



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
August 8<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

- A. **LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. 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. **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. Approved Township Board Minutes
  - 2. **ACTION:**
    - a. Approve Draft Planning Commission Minutes 06/13/16
    - b. Approve Draft Planning Commission Minutes 07/11/16
- E. **ITEMS REMOVED FROM THE CONSENT CALENDAR**
  - 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
- F. **CORRESPONDENCE:**
  - 1. County Planning Awards
  - 2. Nathan Moore RE South Bates Rd
  - 3. Crystal Yarlott RE Airbnb
- G. **PUBLIC HEARINGS:**
- H. **OLD BUSINESS:**
  - 1. Zoning Ordinance Amendment 037 – Planned Development
  - 2. Zoning Ordinance Amendment 041 – Special Uses
    - a. Article V – Regulated Uses
    - b. Article IX – Special Uses
- I. **NEW BUSINESS:**
  - 1. Short-Term Rentals
  - 2. Planning Commission Elections
  - 3. Zoning Ordinance Review Subcommittee
- J. **PUBLIC COMMENT & OTHER PC BUSINESS**
  - 1. Zoning Administrator Report – Shawn Winter
  - 2. Planning Consultant Report – John Iacoangeli
  - 3. Township Board Report – Doug White
  - 4. Parks & Trails Committee Report – Marcie Timmins

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.

**APPROVED 09/12/2016**



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
August 8<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:01pm**

**ROLL CALL:**

**PC Members Present:** D. Rosa, D. White, S. Feringa (Vice Chair)

T. Forgette (Secretary)

**PC Members Absent/Excused:** J. Jessup, K. Wentzloff, M. Timmins

**Staff Present:** S. Winter, Zoning Administrator; J. Jocks, Legal Counsel

**A. LIMITED PUBLIC COMMENT: 7:02pm**

Pat Buck, 7369 Deepwater Pt Rd. Spoke regarding the recent problems with weekly rentals. The area is zoned R-1 but the rentals bringing in multiple families; some not related at all. Wishes to see them banned

Irene/John Stuart, 7402 Deepwater Pt. Rd. Echoed sentiments above regarding weekly rentals. Encountering numerous issues with multiple people, noise all night to early in the morning, concerned about security. Not a welcome addition to the neighborhood.

Wallace/Sonya Olson, 7373 Deepwater Pt. Rd. Lived here for 48 years, with the last couple issues have grown with weekly rentals. Up all hours of the night. Security concerns. Explained situation from past where police needed to call in backup to breakup a party. Expressed that these are not your neighbors who you get to know over time. You never know who is going to be moving next to you week after week.

Joel Safronoff, 7206 Peaceful Valley Rd. Spoke to weekly rental issues. 40 year resident. Observes garbage being left out, up to 8 cars parked at a time, needing to pick up shoreline after guests leave since they don't.

Public Comment closed @ 7:11pm.

**B. APPROVAL OF AGENDA:**

Motion by White, support by Rosa, to approve the agenda with removal of the PC Elections due to the number of absentee members. Motion passed.

**C. INQUIRY AS TO CONFLICTS OF INTEREST:** None

**D. CONSENT CALENDAR:**

Motion by Rosa, support by White, to approve the consent calendar adding the date to the Board Minutes. Motion passed.

**1. RECEIVE AND FILE**

**a.** Approved Township Board Minutes 7/15/16

**2. ACTION:**

**a.** Approve Draft Planning Commission Minutes 06/13/16

**b.** Approve Draft Planning Commission Minutes 07/11/16

**E. ITEMS REMOVED FROM THE CONSENT CALENDAR**

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.

1. \_\_\_\_\_
2. \_\_\_\_\_

**F. CORRESPONDENCE:**

1. County Planning Awards - Winter provided nomination form for annual County award nominations
2. Nathan Moore RE South Bates Rd - Winter summarized email correspondence from Mr. Moore detailing issues he wished to have addressed related to S. Bates Road. The Township Supervisor and Jim Cook from the road commission made a visit to the location to observe the behavior of road users as well as the road condition. A detailed response from the Grand Traverse Road Commission was submitted and a subsequent response from Mr. Moore. Winter indicated the area is zoned Agriculture and the road has an unposted 55 mph zone. Believes most concerns are road commission related
3. Crystal Yarlott RE Airbnb - Winter summarized a letter in favor of short-term rentals using the model of room rentals. His interpretation is the Airbnb model where one rents out a room in their home is not allowed in Acme Township based on our definition of "Family" in the Zoning Ordinance.

**G. PUBLIC HEARINGS:** None

**H. OLD BUSINESS:**

1. Zoning Ordinance Amendment 037 – Planned Development - Winter noted changes made by Counsel to address concerns GT County cited in their review regarding the specified wetland percentage that may prevent sensitive lands from being protected. Motion made by Forgette to table action on this until next month due to the number of absent commissioners. Support by White. Motion passed.
2. Zoning Ordinance Amendment 041 – Special Uses
  - a. Article V – Regulated Uses - Last month Winter asked PC members to review the land use and base zoning table list to see if any uses needed to be added or removed. He and PC members reviewed the list and discussed. Suggested changes discussed were; removing Clinics from the listed Clinics and Kennels (animal care facilities) in the Commercial zone since it is already listed under Veterinary Hospitals/Clinics use; possibly removing Golf Course and Drive-In Theatres designation as they could be covered by a PD (golf course) or outdated (drive-in); providing a definition clarification of the Computer Operations land use under Commercial; possible removal of the land use symbol “A” and change to “P” since it deals with accessory structures; possible addition of home satellite dishes to Radio and Television Antennas; possibly review the allowance of cell towers as potential use in agriculture district. A discussion on Lumber and Planing Mills and Sawmills led to possibility of listing them as separate uses. Winter suggest reviewing the identified land use district for Microbrewery, Small Distillery, and Small Winery and possibly adding to B-4 to account for scale and/or allow in other districts. He sees the conservation and preservation development uses being incorporated into the PD ordinance we are looking to adopt. Winter asked counsel if we needed further delineation of a manufactured home and mobile home. He also wondered if Boat Houses were even allowed anymore. Winter questioned whether the limitation of guest houses to the residential zones only and thought the agriculture zone may need to be looked at. This may require further discussion among the PC and Counsel. He encouraged the PC to review the list further.
  - b. Article IX – Special Uses - Winter briefly summarized. Changes made to help read better and incorporated changes from May 9 meeting. A number of outdated uses removed as well as quite a few different variations of a Planned Development with the intent that the adoption of Zoning Ordinance Amendment 037 will address in a more flexible manner. Other changes were made to clarify and strengthen the Basis for Determination. He asked

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## **APPROVED 09/12/2016**

PC about Gasoline Service Stations (9.3) since they also may be covered by Form Base Code since they are only allowed in the commercial district. A discussion on the use of the term “some historical or architectural significance” as a means of determination for a Bed and Breakfast suggested that it may be vague and need to follow set standards for the PC to make a determination. Feringa thought it should stay as is for now. A question from PC on definition of Independent Housing Facilities was explained by Counsel. Winter asked PC to further review

### **I. NEW BUSINESS:**

1. Short-Term Rentals - Winter briefly described the current problems being recently encountered from what appears to be an increase in short-term rentals in residential districts; specifically in the area of Deepwater Point. Many more complaints from current residents from activities such as loud music, excessive drinking, littering, partying, etc.. Though historically short-term rentals have been occurring for decades without many issues, he no longer believes that to be the case based on complaints this year. He is also fielding a higher number of inquiries as to whether people are allowed to rent out their homes which indicates a high demand. He feels the unregulated use of short-term rentals is creating a nuisance in communities where they exist that may jeopardize the health, safety and welfare of those communities. Currently the township does not have a prohibition on short-term rentals or an established ordinance. Airbnb, where one rents out room or portions of one's home, is not allowed based on the Township definition of “Family” in the zoning ordinance per counsel. He explained other jurisdictions have started cracking down on short-term rentals which may be driving demand in this area. He suggested three options for consideration, 1) complete prohibition; 2) continue as is, in an unregulated manner, or 3) allow short-term rentals in a regulated manner. Winter went through how this may be regulated and a discussion occurred with PC members. Most believing option 2 is not an option as they agreed this is a problem that needs to be addressed. Rosa suggested we talk to these property owners to get a feel about regulated use. White suggested looking at Milton Township and Winter suggested looking at Torch Lake Township as well. Forrette brought up the scenario where the option chosen may affect a landowner who has a neighboring property being used as a short term rental. Feringa suggested we look at this closely and we need this written in a strong enforceable manner. He also indicated that this type of use may have associated environmental and/or infrastructure impact on water and sewer. Winter and Counsel to review other ordinances in the area and get more information together for the PC with respect to how to deal with enforcement.
2. Planning Commission Elections - Removed from agenda
3. Zoning Ordinance Review Subcommittee - Winter discussed the possibility of setting up a review committee. PC discussed. Worked well for form based code and other items in the past. May need to look at budget. Winter will get back with PC chair and planner to get more information on what this might look like.

### **J. PUBLIC COMMENT & OTHER PC BUSINESS**

Public comment period started at 8:46pm

Sonya Olson, Feels that even if you license the homes, it does not protect homes from issues and their home's value. Do not feel like they can enjoy the home they own. Everyone else enjoys the property, however, they cannot. Paying lots of money to rent and they feel they can do as they please. Up all hours of night. This week, the tenant (s) brought five dogs.

John Stuart, 7402 Deepwater Pt. - Asked why we have three different residential zones for a reason if you're not going to enforce it. Winter indicated he will discuss with Counsel to gather baseline information so we can look to address.

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**APPROVED 09/12/2016**

Joel/Deb Safronoff - Brought recent example of a safety concerns. We are off water but neighboring property burning with fire ring. Winter indicated Metro fire is responsible for enforcing regulation. Feels now we have to police everything since your neighbor resident changes each and every week.

Pat Buck - Doesn't believe that near him there has never been one "family" using the short-term rentals. Currently going on their 7th group of renters for the summer.

Irene Stuart - It is like the absentee landlord. They do not feel the affect of the activity. Out of sight, out of mind. We get stuck getting dealing with all of the issues.

Wally Olson - The use of a fee or reduction of homestead exemption really will not be effective. The landowner will just increase the rental price. Whatever money lose they will recoup.

Winter recommended to those present that while the PC takes the time to review, continue to report violations of existing ordinances (garbage, open fire, trespass, noise, etc) to the township and law enforcement. PC is taking concerns seriously; it just take some time to work out our next steps with regulations.

Closed at 8:56pm.

