C)(ii).

PERVIOUS SURFACE: A surface that permits full or partial absorption of storm water.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PLANNED DEVELOPMENT (PD): Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary) provisions for public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

PLANNING COMMISSION: The Planning Commission of the Township of Acme, Grand Traverse County, Michigan as designated in the Michigan Planning Enabling Act, Public Act 33 or 2008.

PLOT PLAN: A plan that is prepared according to requirements stated in this Ordinance, containing required information required for a plot plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site

plan.

PRACTICAL DIFFICULTY: A situation whereby a property owner, through no fault of their own, cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owners desire to establish a use greater than the "minimum practical" standard or to enhance economic gain greater than associated with a "minimum practical" standard or created by an owner subsequent to the adoption date of this Ordinance is not a practical difficulty.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

PRINCIPAL USE: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

PRIVACY SCREEN: An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

PRIVATE STREET OR ROAD: See STREET

PROFESSIONAL SERVICES: A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, architects, attorneys at law, and life insurance agents. Professional services shall not include healthcare or financial services, or veterinarian clinics.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PROPERTY OWNER: An owner of (i) a metes and bounds described parcel(s); (ii) a lot(s) in a platted subdivision, duly established under the provisions of the Land Division Act (MCL 560.101. et seq.); (iii) a condominium unit(s) in a condominium project duly established under the provisions of the Condominium Act (MCL 559.101, et seq.) or (iv) the holder of a lessee's interest in any one of the foregoing which exceeds three (3) years in duration. In the event an owner's interest as defined in (i), (ii) or (iii) above is subject to a lease term in excess of three (3) years as provided in (iv) above, the holder of such lessee's interest shall be deemed to be an owner for purposes of this Section (which shall supersede and replace the owner/lessor's interest for purposes of this Section).

PROTECTED ROOT ZONE: The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

PUBLIC USE: Basic services usually furnished by local government or public utility, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

A. Critical: such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.

B. Essential: the erection, construction, alteration, or maintenance by public utilities or

municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

C. Supporting: such as, but not limited to, Township hall, library, civic center, park, public recreational facility, community center, official government offices, authority office, post office, etc., and associated facilities.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage service or treatment, communication services, cable television services, telegraph, transportation or water.

14.18 "R" TERMS

RECEPTION WINDOW: The area between two parallel line extending outward from the side of a satellite dish antenna.

RECREATIONAL FACILITY: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

RECREATIONAL UNIT: A tent, or vehicular-type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit shall include travel trailer, camping trailers, motor home, truck camper, slide-in-camper, and chassis-mount camper, watercrafts, snowmobiles, special terrain vehicles, off-road vehicles and utility trailers.

RECREATIONAL VEHICLE: A recreational unit as defined in this Ordinance that is not a tent.

RECYCLING COLLECTION STATION: An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials. A recycling collection point may also include a facility for the temporary collection of used clothing and household goods.

RECYCLING FACILITY: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only residential and commercial recyclables.

REGISTERED PRIMARY CAREGIVER: A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana act.

REGISTERED QUALIFYING PATIENT: A qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

RESEARCH AND DEVELOPMENT CENTER: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

RESIDENTIAL ZONING DISTRICT: A zoning district primarily established for dwellings as a land use. Residential zoning districts shall include those zoned SFR, SFN, MHN, and RMH.

RESTAURANT: An establishment in which the principal use is the preparation and sale of food and beverage. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

RETAIL, DEPARTMENT: Establishments that have separate departments for general lines of new merchandise, such as apparel, jewelry, home furnishings, and toys, with no one merchandise line predominating, or retail establishments exceeding 8,000 square feet. Department stores may sell perishable groceries, such as fresh fruits, vegetables, and dairy products, but such sales are insignificant. Department stores may have separate checkout areas in each department, central customer checkout areas, or both.

RETAIL, FOOD AND BEVERAGE: Establishments that retail food and beverage merchandise from fixed point-of-sale locations and have special equipment (e.g., freezers, refrigerated display cases, refrigerators) for displaying food and beverage goods. They have staff trained in the processing and preparing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority. Includes grocery stores, specialty food stores, and beer, wine and liquor stores.

RETAIL, GENERAL: Establishments primarily engaged in retailing new or used goods in general merchandise stores (except department stores, contractor establishments, and wholesale activities). These establishment retail a general line of new or used merchandise, such as apparel, automotive parts, dry goods, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

RETAIL, PRODUCTS PRODUCED ON-SITE: Establishments that retail products other than food and beverage produced onsite. The products produced onsite may not be sold onsite exclusively, but may also be distributed to other locations for retail.

RIGHT-OF-WAY: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

RIDING STABLE: An establishment where horses or other animals that an be ridden by

humans are kept for riding and which offers the general public for a fee.