1. Zoning Administrator Report – Shawn Winter went over the current ZA report. Had our first outside sale event. Site plan review ordinance goes to County Planning in Aug. Mobile vending and site plan review amendment goes to the board this week. Chase Bank and the Town Center interest for a possible special meeting this month for a preliminary review.
2. Planning Consultant Report – none
3. Township Board Report – White indicated the ZA report covered it. Advised the Autumn Olive thorns could be a problem.
4. Parks & Trails Committee Report – Winter summarized recent TART trail activity; two projects looking for support. Yuba Creek has had recent activities of autumn olive removal provided by the Ruffed Grouse Society. Conservancy is also going to hand treat as a follow-up soon. Big visual change and encouraged everyone to check it out.

**ADJOURN:**

Motion by Forgette to adjourn; support by White. Motion passed. Meeting adjourned at 9:01pm



# MEMORANDUM

## Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: [www.acmetownship.org](http://www.acmetownship.org)

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant  
Date: August 3, 2016  
Re: August 3, 2016 Planning Commission Packet Summary

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**A. LIMITED PUBLIC COMMENT**

1. Open: \_\_\_\_\_ Close: \_\_\_\_\_

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**B. APPROVAL OF AGENDA**

1. Motion by: \_\_\_\_\_ Support: \_\_\_\_\_

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**C. INQUIRY AS TO CONFLICTS OF INTEREST**

1. Name: \_\_\_\_\_ Item: \_\_\_\_\_  
2. Name: \_\_\_\_\_ Item: \_\_\_\_\_

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**D. CONSENT CALENDAR:**

1. RECEIVE AND FILE:
  - a. Draft Township Board Minutes 07/05/16
2. ACTION:
  - a. Approve Draft Planning Commission Minutes 06/13/16
  - b. Approve Draft Planning Commission Minutes 07/11/2016

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**E. ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR**

1. \_\_\_\_\_
2. \_\_\_\_\_

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**F. CORRESPONDENCE:**

1. County Planning Awards Nominations
  - I have been asked to distribute the annual County Planning Award nomination forms.
2. Nathan Moore – re South Bates Rd
  - Mr. Moore submitted a correspondence detailing issues he wished to have addressed related to South Bates Rd. His claims are detailed in his correspondence. Township Supervisor Jay Zollinger made a visit to the location with Jim Cook of the Road Commission to observe the behavior of road users as well as the road condition. Mr. Cook's response has been included, as have Mr. Moore's subsequent responses.
3. Crystal Yarlott – re Airbnb
  - Ms. Yarlott contacted me regarding Airbnb regulations. Her letter is stating her support of the activity as a host with Airbnb. However, it appears she misunderstood what is and isn't allowed in the Zoning Ordinance. Comments providing clarification are detailed in the memo on the topic under item I(2).

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**G. PUBLIC HEARINGS:**

**H. OLD BUSINESS:**

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**1. Zoning Ordinance Amendment 037 – Planned Development**

- The County Planning Commission reviewed the proposed amendment and suggested that the 10% wetland or less requirement for a density transfer may prevent sensitive lands from being protected.
- Counsel has provided alternative language to the item under §19.6(c)(1)
- Suggested Motion:
  - *Motion to incorporate the changes to §19.6(c)(1) as presented and to recommend approval to Township Board.*
  - Motion: \_\_\_\_\_ Support: \_\_\_\_\_

**2. Zoning Ordinance Amendment 041 – Special Uses****a. Article V – Regulated Uses**

- Amending Article IX – Special Uses led to the review of regulated uses in the Township and a new Article which lists the uses allowed by right and through a special use permit for each district. This Article, along with Articles I and IV were presented at the July 11 PC meeting.
- The Planning Commission was asked to review the list to determine if any uses should be removed or added. This would be the most appropriate time to make these adjustments. We will review the list at this meeting and hear each Commissioner's comments.

**b. Article IX – Special Uses**

- John Iacoangeli has incorporated changes to the Article that have been received since first being presented at the May 9 PC meeting.
- A number of outdated uses have been removed.
- The Article had quite a few different variations of a Planned Development that have also been removed. The intent is that if Zoning Ordinance Amendment 037 – Planned Development gets adopted, it will replace all these variations with one flexible Planned Development option.
- Other changes have been made to clarify and strengthen the Basis For Determination.
- Suggested Action:
  - Incorporate changes recommended by the PC to the Regulated Uses table in Article V
  - Review and discuss proposed changes to Article IX, identify sections that need to be modified. Additional Changes will be incorporated.
  - When the time comes to send the amendment to County Planning, I would prefer to send Articles I, IV, V and IX together as one amendment since they are interrelated. However, we have an existing Article V that lays out the Zoning Board of Appeals process, so we'll need to identify the correct way to move forward in this fashion.

**I. NEW BUSINESS:**

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**1. Short-Term Rentals**

- The Safronoffs spoke during Public Comment at the July 11, 2016 PC meeting and made the Commission aware of the problems they have been experiencing due to a short-term rental in the neighborhood.
- Compared to last year, I have had an exceptionally high number of complaints associated with short-term rentals, as well as inquiries from parties interested in operating short-term rentals.
- There are two types of short-term rentals being operating in the Township: 1) renting out a whole house to guests, and 2) renting out a portion of one's house to a small number of guests.

- Based on the level and nature of complaints, I believe that short-term rentals are becoming a nuisance in the Township and the Planning Commission should consider options to address the problem.
  - One option is an outright prohibition. We'll need to review the Zoning Ordinance language to make sure it states that without any ambiguity.
  - The option is to allow short-term rentals, either both or one of the two methods currently being used in the Township. I highly recommend some sort of regulatory process if this is the direction you would like to go.
  - The attached memo provides answers to a number of questions that may be helpful.
2. **Planning Commission Elections**
- Annual election of Officers is to take place following the format on Counsel's attached memo.
3. **Zoning Ordinance Review Subcommittee**
- John Iacoangeli and I discussed the option of creating the Zoning Ordinance Review Subcommittee with goal of assisting the Zoning Ordinance rewrite process move along at a more efficient pace.
  - It is my understanding that subcommittees have existed in the past when establishing the Ag and form-based code ordinances.
  - We should discuss what responsibilities the subcommittee will acquire and the benefit it will provide in order to determine the degree to which it is needed.

J. **PUBLIC COMMENT & OTHER PC BUSINESS:** 

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1. **Public Comment:**

- Open: Close:

2. **Zoning Administrator Report:** Shawn Winter

• **Permits**

- Land Use Permits (since June 13) - 9
  - 2016-22 New Home
  - 2016-23 New Home
  - 2016-24 Commercial (Traverse City State Bank)
  - 2016-25 New Home
  - 2016-26 Accessory (Flintfields Stable Tent)
  - 2016-27 New Home
  - 2016-28 Commercial (Storage Unit Condo)
  - 2016-29 Commercial (Storage Unit Condo)
  - 2016-30 Commercial (Dental Office)
- Sign Permits - 3
  - 2016-08 Temporary, Traverse City State Bank
  - 2016-09 Temporary, Home Builders Association
  - 2016-10 Temporary, Pro Fireworks
  - 2016-11 Temporary, Home and Garden Tour
  - 2016-12 Temporary, East Bay Medical
  - 2016-13 Temporary, MI Local Hops
  - 2016-14 Temporary, Evergreen Market
  - 2016-15 Permanent, Wild West Tobacco Shop
- Temporary Outdoor Sales - 1
  - 2016-01 Woodland Creek, UR Design

- Zoning amendment 042 addressing the regulated uses in the form-based code district has been sent to the County Planning Commission and will be on their August 16 agenda.

3. **Planning Consultant Report:** John Iacoangeli

4. **Township Board Report:** Doug White
5. **Parks & Trails Committee Report:** Marcie Timmins



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, July 5, 2016, 7:00 p.m.**

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

**Members present:** J. Aukerman, C. Dye, A. Jenema, G.LaPointe, D.White, J. Zollinger

**Members excused:** P. Scott

**Staff present:** N. Edwardson, Recording Secretary

**A. LIMITED PUBLIC COMMENT:**

P. Anderson, 10108 Kay Ray Road, thanked the Board for the action taken on getting the two burnt houses in the Township cleared up.

**B. APPROVAL OF AGENDA:**

LaPointe requested a discussion on a new town hall to be added under New Business #2.

**Motion by Jenema, seconded by White to approve the agenda with the addition to New Business. Motion carried by unanimous vote.**

**C. APPROVAL OF BOARD MINUTES 06/07/16**

LaPointe stated that the motion on Resolution for Trustees' salaries does not reflect his opposition to the motion.

**Motion by White seconded by LaPointe to approve the 06/07/16 Board minutes with the correction to the Trustees' salaries motion of one opposing. Motion carried by unanimous vote.**

**D. INQUIRY AS TO CONFLICTS OF INTEREST: None**

**E. REPORTS:**

**1. Clerk – Dye**

Dye commented that absentee ballots for the August primary are going out.

**2. Parks – Henkel Received and filed**

**3. Legal Counsel – No report**

**4. Sheriff – No report**

**5. County – Carol Crawford – No report**

**6. Roads – Marc McKeller – No report**

**F. SPECIAL PRESENTATIONS/DISCUSSIONS: None**

**G. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

**1. RECEIVE AND FILE:**

**a. Treasurer's Report**

**b. Clerk's Revenue/Expenditure Report and Balance Sheet**

**Draft unapproved meeting minutes**

**1. Planning Commission 06/13/16**

**2. APPROVAL:**

**a. Accounts Payable Prepaid of \$7,218.07 and Current to be approved of \$90,473.25  
(Recommend approval: Cathy Dye, Clerk)**

## DRAFT UNAPPROVED

**Motion by Dye, seconded by White to approve the consent calendar with the removal of the Planning Commission minutes of 06/13/16 and Addendum to Treasurer's report. Motion carried by unanimous roll call vote.**

### **H. ITEMS REMOVED FROM THE CONSENT CALENDAR:**

Jenema asked White if there was an update to Temporary Outdoor sales as there was a Planning commission meeting after the last Board meeting. Discussion.

**Motion by Jenema, seconded by White to approve the Planning commission minutes of 06/13/16 as presented. Motion carried by unanimous vote.**

LaPointe asked Jenema about the \$534,783.00 balance in general fund. Discussion. The question was is this amount about average for this time of year or a little high. Jenema responded it is about normal and does fluctuate based on tax times and some annual expenses.

**Motion by LaPointe, seconded by White to approve the Treasurer's report as presented. Motion carried by unanimous vote.**

### **I. CORRESPONDENCE:**

1. Letter dated 6/28/16 from Seventh-Day Adventist church regarding door-to-door missionary work in Acme Township this summer.

### **J. PUBLIC HEARING: None**

### **K. NEW BUSINESS:**

#### **1. Acme 401k changes – Dye/Zollinger**

Discussion of the township 401k plan. State law changes to now be called “457”. Dye and Zollinger will be meeting with another company on July 7<sup>th</sup>.

#### **2. Discussion on a new town hall**

LaPointe stated he would like some discussion on a new town hall. Discussion followed with the Board willing to pursue the issue. Board will look to form a committee of residents willing to commit to at least a year of seeking and gathering information on a new building. By a straw vote the Board was willing to have a resolution drawn up for the August Board meeting in favor of setting aside monies up to \$30,000.00 for this endeavor. Board will be thinking of potential residents to participate.

### **L. OLD BUSINESS:**

#### **1. Employee Handbook final updates – Dye**

Draft employee handbook was reviewed by the Board with no additional corrections.

**Motion by LaPointe, seconded by Jenema to adopt the newly amended employee handbook as presented. Motion carried by unanimous vote.**

#### **2. Proposed Police power ordinance mobile food trucks**

The Board previously asked the Planning Commission to draft a police power ordinance regulating mobile food vending units (i.e.food trucks) in the Township. The Board was given a draft ordinance at the June meeting.

**Motion by White, seconded by Jenema to set a Public Hearing for the August Board meeting for the Police power ordinance regulating mobile food vending units in Acme Township. A fee also will be set. Motion carried by unanimous vote.**

#### **3. Status of demolition of two burnt houses in Acme Township**

Following Anderson's public comment on the burnt houses in the township Zollinger stated we are waiting for asbestos abatement to be completed and then the house on 31 North will be taken down. The house on

**DRAFT UNAPPROVED**

M72 is currently being removed.

**PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

Jenema wanted the Board to know that a citizen questioned the qualifying statement not showing up on the state website. The “F-65” report is only required for bonding by the township. Our auditor provided a F-65 to the state for 2013-2014. One was not provided in the 2014-2015 audit but will be done as part of the 2015-2016 by our auditor, Gabridge & Co.

Jenema passed out some information on the Traverse City to Chalevoix trail. Also a proposed Acme TART connector – Bunker Hill to VGT/Phase 1 TC to CHX Bayside park through Deepwater Natural area and TC to Jenema

**ADJOURN AT 8:40 pm**



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
June 13<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE : 7:00pm**

**ROLL CALL:**

PC Members Present: D. Rosa, D. White, K. Wentzloff, M. Timmins, B. Ballentine, T. Forgette

PC Members Absent: J. Jessup

PC Members Excused: J. DeMarsh, S. Feringa

Staff Present: S. Winter, Zoning Administrator, J. Iacoangeli, Township Planner, J. Jocks, Counsel

**A. LIMITED PUBLIC COMMENT:** Opened at 7:02pm

C. Abernathy, 431 Westridge. Noticed signs of cut lawn between east side Meijer and Lautner Road and thought that SUP indicated that to be left as meadow according to plans. Wentzloff indicated this would be investigated.

R. Babcock, 4261 Bartlett Road. Asked if VGT would be able to change their SUP in order to utilize aspects of PD if it is approved or are they restricted. Jocks indicated they would have to amend SUP for any changes. Iacoangeli said property is essentially a mixed-use PD already. Any changes would require an amendment process similar to what they used last year for changes made and since rescinded.

Public comment closed at 7:09pm.

**B. APPROVAL OF AGENDA:**

Motion by Timmins to approve agenda as presented; support by White; motion passed unanimously.

**C. INQUIRY AS TO CONFLICTS OF INTEREST:** None

**D. CORRESPONDENCE:** None

**E. PUBLIC HEARINGS:**

Motion by Timmins to set a public for Zoning Ordinance Amendment 042 - 6.6.4 Land Use Table in the form-based code district to July's meeting due to a missed deadline for public notice, support by Ballentine. Motion passed unanimously.

**F. OLD BUSINESS:**

**1. Zoning Ordinance Amendment 041 – Article IX Special Uses**

Iacoangeli indicated during discussions and preparations with Winter that it became apparent that things may be presented in the wrong order. They would like to change and come back with article revision that is different. One article that shows intent and purpose for each zoning district and one article with regulated uses in table format. Explained purpose and asked PC for more time to put this together and PC members agreed.

**2. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales**

Winter indicated to the PC that the Board adopted Zoning Ordinance Amendment 038, but that there was some confusion on section 7.2.10(a)(4) which prohibits outside or third-party vendors. They want the PC to review and provide clarification on the intent. Discussion occurred among PC members present. A poll of members supported not to allow outside or third-party vendors to operate temporary outdoor sales. Concerns included

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proliferation of tents, and difficulty to administer. The ordinance allows an existing business more flexibility in the sale of their regular inventory of goods and products and provides more flexibility than before its adoption.

### **3. Zoning Ordinance Amendment 037 – Planned Development**

Winter went to the GT County Planning Commission that reviewed the ordinance. The only issue that came up during this county meeting was the 10% wetland stipulation. A discussion occurred among the PC on “what is a wetland”. Jocks indicated the ordinance does have a definition of a wetland that is similar to that of the MDEQ. The township also has regulations to restrict development in wetlands. Jocks feels the intent of the percentage was to limit and protect the wetland. Additionally, the transfer limit of 10% is based only on the acreage of the property that is deemed developable by the ordinance. Iacoangeli indicated that re-writing C.1 to better clarify the amount of wetland cannot be used in the transferrable property amount. Suggested language for C.1 (page 4, line 29) would be if the sending parcel contains wetlands, only the buildable acreage shall count against the allowable transferrable density. The language would be re-written for the next meeting.

## **G. NEW BUSINESS:**

### **1. Preliminary Conceptual Plan Discussion for VGT Properties Along M-72**

J. Iacoangeli provided PC with summary of administrative meetings as the result the potential relocation of Chase Bank into the development. In process of review, it was noted the design was more of a stand-alone design as opposed to the integrated use within the development. The existing conceptual plan of 2004 is used to analyze proposed properties and is now recognized the market has changed. In doing so, there may be a way to create a design that meets the intent of a town center and still meet the layout needs of prospective businesses. Based on comments provided, developers are in process of re-design. Iacoangeli also indicated his staff is looking into that first tier of properties along M72 and the first drive and how it can be integrated into the overall development in order to visualize it as more of a village/downtown.

### **2. Spirit of the West Sculpture Display**

Winter summarized a request from Spirit of the West asking if they could display a sculpture with landscaping in one of the parking lot islands. The sculpture(s) themselves may be purchased. The question is whether or not this merchandise is being used as a sign. PC discussion occurred and it was deemed that it is merchandise and is therefore signage. There is already a sign present.

## **H. ADMINISTRATIVE ACTION**

1. Receive and file Township Board Minutes 04/05/16. Motion by Timmins to receive and file Township Board Minutes 04/05/16, support by Ballentine. Motion passed unanimously.
2. Receive and file Township Board Minutes 04/20/16. Motion by Timmins to receive and file Township Board Minutes 04/20/16, support by Ballentine. Motion passed unanimously
3. Approve draft Planning Commission Minutes 05/09/16. Motion by Timmins to approve draft Planning Commission Minutes 005/09/16, support by Ballentine. Motion passed unanimously.

## **I. PUBLIC COMMENT & OTHER PC BUSINESS**

1. Zoning Administrator Report – Shawn Winter provide synopsis of zoning activity in the previous month.

### **Zoning Administrator Report:**

#### **➤ Land Use Permits – 8**

- 2016-13: Demolition
- 2016-14: New Home
- 2016-15: Accessory
- 2016-16: New Home
- 2016-17: Demolition
- 2016-18: Accessory
- 2016-19: Accessory

- 2016-20: New Home
  - Sign Permits – 4
    - 2016-06: Martin Land Improvement (permanent)
    - 2016-07: Traverse City State Bank (permanent)
    - 2016-08: Traverse City State Bank (temporary)
    - 2016-09: Home Builder's Association (temporary)
  - Municipal Civil Infractions – 1
    - Pro-Fireworks, temporary sign violation
  - Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment) and Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review have been sent to the Grand Traverse County Planning Commission for review. I anticipate them being placed on the June 21, 2016 agenda.
  - Zoning Ordinance 040 - §6.6.4.1 Regulated Uses was adopted by the Board at their June 7, 2016 meeting. This amendment established that new projects in the form-based code district must meet the provisions of that section in the case that a conflict exists with provisions elsewhere in the ordinance.
  - SUP 2016-01 Minor Amendment to SUP 2004-11P was approved by the Board at their June 7, 2016 Board meeting. This amendment rescinded the VGT's amendment #3/
  - Mobile Food Vending Units have been presented to the Board. They didn't really have many questions or comments. They are going to process through it and set a public hearing at their next meeting on July 7, 2016.
  - Walkability Workshop: Design, Function, Maintenance and Liability – CANCELLED
2. Planning Consultant Report – John Iacoangeli wanted to thank Ballentine for tenure and that it was a pleasure to work with her.
3. Township Board Report – Doug White indicated Board passed the budget and signed off on Yuba Boat launch and Sayler park upgrades are moving ahead. A contractor has been selected.
4. Parks & Trails Committee Report – Marcie Timmins indicated standard meeting dates have been chosen and the mission statement has been updated. Continuing on with Bayside park and selection of contractors. Walkway is going to be put in.

**ADJOURN:** Motion by Timmins to adjourn, support by White. Motion passed unanimously. Meeting adjourned at 8:39pm.



**DRAFT UNAPPROVED**

**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
July 11<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: @ 7:02pm**

**ROLL CALL:**

**PC Members Present:** D. Rosa, D. White, S. Feringa (Vice Chair), K. Wentzloff (Chair), M. Timmins, T. Forrette (Secretary), B. Balentine

**PC Members Absent:** J. Jessup

**Staff Present:** S. Winter, Zoning Administrator; J. Iacoangeli, Township Planner

**A. LIMITED PUBLIC COMMENT: 7:03pm**

Joel and Debbie Safronoff, 7206 Peaceful Valley Road. Voiced a concern about nuisance issues on a weekly rental in Woodland Acres over the past three weeks and showed some pictures of the issues. Though not a problem in the past, described recent issues this summer related to a nearby property and wanted to know what could be done. They reported issues related to garbage being left, personal safety, etc. to Township Supervisor who indicated the nuisance issues were not allowed but an ordinance would be necessary to prohibit weekly rentals. Discussion occurred and it was thought to look into the topic of weekly rentals in the near future.