ROAD: See STREET

ROWHOUSE: A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

14.19 "S" TERMS

SALVAGE YARD: An open area where waste, used or second hand material are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to junk, scrap iron and other metals, paper, rags, rubber tires, bottles. A salvage yard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, or a lot on which three or more inoperable automobiles are stored but does not include uses established entirely within enclosed buildings.

SATELLITE DISH ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio and/or television signals from a transmitter or transmitter relay located in planetary orbit.

SECURITY LIGHTING: Such outdoor light fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.

SELF-SERVICE MACHINE: Means vending machines, automated teller machines (ATM), newspaper boxes, kiosks, and similar pieces of equipment designed to be operated by an individual.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities.

SEMI-TRAILER: A trailer, that may be enclosed or not enclosed. having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle, or dolly.

SENIOR LIVING FACILITY: Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or more individuals who are age 60 or older. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve 20 or fewer adults.

SETBACK: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

SETBACK, ACCESSORY BUILDING: The setback exclusively applicable to the accessory building(s) on a property.

SETBACK, PRINCIPAL BUILDING: The setback exclusively applicable to the principal building(s) on a property.

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following, or other similar uses:

> Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to

show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore Or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

- Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty five (25%) percent or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

- Persons who appear in a state of nudity;
- Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel: A hotel, motel or similar commercial establishment that:

- Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes,

slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
- Sexually explicit visual material as defined in Section 3 of Act No. 33 of Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

Specified Anatomical Areas: Means and includes any of the following:

- Less than completely and opaquely covered human genitals, pubic region, buttocks, and/or female breast below a point immediately above the top of the areola.
- Human male genitals in a discernible turgid state even if completely or opaquely covered.

Specified Sexual Activities: Means and includes any of the following:

- Human genitals in a state of sexual arousal;
- Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
- Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
- Excretory functions as part of or in connection with any of the activities set forth above.

SHARED WATERFRONT PARCEL: Any waterfront parcel to be used by more than one family.

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 Ordinance.

SHORELINE STABILIZATION STRUCTURE: An engineered, human-made structure designed to protect waterfront property from future or existing erosion due to wave action, currents, fluctuating water levels, or other similar natural forces.

SHORT-TERM RENTAL: The commercial use of renting a dwelling unit, or portion thereof, for a period of time less than thirty-one (31) consecutive calendar days. This does not include approved bed and breakfast establishments, hotels/motels, tenant housing, or campgrounds.

SIGN: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. See Article 6 for definitions of individual sign types.

SIGN, ABANDONED: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of all other signs.

SINGLE FAMILY DETACHED DWELLING: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.

SMALL DISTILLER: A person as defined and licensed by the Michigan Liquor Control Code

SMALL DISTILLERY: A facility or facilities owned or controlled by a licensed Distillery

SMALL WINE MAKER: A person as defined and licensed by the Michigan Liquor Control Code

SMALL WINERY: A facility or facilities owned or controlled by a licensed Small Wine Maker.

SOLAR ENERGY FARMS: A utility-scale commercial facility that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose it the wholesale or retail sale of generated energy off site.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a non-profit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL USE: Special uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special uses include regulated land uses. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special uses may by permitted following review and approval, subject to the terms of this Ordinance.

SPECIAL USE PERMIT: An approval for a special land use, pursuant to Section 502 of the Michigan Zoning Enabling Act.

STACKED FLAT: A series of dwelling units stacked vertically. Dwelling units may occupy more than one floor of the building, and more than one dwelling unit may occupy each floor.

STEEP SLOPE: Means a naturally occurring land form with a vertical change in elevation of ten (10) feet or more, a slope of sixteen (16%) percent or more (9.1 degrees or greater), and a length of fifty (50) feet or more measured parallel to the contour lines.

STORY: That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, unhabitable attic or mezzanine as defined herein.

STREAM: Shall be as defined by Part 303 of Michigan's Natural Resources and Environmental Protection Act, namely, a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of streets are defined as follows:

- Private Street: Any street that is to be privately maintained and has not been accepted for maintenance by the Acme Township, Grand Traverse County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance. A new private road must be a minimum of thirty (30) feet in width.
- Public Street: Any street or portion of a road that has been dedicated to and accepted for maintenance by the Acme Township, Grand Travers County, State of Michigan, the federal government or any other governmental unit.
- Arterial Street: A street that carries a high volume of traffic and serves as an avenue for circulation of traffic into, out of, or around the Township. An arterial road may also be a major thoroughfare.
- Collector Street: A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties.
- Cul-De-Sac: A street that terminates in a vehicular turnaround.
- Major Thoroughfare: See Arterial Street
- Local Street: A street whose principal function is to provide access to abutting properties.

STREET LOT LINE: A dividing line between the street and a lot, also known as the right-of-way line or front property line.