Winter wanted to go on record regarding a voicemail message received today at 6pm from Brian Kelley. He was concerned about the site plan review amendment that is on the agenda. Feels recommendation to the Board should be postponed since many people are busy and away in the summer and it should be moved to a later date. Wentzloff asked if whether we should not do anything in December either due to holiday and wanted to go on record saying perhaps we should not work since life is too busy.

Public comment closed at 7:16pm

**B. APPROVAL OF AGENDA:**

Motion by Timmins to approve the agenda as presented, support by White. Motion passed unanimously

**C. INQUIRY AS TO CONFLICTS OF INTEREST:**

Feringa recused himself from discussion on agenda item H.2 Conceptual Plan for VGT Properties along M-72.

**D. CONSENT CALENDAR:**

- 1. RECEIVE AND FILE**
  - a. Approved Township Board Minutes 05/10/16
  - b. Draft Township Board Minutes 06/07/16
- 2. ACTION:**
  - a. Draft Planning Commission Minutes 06/13/16

**E. ITEMS REMOVED FROM THE CONSENT CALENDAR**

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 UNAPPROVED**

1. Draft Planning Commission Minutes 06/13/16 - Removed from agenda by PC as draft minutes missing from packet.

Motion by Timmins to approve the consent calendar with the removal of action 2.a. Support by Forrette. Motion passed unanimously.

As a housekeeping note, Wentzloff recommended consent calendar item listings should include “approve” where appropriate for items under ACTION.

**F. CORRESPONDENCE:** None.

**G. PUBLIC HEARINGS:** Opened at 7:20pm

1. Zoning Ordinance Amendment 042 – Land Use Table under §6.6.4.1 Regulated Uses

No public comment. Hearing closed at 7:20pm.

**H. OLD BUSINESS:**

1. Zoning Ordinance Amendment 042 – Land Use Table under §6.6.4.1 Regulated Uses

Winter summarized table and went through the recommended changes from previous meeting discussions with PC members. The following changes have been proposed to the Land Use Table under §6.6.4.1 Regulated Uses in the US-31/M-72 Business District (Form-based code district):

- o *Deletions under the Commercial Category*  
The land use “Bar / Tavern.”  
Under the “General Retail” land use the following exception shall be deleted “e. outdoor sales and storage of cars, boats, trucks and RV’s”  
The land use “Microbrewery.”
- o *Additions under the Commercial Category*  
The land use “Restaurant, café, coffee shop, bar and taverns except with the following features.”  
Under the “Restaurant, café, coffee shop, bar and taverns except with the following features,” add the following “Outdoor Service” as a Special Use Permit (“SUP”) in the “C” and “CF” zoning districts.  
The land use “Microbrewery, Small Distillery, and Small Winery.”
- o *Additions under the Transportation / Utilities Category*  
Public Transit Stop or Station as a Permitted Use (“P”) in the MHN Zoning District.

Motion made by Balentine to send Zoning Ordinance Amendment 042 – Land Use Table under §6.6.4.1 Regulated Uses to the Grand Traverse County Planning Commission for review and to recommend approval to Township Board. Support by Timmins. Motion passed unanimously.

**2. Conceptual Plan for VGT Properties Along M-72**

Iacoangeli provided an overview of a meeting and subsequent discussions with a potential applicant to VGT in the area of the first entrance along M-72. It became apparent to Iacoangeli and others that as presented the area of the site looked like out lots that would stand alone and like that you would see at a suburban site and was inconsistent with the current conceptual plan from 2004. The design dilemma is that the properties wanting to look nice along M-72 but should do so also internally within the development requiring basically two store fronts. Iacoangleli and his firm took this opportunity for a quick mockup of how the properties along this frontage could look and be integrated and presented the drawing to the PC incorporating important components like pedestrian friendly, shared driveway/parking lots, landscaping, incorporated pathways, etc. This drawing was presented to VGT and suggested that a new conceptual plan be created so as to better reflect current conditions. This would require an amendment to the SUP and is part of the continuing process. PC discussed.

**DRAFT UNAPPROVED**

**3. Zoning Ordinance Amendment 039 – Article VIII Site Plan Review**

Winter went over the ordinance as written with changes. The ordinance was part of the consent calendar at the last County Planning Commission meeting and was approved without discussion. Winter asked whether this should be sent to the Board for review and adoption now or part of the overall Zoning Ordinance adoption. Discussion occurred. As a Board member, White was concerned that having to review and approve the entire Ordinance in December may be too much to go over considering this is an election year and potential changes to Board membership. Iacoangeli thought some parts of the ordinance such as this one stand alone and could go to the board now. Wentzloff urged that the PC and staff make sure that other components (such as fee schedules, regular committee meeting schedules, by-laws, per diem, etc) may be linked and should be all buttoned up prior to being sent to the Board for review and approval. Some items may need to have Counsel review and should all be done prior to Board review.

Motion by Timmins to send the Zoning Ordinance Amendment 039, Article VIII Site Plan Review, to the Township Board for approval, support by Ballentine. Motion passed unanimously.

**4. Zoning Ordinance Amendment 041 – Article IX Special Uses**

Iacoangeli went over the progress made to Article IX since last meeting. Continued discussion to reorganize and identify the uses allowed (by right and special uses) in each district to better understand what changes need to be made in Article IX. Table format removes about 45 pages of the ordinance while making it easier to follow by removing repeating components. Counsel indicated that clarifications needed for accessories, and unlisted uses (Section 5.6). Iacoangeli feels there needs to be something in the ordinance for unlisted uses that the PC could act upon as opposed to sending to the ZBA. PC members agreed. Winter emphasized to PC that this would be a good opportunity for the PC to spend some time reviewing the regulated uses to make sure the tables reflect current and perhaps future land uses. Wentzloff asked about zoning district boundaries in Article 1.6.C.5 and possible conflict in Article 4. Iacoangeli explained rationale for provisions. Wentzloff also wondered if Article 4.14 and possibility of combining the language in parts A-C. Iacoangeli explained the language but could look at making more concise. A discussion on home dimension and square footage occurred which the PC decided this required additional review as its own item in the future. Discussion on if special land use in Article 5 requires a special land use permit. Section 5.9 table will receive additional review and work that involves staff to combine other sections. This will take some time to compile before it is ready for PC review. Usage taken from existing ordinance. Section 4.2 lists established districts and the naming conventions can be addressed later on. Overall, staff and PC are pleased with the process and the direction this rewrite is going.

**I. NEW BUSINESS:**

**1. Review §7.4 Signs**

Winter discussed with PC his determination of a recent sculpture on commercial property at the request of the PC Chair. He and counsel will be looking again at our current sign ordinance. They are looking at other communities ordinances and looking at how we regulate signage and abide with recent changes in case law.

**J. PUBLIC COMMENT & OTHER PC BUSINESS - Opened at 8:26pm, closed at 8:26pm.**

- 1. Zoning Administrator Report –** Shawn Winter provided brief summary of recent activity
- 2. Planning Consultant Report –** John Iacoangeli thinks we may see a minor amendment for VGT and a possible site plan for Chase next month
- 3. Township Board Report –** Doug White indicated work on Sayler Park commencing with road closed for work. Next month looking at Tart Trail.
- 4. Parks & Trails Committee Report –** Marcie Timmins reiterated White's report and added that a recent meeting discussed design standards.

**ADJOURN:** Motion to adjourn to by Timmins; support by Balentine. Motion approved unanimously. Meeting adjourned at 8:27pm.

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.

## **Request For Annual Awards Banquet Nominations**

The Annual Awards Banquet, co-sponsored by the County Planning Commission and the County Chapter of Michigan Townships Association, is scheduled for **Thursday, November 3, 2016** at Boone's Long Lake Inn. Once again, we are looking to you for help in nominating individuals or projects to receive awards. We are asking you to be creative and think outside the box to nominate individuals and projects that support or exemplify good planning in Grand Traverse County. Below is a brief description of the award categories.

- ***Certificates of Appreciation***—given to individuals nominated by their local unit of government for outstanding work during the past year.
- ***Distinguished Service Awards***—recognize individuals who have gone beyond the call of duty in their efforts for their unit of government and the wider community during the past year.
- ***Placemaking Awards***—recognizes local units of government or activities that capitalize on a local community's assets, inspiration, and potential, ultimately creating good public spaces that promote people's health, happiness, and wellbeing.
- ***Outstanding Development Awards***—awarded by the individual local units in recognition of developments in their community. Each local unit will be able to use the awards banquet as a forum to recognize any developer for an outstanding project. The presentation will be made by the local unit and the local unit will be responsible for arranging for a display board and the dinner fee for the recipient(s).
- ***The Roger Williams Planner Award***—recognizes the efforts of professional planners in the County. Named for the first director of the County Planning Commission, Roger Williams, the award is given to a professional staff or consulting planner that has been nominated by a unit of government for outstanding professional work. A traveling plaque is awarded to the unit of government or organization the recipient represents.
- The most prestigious award is the ***Frank Purvis Stewardship Award***. This award is given to a citizen planner who demonstrates high ideals of leadership, dedication, and volunteerism. This award consists of two plaques, one to the recipient and the second is a traveling plaque that is presented to the award winner's unit of government.

Enclosed you will find nomination forms for each of the award categories. Please discuss the awards program with your planning commission and board and make nominations for this year's banquet. We are requesting that your nominations be in the Planning & Development Office by **Friday, October 7**. This will assure that the Awards Banquet Committee has sufficient time to review the nominations. Your nominations may be mailed, emailed ([jsych@grandtraverse.org](mailto:jsych@grandtraverse.org)), or faxed (231-922-4636).

If you have any questions about any of the awards, or if you have an idea of an award you would like presented, please contact John at the Planning & Development Office at 922-4677.

We look forward to seeing you at the banquet on November 3<sup>rd</sup>!

County Association - County Planning Awards Banquet

Nomination Form

Frank Purvis  
Stewardship Award Program

*"None of us really owns the land we occupy during our brief span, we are stewards; entrusted with the care and management of the land. It is expected that we will turn it over to subsequent generations in as good, if not better condition as when it was under our responsibility."*

*Frank Purvis*

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

Title: \_\_\_\_\_

Unit of Government: \_\_\_\_\_

Nominated By: \_\_\_\_\_

Please write a brief description of the reasons for nominating this individual:

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Supporting information may be attached if desired

***Please return to the County Planning & Development Office by  
Friday, October 7, 2016***

**County Association - County Planning Awards Banquet**  
**Nomination Form**

Name of Nominating Organization: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Phone Number of Contact Person: \_\_\_\_\_

Please include name of award recipient and reason for nomination.

**Certificate of Appreciation:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Distinguished Service:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Placemaking Award:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Outstanding Development Award:** Each local unit will be able to use the awards banquet as a forum to recognize any developer for an outstanding project. It will be the responsibility of the nominating unit to make the presentation at the banquet, to provide a display highlighting the project, and to register the recipient for the banquet, including the registration fee. County Planning will provide the award certificate. It is hoped that those nominating a project would follow basic criteria used in the past such as project completed within the last year, shows outstanding planning, i.e., access control, open space preservation, landscaping, and has been nominated by motion by a local planning commission, council or board. We expect each presentation to be relatively short, no longer than 5 or 7 minutes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supporting information may be attached if desired

***Please return to the County Planning & Development Office by  
Friday, October 7, 2016***

County Association - County Planning Awards Banquet

Nomination Form

The Roger Williams  
Planner Award

*"Established November 1, 2001 to honor individuals for excellence in the professional field of planning or volunteer service to the community through encouraging or facilitating cooperative efforts between local units, agencies, and the County by fostering the County Master Plan and guidebooks."*

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

Title: \_\_\_\_\_

Unit of Government: \_\_\_\_\_

Nominated by: \_\_\_\_\_

Please write a brief description of the reasons for nominating this individual:

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Supporting information may be attached if desired

***Please return to the County Planning & Development Office by  
Friday, October 7, 2016***

## Shawn Winter

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**From:** Nathan Moore <nathan@gosigmed.com>  
**Sent:** Wednesday, July 27, 2016 12:06 PM  
**To:** Jim Cook; GTCRC\Info; Jay Zollinger; karly.wentzloff@gmail.com; bethfinch50@yahoo.com; johnlewisjessup@gmail.com; steve.feringa@live.com; jdem@charter.net; sticksnstonez@gmail.com; trae.forgette@gmail.com; atpc7rosa@yahoo.com; drwhite231@gmail.com; Shawn Winter; Jay Zollinger; Cathy Dye; jkaukerman@sbcglobal.net; pscott875@hotmail.com; drwhite231@gmail.com; gordie.lapointe@gmail.com; Amy Jenema  
**Cc:** bgiddis@gtsheriff.org; Deb Hunt; Toby Javin; Mike Chandler; Joe Slonecki; Jim Johnson; Laura Tandy  
**Subject:** RE: South Bates Road Safety Concerns

Mr. Cook,

First and foremost your efforts to inspect our road are appreciated however clearly incompetent since you visited the road after 1) it was graded & 2) brined. That was not a clear and decisive picture of the problem and anyone with any common sense would tell you the same. I have taken more pictures of the road again this morning showing the destruction from the MI HOPS traffic not only in the center of the road but also the edges which are the safety area for walking. I will also advise you my family has spent several thousands of dollars installing high-tech surveillance equipment and I am able to see a piece of rice on the dash of a car traveling 90mph down the road, as well as the ability to collect license plate information and pictures of the vehicle and driver for identification. We have also installed software that can identify the speed of a moving vehicle within 0.05 of 1% of actual speed. And we have installed dash cameras on our vehicles to record our travels as well as the rude behavior from the HOPS employees.

I am not going to argue with you on what the road commission spent OUR money on but you know as well as I do, new vehicles (trucks) for administrative staff were purchased in the middle of what you guys deemed a time of "no money" and serious budget deficits.

Furthermore my attempts to get these issues rectified has resulted in me being contacted by a prominent down state law firm (Jeffery Fieger) whom is now retained on behalf of our residents and we will be pursuing, at all costs, speed studies as well as speed reduction, and road improvement measures.

Finally I stated in my previous communications, IF ANYONE is INJURED while legally walking or driving on this road we will take full legal action both criminal and civil to the fullest extent of the law. I will be at the township planning meetings as promised and my attorney will be contacting the necessary individuals going forward.

Sincerely,

Nathan A. Moore, BS, CCM, CBIS  
*Corporate Business Manager*  
Signature Medical Equipment, LTD  
Email: nathan@gosigmed.com  
Tel: 800.419.0010 EXT: 110  
Fax: 586.783.8944



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**From:** Jim Cook [mailto:[jcook@gtcrc.org](mailto:jcook@gtcrc.org)]

**Sent:** Tuesday, July 26, 2016 5:51 PM

**To:** GTCRC\Info <[Info@gtcrc.org](mailto:Info@gtcrc.org)>; Nathan Moore <[nathan@gosigmed.com](mailto:nathan@gosigmed.com)>; ask@acmetownship.org; karly.wentzloff@gmail.com; bethfinch50@yahoo.com; johnlewisjessup@gmail.com; steve.feringa@live.com; jdem@charter.net; sticksnstonez@gmail.com; trae.forgette@gmail.com; atpc7rosa@yahoo.com; drwhite231@gmail.com; swinter@acmetownship.org; jzollinger@acmetownship.org; cdye@acmetownship.org; jkaukerman@sbcglobal.net; pscott875@hotmail.com; drwhite231@gmail.com; gordie.lapointe@gmail.com; ajenema@acmetownship.org

**Cc:** bgiddis@gtsheriff.org; Deb Hunt <[dhunt@gtcrc.org](mailto:dhunt@gtcrc.org)>; Toby Javin <[tjavin@GTCRC.ORG](mailto:tjavin@GTCRC.ORG)>; Mike Chandler <[mchandler@gtcrc.org](mailto:mchandler@gtcrc.org)>; Joe Slonecki <[JSalonecki@gtcrc.org](mailto:JSalonecki@gtcrc.org)>; Jim Johnson <[jjohnson@GTCRC.ORG](mailto:jjohnson@GTCRC.ORG)>; Laura Tandy <[LTandy@gtcrc.org](mailto:LTandy@gtcrc.org)>

**Subject:** RE: South Bates Road Safety Concerns

Mr. Moore,

I have included everyone in the original email in hopes of letting everyone know at the same time and to keep everyone informed regarding your July 18, 2016 email. Please understand as the Grand Traverse County Road Commission we can only respond to the issues regarding the road and areas where we have jurisdiction.

It is my understanding you own property and live at 5377 Bates Road South of M-72. This section of Bates Road is partially paved, partially gravel and partially seasonal meaning that section of road is closed to public travel during certain months throughout the year. We do grade our gravel roads usually on a monthly basis in addition to grading and brining of gravel roads as determined by each township. The township also determines the frequency of brine during the year. Most gravel roads in Grand Traverse County receive 2 applications of brine and occasionally some receive a 3<sup>rd</sup> application. There is a cost for the application of brine to gravel roads and we partner with the townships on the first two applications each year.

We are not involved with the Township's budget or how they allocate funds but I can tell you we didn't reduce service to our residents or neglect road maintenance to purchase new vehicles for the road commission. Our priority is to provide safe and efficient roads within Grand Traverse County. One thing that residents don't realize is we do try to minimize grading after brining to preserve the brined surface of the road. Unless we receive rain in between, grading the road too often creates dusty conditions which defeats the purpose for the brine.

On Tuesday July 19, 2016 we visited Bates Road with the Township Supervisor, our general foreman and superintendent to assess the condition of the road. The road as you probably know was in very good condition as we had just graded

the road and had the second brine application completed the day prior to our visit.....it was good timing. We did not see any evidence of the road being destroyed by commercial traffic or witness any vehicles driving at an excessive speed. It is a country road and the speed limit was established years ago at 55 mph. which is unposted. Based on your comments, I would guess the issue is likely more about enforcement than anything else. If you believe the speed limit is too high on Bates Road you can request the township pursue a speed reduction. The township would have to pass a resolution to ask the Road Commission to initiate a speed study. Once we receive the request, we work with the State police who actually perform the speed study and ultimately have to authority to modify a speed limit. The state police determines if the speed study is warranted and if they approve will perform the study. The study is based on the speeds 85<sup>th</sup> percentile of the speeds observed. If they observe reduced speeds then they can issue a Traffic Control Order which our board would then approve the installation of signs reflecting the change in speed limit.

Considering your list, Item 1, we generally maintain our gravel roads in accordance with Item 1 so I don't believe this is an issue. Keep in mind we have over 300 miles of gravel roads in the county so it does take us time to get to them all after we receive rain, especially heavy rain. Item 2, the road appears to be in an acceptable condition currently. We have been working especially hard this year on gravel roads by adding gravel and addressing drainage. If you see a problem please call our office and initiate a Service Request so we can assign resources to address any problem we are not aware of. We also work with the townships to do major gravel improvement projects where we cost share with the township.....again, we did not observe any real issues when we were on site. Item 3, the Township can request a speed reduction and initiate the process. Item 4, the brine used is a mineral well brine which works very well. Not too long ago we used oil field brine but quit using it when another county had some potential environmental issues. If you wish to contribute for additional brining each year, please let the township know as they will commit early next year for 2017 brine applications. Item 5, looks to be a township and neighborhood issue.

We did observe a small truck hauling manure to the hops farm. He drove at a reasonable speed and stopped and spoke to us briefly. He did not seem disrespectful in any way.

Please let me know if you'd like to meet in person to discuss or if you'd like an appointment to speak at our board meeting with the Road Commission Board.

Sincerely,

*Jim*

**Jim Cook**  
Manager  
**Grand Traverse County Road Commission**

1881 LaFranier Road  
Traverse City MI 49696  
231-922-4848, ext 215  
231-929-1836 FAX

[www.gtcrc.org](http://www.gtcrc.org)

Find us on Facebook



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**From:** GTCRC\Info  
**Sent:** Monday, July 18, 2016 3:02 PM  
**To:** Nathan Moore <[nathan@gosigmed.com](mailto:nathan@gosigmed.com)>; [ask@acmetownship.org](mailto:ask@acmetownship.org); [karly.wentzloff@gmail.com](mailto:karly.wentzloff@gmail.com); [bethfinch50@yahoo.com](mailto:bethfinch50@yahoo.com); [johnlewisjessup@gmail.com](mailto:johnlewisjessup@gmail.com); [steve.feringa@live.com](mailto:steve.feringa@live.com); [jdem@charter.net](mailto:jdem@charter.net); [sticksnstonez@gmail.com](mailto:sticksnstonez@gmail.com); [trae.forgette@gmail.com](mailto:trae.forgette@gmail.com); [atpc7rosa@yahoo.com](mailto:atpc7rosa@yahoo.com); [drwhite231@gmail.com](mailto:drwhite231@gmail.com); [swinter@acmetownship.org](mailto:swinter@acmetownship.org); [jzollinger@acmetownship.org](mailto:jzollinger@acmetownship.org); [cdye@acmetownship.org](mailto:cdye@acmetownship.org); [jkaukerman@sbcglobal.net](mailto:jkaukerman@sbcglobal.net); [pscott875@hotmail.com](mailto:pscott875@hotmail.com); [drwhite231@gmail.com](mailto:drwhite231@gmail.com); [gordie.lapointe@gmail.com](mailto:gordie.lapointe@gmail.com); [ajenema@acmetownship.org](mailto:ajenema@acmetownship.org)  
**Cc:** [bgiddis@gtsheriff.org](mailto:bgiddis@gtsheriff.org); GTCRC\Info <[Info@gtcrc.org](mailto:Info@gtcrc.org)>  
**Subject:** RE: South Bates Road Safety Concerns

Nathan,

The Grand Traverse County Road Commission wants to send an acknowledgment of your email. It is being distributed to our staff for their review. A formal response will be forthcoming soon.