STRUCTURAL ADDITION: Any alteration that changes the location of an exterior wall of a building or modifies the area of a building.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and extending at least nine (9) inches above the ground surface. Structures include, but are not limited to, principal

and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

SUBDIVISION: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which s ten (10) acres or less in area created by successive divisions within a period of ten (10) years. (source: Acme Township Subdivision Control Ordinance No. 80-1)

SUBDIVISION CONTROL ACT: Public Act 288 of the Public Acts of 1967, as amended.

SUBDIVISION PLAT: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Municipal land division regulations.

SUPPORT LABORATORY: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

SYNAGOGUE: See **RELIGIOUS INSTITUTION**

SWIMMING POOL: Any permanent, non-portable structure or container, located either partially or totally below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

14.20 "T" TERMS

TASTING ROOM: Means any of the following:

- A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.
- A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.
- A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off

the premises, or both, brandy it manufactured.

TAVERN: see BAR

TEMPORARY OUTDOOR SALE: A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.

TEMPORARY USE OR BUILDING: A use or building permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

TENANT HOUSING: Any facility, structure, real property, or other unit that is established, operated, or used as living quarters for full-time farm employees associated with the principal use and subject to the same height and setback requirements as the principal dwelling.

THEATER: An outdoor area or, building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

THOROUGHFARE: See STREET

TOWNHOUSE: see ROWHOUSE

TOWNSHIP BOARD: The elected legislative body of the Township of Acme,, Grand Traverse County, Michigan

TOWNSHIP ENGINEER: the person or firm authorized by the Township to advise the Township Board and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

TOWNSHIP PLANNER: The Township Planner is the person or firm designated by the Township Board to advise the Twnship Board, Planning Commission, and Township staff on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

TRANSIT STATION: A building, structure, or area designed and used for persons changing transportation modes or routes.

TRANSIT STOP: A facility located at selected points along transit routes for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, which are defined as a public service facility, or bus stops or shelters.

TRANSPORTATION EQUIPMENT STORAGE: A lot intended to store fleet vehicles, either inside or outside, when not in use.

TRIP END: Means the total number of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

TOURIST HOME: A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupation.

14.21 "U" TERMS

UNDEVELOPED STATE, LAND IN: A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park, as defined by the Michigan Zoning Enabling Act.

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

USABLE FLOOR AREA: See FLOOR AREA, USABLE.

UTILITY POLE: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

UTILITY TRAILER: A small trailer that is not self-propelled that is designed to be pulled by an automobile, van, or pick-up truck.

14.22 "V" TERMS

VACATION HOME: A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupation.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE: See AUTOMOBILE

VETERINARY SERVICES: Establishments of licensed veterinary practitioners engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners. Use as a kennel shall be limited to short-time boarding and shall be only incidental to the principal use.

14.23 "W TERMS

WALL: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area

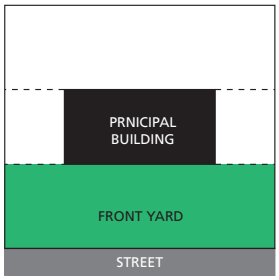
WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include on-site manufacturing.

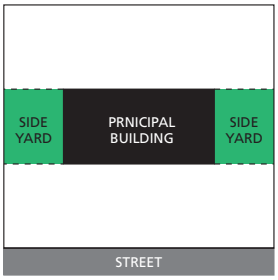
WATERFRONT PARCEL: Any parcel of land having frontage along the shore or bank of a lake or stream.

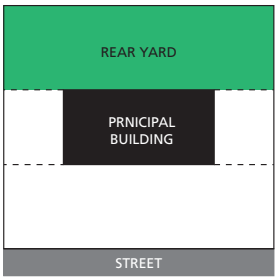
WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland

vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
- Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subparagraph shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the department certifies to the commission it has substantially completed its inventory of wetlands in that county.
- Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner; except this subparagraph may be utilized regardless of wetland size in a county in which subparagraph (ii) is of no effect; except for the purpose of inventorying, at the time. MCL 324.30301(p).







WHOLESALE ACTIVITIES: Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND ENERGY GENERATION SYSTEM: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WINE MAKER: A person as defined and licensed by the Michigan Liquor Control Code

WINERY: A facility or facilities owned or controlled by a licensed Wine Maker.

14.24 "Y" TERMS

YARD: The open space on the same lot with a main building, unoccupied and unobstructed from the ground (grade) upward except as otherwise provided in this Ordinance, and as defined herein. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance.

- Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Unless otherwise specified, each yard with street frontage shall be

considered a yard.

- Side Yard: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.

- Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a comer lot, the rear yard may be opposite either street frontage, but each lot shall only have one (1) rear yard.

14.25 "Z" TERMS

ZONING DISTRICT: A portion of the incorporated area of the Township within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Acme Township.

ZONING ADMINISTRATOR: The Township official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.