Thank you for sharing your concerns with us. If you have questions in the meantime, don't hesitate to call.

Debra J.M. Hunt  
Office Manager  
Grand Traverse County Road Commission  
1881 LaFranier Road  
Traverse City MI 49696  
231-922-4848, extension 207  
231-929-1836 FAX  
[www.gtcrc.org](http://www.gtcrc.org)

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**From:** Nathan Moore [<mailto:nathan@gosigmed.com>]  
**Sent:** Monday, July 18, 2016 2:42 PM  
**To:** [ask@acmetownship.org](mailto:ask@acmetownship.org); [karly.wentzloff@gmail.com](mailto:karly.wentzloff@gmail.com); [bethfinch50@yahoo.com](mailto:bethfinch50@yahoo.com); [johnlewisjessup@gmail.com](mailto:johnlewisjessup@gmail.com); [steve.feringa@live.com](mailto:steve.feringa@live.com); [jdem@charter.net](mailto:jdem@charter.net); [sticksnstonez@gmail.com](mailto:sticksnstonez@gmail.com); [trae.forgette@gmail.com](mailto:trae.forgette@gmail.com); [atpc7rosa@yahoo.com](mailto:atpc7rosa@yahoo.com); [drwhite231@gmail.com](mailto:drwhite231@gmail.com); [swinter@acmetownship.org](mailto:swinter@acmetownship.org); [jzollinger@acmetownship.org](mailto:jzollinger@acmetownship.org); [cdye@acmetownship.org](mailto:cdye@acmetownship.org); [jkaukerman@sbcglobal.net](mailto:jkaukerman@sbcglobal.net); [pscott875@hotmail.com](mailto:pscott875@hotmail.com); [drwhite231@gmail.com](mailto:drwhite231@gmail.com); [gordie.lapointe@gmail.com](mailto:gordie.lapointe@gmail.com); [ajenema@acmetownship.org](mailto:ajenema@acmetownship.org)  
**Cc:** [bgiddis@gtsheriff.org](mailto:bgiddis@gtsheriff.org); GTCRC\Info <[Info@gtcrc.org](mailto:Info@gtcrc.org)>  
**Subject:** South Bates Road Safety Concerns

Acme township planning board & employees,

I am writing today on behalf of the families residing on the unimproved portion South Bates Road. To clarify there are five families living on this unimproved road, my address is 5377 Bates. We have chosen to live here because of the quiet, quaint provisions and some of us own homes that have been in the family since they were built over 50 years ago. The problems we are concerned about initially started several years ago when Acme Twp. cut brining the dirt road for dust control from the budget, to purchase new office equipment if I recall properly, or was it to get better health benefits?, The road commission barley cares for it now either, I think they cut that from their budget to purchase new private trucks last year for the administration. For several years we as residents of this area paid privately to have the road sprayed for dust control, at least when the road was somewhat graded and didn't have the commercial traffic as it now does. Furthermore the road is not built to sustain the now excessive commercial traffic from the MI HOPS project that your board approved without consideration of us taxing pay families. The MI HOPS project has **DISTROYED** the road with their tractors, heavy equipment, disrespectful employees driving excessively fast and ripping up the road surface. We have a family with a young child, dogs, and nothing is more upsetting then legally walking on the (*what's left of the edge of the road*) and having these people drive extremely fast past us, throwing gravel and stirring up extreme amounts of dust, again because the road is not properly cared for nor brined more than twice a year with some mild brine that

washes away with the first rain. It would be nice to be able to take a walk my child without endangering his life. Furthermore two residents on this portion of the road have place "***SLOW DOWN CHILDREN PLAYING***" signs in our yards to no avail of people respecting us or the speed limit. I would like to remind any of you with or without children, how would you like to be out for a morning or evening walk and have cars **FLY** past you and you are not able to move any farther to the edge of the road and then have gravel thrown in your face?!?! **NOT FUN**. In respect for the numerous failed business that have come and gone down here you collectively continue to allow these activities (commercial development) without regard to US families in any way shape or form. I would ask on behalf of everyone living on south bates road that you consider the following before someone gets seriously hurt and is forced to bring upon the township/county legal ramifications:

- 1) Monthly road grading or after hard rains causing washouts
- 2) Fix the road to its correct state with actual road mixture and repair the edges with proper drainage
- 3) Reduce the speed limit and POST IT.
- 4) Brine the road with a longer lasting agent, we may even work with township on cost sharing.
- 5) Ask the businesses down here to RESPECT US, we LIVE HERE and treat this area as they lived here.

I am making this last plea on behalf of my fellow homeowners and hoping Acme Township comes to some resolution soon rather than later. I promise from this point forward I will be at each and every planning meeting to make my point loud and clear and to bring awareness to the community in general. I may even seek media & social network support should this not be responded to in a timely adequate fashion. One other thing I should mention, the continues 4am commercial loader from MI HOPS that is moving horse waste around, pretty sure that violates the Acme Township Noise ordinance, no need to worry since I did make a report with the State Police and they will be reviewing my security footage and handling it.

Respectfully Submitted

Sincerely,

Nathan A. Moore, BS, CCM, CBIS  
*Corporate Business Manager*  
Signature Medical Equipment, LTD  
Tel: 800.419.0010 EXT: 110  
Fax: 586.783.8944



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Dear Commissioners,

Thank you for the chance to tell you about the many positive experiences I have had with Airbnb.

While Airbnb has helped me be able to afford, and have control of my home, the people I have met, the people I have helped and pointed to local businesses, and the people who have helped me has been wonderful. I have met interesting people from France, Germany, England, Bosnia, Canada, Australia, India and all over the United States.

When the big storm in August hit in 2015, I had two guests from Canada staying for the weekend. They were originally from Bosnia, and knew about losing power because of the wars there. When the electricity went off, they coached me into pacing my resources just in case the power didn't come on quickly. Luckily the power came back on within a few hours.

When we went outside to look for damage, the top of my big maple had snapped off and fallen on my fence. The limbs were partially in my neighbor's yard. Without hesitation, the man and wife both started to work to help me clear away the heavy branches and free the fence of the treetop. I couldn't have done it without them as no one else extended any help.

Guests have offered to water my plants. They have played with my animals, as well as fed them if I got home late from doing a wedding or being at work. I have asked little more from my guests than whether they wanted cream for their morning coffee!

We have gotten into deep conversations. The Germans told me about all the refugees entering their country. The French mother and daughter talked of living with the tragedy of the mass murders nearby at the hands of terrorists. I've discussed Groupon and the internet with people from India, animal rescue with just about everyone, and so much more. Having a great conversation is one of my favorite things to do, so I do not take these interchanges for granted. I love it.

Being an Airbnb hostess has really been good for me as I live alone. I love having someone in my home who are enjoying themselves and appreciating the beauty of our area. I only have one person or couple at a time, and I am always home so I can answer questions and also make sure my home is being treated well. I feel I have made many friends in the process and know they feel the same of me. They get much more personal attention from me if they want it. Plus many are able to travel here because of the lower cost I charge with the added benefit of greater comfort of being in a home. Being at home is a remark almost everyone makes. They'd much rather be in surroundings like mine instead of a hotel or motel. And I don't say that to disparage hotels or motels. I think having a choice is a very American privilege.

On the Airbnb website I have earned Super Host status. I have gotten 5 star reviews consistently. I love treating my guests well, helping them feel comfortable and welcome. I have never been in any danger.

Now for the one not so positive experience I have had.

Recently a couple showed up with a huge truck pulling a 25' boat. I knew about the boat before hand, (not the truck) though after the reservation had been made. After thinking about it, I tried to cancel their reservation. But they really wanted to come because affordable lodging was so difficult to find and they loved to fish. So I suggested we would work the space problem out when they got here. It was my mistake that I didn't bite the bullet and cancel because my neighbor seemed to be really stressed by them being in the street in front of his house for about 10 minutes. I really don't want to cause problems or stress my neighbor out. When I saw where they had stopped their truck, I immediately got them to pull into my yard. I thought as long as the vehicles were off the street and on my property everything was okay. Apparently not although other neighbors have had campers and RV's on their front yard but only occasionally. I have now put in my House Rules on Airbnb that no boats, trailers, campers, RVs or trucks are allowed.

Airbnb advises their hosts that some areas have ordinances against Airbnb. Last year when I checked with Acme Township I was told Airbnb was okay "for now". Recently I learned after talking with Shawn Winter that Airbnb is okay as long as people stay for a week and the owner is not home. I work, and can't be absent. But I have changed my listing to reflect a minimum of 6 nights and 7 days. I am sure my bookings will drop off. This makes me sad not only because I will miss out on meeting so many new people and sharing my home, but because it could cause a financial hardship for me.

Being able to let my house help pay for itself has been a God-send. It's been a small business I can easily manage and create a win-win situation for everyone involved. I believe my being an Airbnb host has helped the local economy. I am not against the idea of being licensed or paying a tax in order to have the right to use my home as I please. I do not ever mean anyone any harm and the one situation that has come up I moved quickly to take care of it.

I am a responsible person, I vote regularly, pay my taxes and buy local.

Airbnb is a good experience. I urge you to let me and other Airbnb'ers continue, to share my home with visitors in my time frame of a two-day minimum stay, not a week at a time. I want control over what goes on in my home which I forfeit.

Sincerely,  
Rev. Crystal Yarlott  
231.938.1683

**PROPOSED AMENDMENT TO ACME TOWNSHIP ZONING ORDINANCE  
AMENDMENT 037 – PLANNED DEVELOPMENT  
ARTICLE XIX**

## 5 ARTICLE XIX: PLANNED DEVELOPMENT

## 7 19.1 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; and 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.

## 19.2 DEFINITIONS

**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 Article, establishing functional use areas, density patterns, a fixed network of streets (where necessary) provisions for

1           public utilities, drainage and other essential services has been approved by the Township Board  
2           which has been, is being, or will be developed under the approved plan.  
3

4           **19.3 CRITERIA FOR QUALIFICATIONS**

5           To qualify for the Planned Development option, it must be demonstrated that all of the following  
6           criteria will be met:

- 7           a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts.  
8
- 10          b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning  
11           requirements. Any permission given for any activity, building, or use not normally allowed  
12           shall result in an improvement to the public health, safety and welfare in the area  
13           affected.  
14
- 16          c. The PD shall not be used where the same land use objectives can be carried out by the  
17           application of conventional zoning provisions or standards. Problems or constraints  
18           presented by applicable zoning provisions shall be identified in the PD application.  
19
- 20          d. The PD option may be effectuated only when the proposed land use will not materially  
21           add service and facility loads beyond those considered in the Township Master Plan, and  
22           other public agency plans, unless the proponent can prove to the sole satisfaction of the  
23           Township that such added loads will be accommodated or mitigated by the proponent as  
24           part of the PD.  
25
- 26          e. The PD shall not be allowed solely as a means of increasing density or as a substitute for  
27           a variance request; such objectives should be pursued through the normal zoning process  
28           by seeking a zoning change or variance.  
29
- 30          f. The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the  
31           Township. If the PD involves a density transfer it shall include objective f(9) in addition to  
32           its five (5) objectives.  
33
  - 34           1. To permanently preserve open space or natural features because of their  
35           exceptional characteristics, or because they can provide a permanent transition  
36           or buffer between land uses.  
37
  - 38           2. To permanently establish land use patterns which are compatible or which will  
39           protect existing or planned uses.  
40
  - 41           3. To accept dedication or set aside open space areas in perpetuity.  
42
  - 43           4. To provide alternative uses for parcels which can provide transition buffers to  
44           residential areas.  
45
  - 46           5. To promote the goals and objectives of the Township Master Plan.  
47

- 1           6. To foster the aesthetic appearance of the Township through quality building  
2           design and site development, provide trees and landscaping beyond minimum  
3           requirements; the preservation of unique and/or historic sites or structures; and  
4           the provision of open space or other desirable features of a site beyond minimum  
5           requirements.
- 6
- 7           7. To bring about redevelopment of sites where an orderly change of use or  
8           requirements is determined to be desirable.
- 9
- 10          8. To promote the goals and objectives of the Acme Township Placemaking Plan and  
11          the US-31 and M-72 Business District zoning.
- 12
- 13          9. To promote sustainable development especially on parcels with active farmland  
14          and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique  
15          cultural, historical or natural features which should be preserved.
- 16

17       **19.4 USES PERMITTED**

18

- 19           a. A land use plan shall be proposed for the area to be included within the PD. The land use  
20          plan shall be defined primarily by the Township Zoning Ordinance Districts that are most  
21          applicable to the various land use areas of the PD.
- 22
- 23           b. Uses permitted and uses permitted subject to Special Use Permit approval in this  
24          Ordinance may be allowed within the districts identified on the PD plan, except that some  
25          uses may be specifically prohibited from districts designated on the PD plan. Alternatively,  
26          the Township may allow uses not permitted in the district if specifically noted on the PD  
27          plan. Conditions applicable to uses permitted subject to Special Use Permit approval shall  
28          be used as guidelines for design and layout but may be varied by the Planning Commission  
29          provided such conditions are indicated on the PD plan.
- 30

31       **19.5 HEIGHT, BULK, DENSITY AND AREA STANDARDS**

32

33          The standards about height, bulk, density, and setbacks of each district shall be applicable within  
34          each district area designated on the plan except as specifically modified and noted on the PD plan.

35       **19.6 DENSITY TRANSFER**

36

37          Acme Township encourages flexibility in the location and layout of development, within the  
38          overall density standards of this Ordinance. The Township therefore will permit residential density  
39          to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"), as  
40          provided below. For purposes of this Section, all sending parcel(s) and receiving parcel(s) shall be  
41          considered together as one PD parcel.

- 42           a. All density transfers require a Special Use Permit approved by the Township Board, upon  
43          the recommendation of the Planning Commission, as part of a PD application. A Special  
44          Use Permit application for a density transfer shall be submitted and include:
- 45
- 46           1. Signatures by the owners (or their authorized representatives) of the sending and  
47          receiving parcels.

1  
2     2. A proposed development plan (subdivision and/or site plan) for the receiving  
3       parcel.

4  
5     3. Density calculations for both the sending and receiving parcels.

6  
7     **b.** Upon receipt of a Special Use Permit application for a density transfer the Township shall  
8       determine:

9  
10    1. The number of allowable dwelling units permitted on the receiving parcel(s)  
11       based on the current zoning classification.

12  
13    2. The number of eligible dwelling units allowed to be transferred to the receiving  
14       parcel(s). The transferred dwelling units shall not increase the allowable density  
15       by more than 50%.

16  
17    3. The number of allowable dwelling units permitted on the sending parcel(s) based  
18       on the current zoning classification.

19  
20    4. The number of eligible dwelling units allowed to be transferred from the sending  
21       parcel(s).

22  
23     **c.** The Township Board, upon recommendation from the Planning Commission, may grant  
24       a Special Use Permit allowing the transfer to the receiving parcel(s) of some or all of the  
25       allowable residential dwelling units from the sending parcel(s) only if it finds that all of  
26       the following have been satisfied:

27  
28    1. The sending parcels dwelling unit transfers are actual available dwelling units  
29       considering all limitations, including wetlands, and those units are documented.

30  
31    2. The addition of the transferred dwelling units to the receiving parcel will not  
32       increase the maximum allowable density by more than 50%.

33  
34    3. The addition of transferred dwelling units and will not adversely affect the area  
35       surrounding the receiving parcel.

36  
37    4. The density transfer will benefit the Township by protecting developable land  
38       with conservation value on the sending parcel(s).

39  
40    5. The density transfer will be consistent with the sending and receiving zones  
41       designated on the Township Zoning Map. Exception may be granted by Township  
42       Board, upon the recommendation of the Planning Commission, to allow a density  
43       transfer FROM a receiving zone TO a receiving zone, or FROM a sending zone TO  
44       a sending zone if:

45  
46      a) The sending parcel(s) is deemed to contain unique natural, cultural, or  
47       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

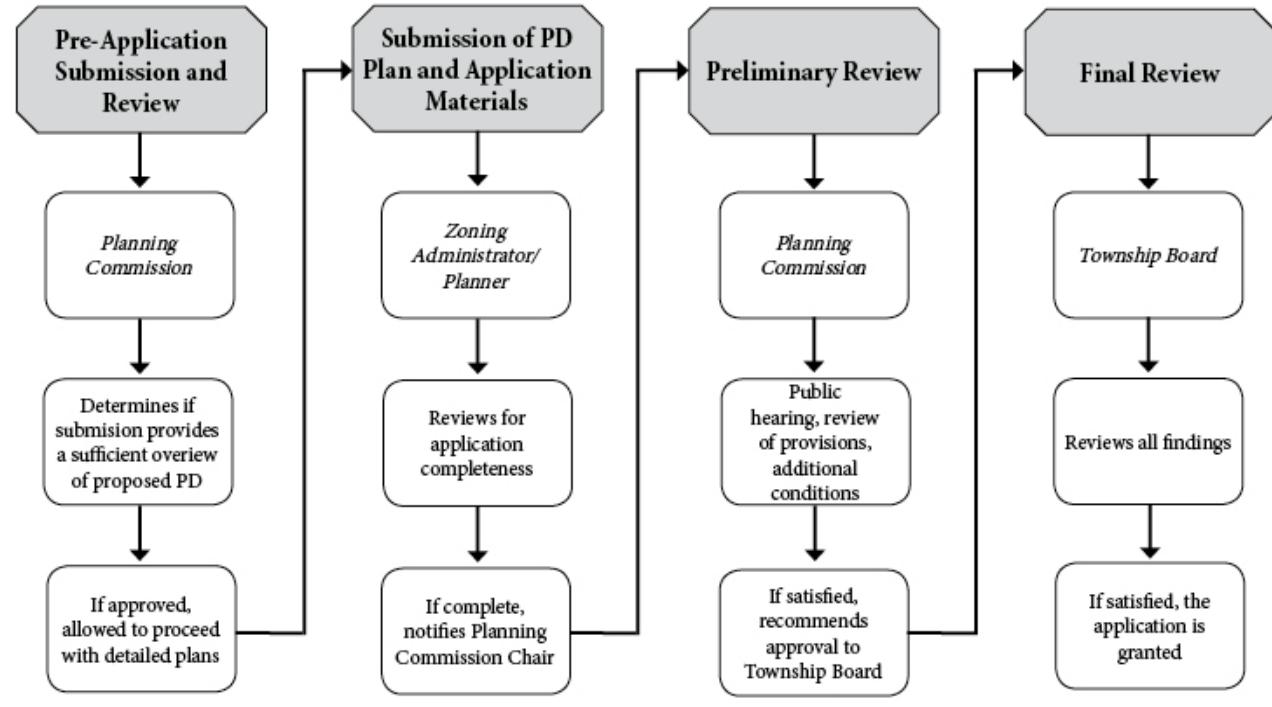
6. The parcel(s) receiving the density transfer will not exceed the land development build out (buildings, parking, setbacks, open space, etc.) prescribed by the Zoning District of the property unless waived by the Planning Commission and Township Board.

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 remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, or other legal means that runs with the land, as prescribed by the Township Zoning Ordinance, and approved by the Township.

1      **19.7 PLANNED DEVELOPMENT APPLICATION SUBMISSION AND REVIEW PROCEDURES**

2      The PD application submission and review procedures follow four (4) primary steps: 1) pre-  
3      application submission and review, 2) submission of PD plan and application materials, 3)  
4      preliminary review and approval of the PD, and 4) final review and approval of the PD. This  
5      procedure is illustrated in the Figure 19.1 and elaborated upon in the following subsections. A PD  
6      plan involving a density transfer shall have the transfer approved through a Special Use Permit as  
7      outlined in Section 19.6 after the pre-application submission and review step.

8  
9      **Figure 19.2: Planned Development Application Submission and Review Process**



10  
11      **19.7.1 PRE-APPLICATION SUBMISSION AND REVIEW**

- 12  
13      a. Any person owning or controlling land in the Township may make application for  
14      consideration of a PD. Such application shall be made by presenting a request for a  
15      preliminary determination to whether a parcel qualifies for the PD option.  
16  
17      b. The request shall be submitted to the Township and the submission shall include the  
18      information required below.  
19  
20      1. Proof the criteria set forth in the Criteria for Qualification section above, are or  
21      will be met.  
22  
23      2. A schematic land use plan containing enough detail to explain the role of open  
24      space; location of land use areas, streets providing access to the site, pedestrian  
25      and vehicular circulation within the site; dwelling unit density and types; and  
26      buildings or floor areas contemplated, as applicable.  
27  
28

- 1           3. A plan to protect natural features or preservation of open space or greenbelts.
- 2
- 3           4. A storm water management plan incorporating low impact development (LID)
- 4           water quality technologies, such as, but not limited to, rain gardens, rooftop
- 5           gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and
- 6           filtered storm water structures.
- 7
- 8           5. The Planning Commission shall review the applicant's request for qualification. If
- 9           approved, the applicant may then continue to prepare a PD Plan on which a final
- 10          determination will be determined. An approved request for qualification is not a
- 11          guarantee for final PD approval.
- 12
- 13          c. Based on the documentation presented, the Planning Commission shall make a
- 14          preliminary determination about whether a parcel(s) qualifies for the PD option under
- 15          the Criteria for Qualification in Section 19. 3. If approved, the applicant may then
- 16          continue to prepare a PD plan on which a final determination will be made. An approved
- 17          request for qualification is not a guarantee for final PD approval.
- 18

19           **19.7.2 SUBMISSION OF PLANNED DEVELOPMENT PLAN AND APPLICATION MATERIALS**

20          The application, reports, and drawings shall be filed in paper and digital format. All drawings

21          shall be provided to the Township in AutoCad™, MicroStation, or similar site civil /

22          architectural drawing format requested by the Planning Commission. Other graphics and

23          exhibits, text and tabular information shall be provided in Adobe Acrobat™ "pdf" format. All

24          drawings shall be created at a scale not smaller than one (1) inch equals one hundred (100)

25          feet, unless otherwise approved by the Township.

- 26
- 27          a. A proposed PD plan application shall be submitted to the Township for review that
- 28          contains the following:
- 29
- 30           1. A boundary survey of the exact acreage prepared by a registered land surveyor
- 31           or civil engineer.
- 32
- 33           2. A topographic map of the entire area at a contour interval of not more than two
- 34           feet. This map shall show all major stands of trees, bodies of water, wetlands and
- 35           unbuildable areas
- 36
- 37           3. A proposed development plan showing the following, but not limited to:
- 38
- 39            a) Land use areas represented by the Zoning Districts listed as A-1, R-1, R-2,
- 40            R-3, MHN, C, CF, or B-4 of this Ordinance.
- 41
- 42            b) Vehicular circulation including major drives and location of vehicular
- 43            access including cross sections of public streets or private places.
- 44
- 45            c) Transition treatment, including minimum building setbacks to land
- 46            adjoining the PD and between different land use areas within the PD.
- 47

1                   d) The general location of nonresidential buildings and parking areas,  
2                   estimated floor areas, building coverage and number of stories or height.  
3

4                   e) The general location of residential unit types and densities and lot sizes  
5                   by area.

6                   f) The general location and type of all Low Impact Development (LID) storm  
7                   water management technologies.

8                   g) Location of all wetlands, water and watercourses, proposed water  
9                   detention areas and depth to groundwater.

10                  h) The boundaries of open space areas that are to be preserved or reserved  
11                  and an indication of the proposed ownership.

12                  i) A schematic landscape treatment plan for open space areas, streets and  
13                  border/transition areas to adjoining properties.

14                  j) A preliminary grading plan, showing the extent of grading and delineating  
15                  any areas, which are not to be graded or disturbed.

16                  k) A public or private water distribution, storm and sanitary sewer plan.

17                  l) Elevations of the proposed buildings using durable and traditional  
18                  building materials shall be used. Materials such as exterior insulation  
19                  finish system (EIFS), fluted concrete masonry units, concrete panels,  
20                  panel brick, and scored concrete masonry unit block are not considered  
21                  durable and traditional building materials.

22                  m) A written statement explaining in detail the full intent of the applicant,  
23                  showing dwelling units types or uses contemplated and resultant  
24                  population, floor area, parking and supporting documentation, including  
25                  the intended schedule of development.

26                  4. A market study, traffic impact study, and /or environmental impact assessment,  
27                  if requested by the Planning Commission or Board of Trustees.

28                  5. A pattern book or design guidelines manual if requested by the Planning  
29                  Commission or Board of Trustees.

30                  b. The Township Zoning Administrator and/or Planner will review the PD plan application  
31                  for completeness. Once deemed complete, the Township Zoning Administrator and/or  
32                  Planner shall notify the Planning Commission Chair who will place the application on the  
33                  agenda for a preliminary review by the Planning Commission.

34                  **19.7.3 PRELIMINARY REVIEW AND APPROVAL OF PLANNED DEVELOPMENT**

35                  Planning Commission Review of Proposed PD Plan:

- 1           a. Upon notification from the Township Zoning Administrator and/or Planner of a complete  
2           PD plan application, the Planning Commission shall review the proposed PD plan and  
3           make a determination about the proposal's qualification for the PD option and for  
4           adherence to the following objectives and requirements:  
5
- 6           1. The proposed PD adheres to the conditions for qualification of the PD option and  
7           promotes the land use goals and objectives of the Township.  
8
- 9           2. All applicable provisions of this Article shall be met. If any provision of this Article  
10          shall be in conflict with the provisions of any other section of this Article, the  
11          provisions of this Section shall apply to the lands embraced within a PD area.  
12
- 13          3. There will be at the time of development, an acceptable means of disposing of  
14          sanitary sewage and of supplying the development with water and the road  
15          network, storm water drainage system, and other public infrastructure and  
16          services are satisfactory.  
17
- 18          b. The Planning Commission shall hold a public hearing on the PD plan and shall give notice  
19          as provided in Section 9.1.2(c).  
20
- 21          c. After the public hearing and review, the Planning Commission shall report its findings and  
22          recommendations to the Township Board.  
23

24           **19.7.4 FINAL REVIEW AND APPROVAL OF PLANNED DEVELOPMENT**  
25

- 26           a. On receiving the report and recommendation of the Planning Commission, the Board shall  
27          review all findings. If the Board shall decide to grant the application, it shall direct the  
28          Township attorney to prepare a contract setting forth the conditions on which such  
29          approval is based. Once the contract is prepared it shall be signed by the Township and  
30          the applicant.  
31
- 32          b. The agreement shall become effective on execution after its approval. The agreement  
33          shall be recorded at the Grand Traverse County Register of Deeds' office.  
34
- 35          c. Once an area has been included with a plan for PD and the Township Board has approved  
36          such plan, no development may take place in such area nor may any use of it be made  
37          except under such plan or under a Board-approved amendment, unless the plan is  
38          terminated.  
39
- 40          d. An approved plan may be terminated by the applicant or the applicant's successors or  
41          assigns, before any development within the area involved, by filing with the Township  
42          and recording in the Grand Traverse County Register of Deeds an affidavit so stating. The  
43          approval of the plan shall terminate on such recording.  
44
- 45          e. No approved plan shall be terminated after development begins except with the approval  
46          of the Board and of all parties in interest in the land.  
47

- 1           f. Within one year following execution of the PD contract by the Township Board, final plats  
2           or site plans for an area embraced within the PD must be filed as provided. If such plats  
3           or plans have not been filed within the one-year period, the right to develop under the  
4           approved plan shall be automatically terminated unless an extension is requested in  
5           writing by the applicant and authorized by the Township Board. The Township Board may  
6           authorize an extension of up to one (1) year.
- 7
- 8           g. The termination of a PD contract involving a density transfer shall nullify the transaction  
9           and all transferred densities shall return to the original sending parcel(s). The return of  
10          the transferred densities shall be recorded at the Grand Traverse County Register of  
11          Deeds' office.

12

13       **19.8 SUBMISSION OF FINAL PLAT, SITE PLANS; SCHEDULE FOR COMPLETION OF PLANNED**  
14       **DEVELOPMENT**

15       Before any permits are issued for the PD, final plats or site plans and open space plans for a project  
16       area shall be submitted to the Township for review and approval by the Planning Commission,  
17       and where applicable the Township Board, of the following:

- 18
- 19           a. Review and approval of site plans shall comply with Article VIII: Site Plans, as well as this  
20           Section except as otherwise modified in the approved plan. Review and approval of plats  
21           shall comply with Section 5.7 of Article V: Zoning Board of Appeals of the Township Zoning  
22           Ordinance as well as the requirements of this Section.
- 23
- 24           b. Before approving of any final plat or plan, the Planning Commission shall decide that:
- 25
- 26              1. All portions of the project area shown on the approved plan for the PD for use by  
27               the public or the residents of lands within the PD have been committed to such  
28               uses under the PD contract;
- 29
- 30              2. The final plats or site plans are in conformity with the approved contract and plan  
31               for the PD;
- 32
- 33              3. Provisions have been made under the PD contract to provide for the financing of  
34               any improvements shown on the project area plan for open spaces and common  
35               areas which are to be provided by the applicant and that maintenance of such  
36               improvements is assured under the PD contract.
- 37
- 38              4. If development of approved final plats or site plans is not substantially completed  
39               in three years after approval, further final submittals under the PD shall stop until  
40               the part in question is completed or cause can be shown for not completing same.
- 41
- 42           c. The applicant shall be required, as the PD is built, to provide the Township with "as built"  
43           drawings in both paper and digital format following the same provisions outlined in  
44           Section 19.7.
- 45

1   **19.9 FEES**  
2   Fees for review of PD plans under this Section shall be established by resolution of the Township  
3   Board.  
4

5   **19.10 INTERPRETATION OF APPROVAL**  
6   Approval of a PD under this Section shall be considered an optional method of development and  
7   improvement of property subject to the mutual agreement of the Township and the applicant.  
8

9   **19.11 AMENDMENTS TO PLANNED DEVELOPMENT PLAN**  
10   Proposed amendments or changes to an approved PD plan shall be presented to the Planning  
11   Commission following the same procedures for amending a Special Use Permit outlined in Section  
12   9.1.4. The Planning Commission shall decide whether the proposed modification is of such minor  
13   nature as not to violate the area and density requirements or to affect the overall character of  
14   the plan, and in such event may approve or deny the proposed amendment. If the Planning  
15   Commission decides the proposed amendment is material in nature, the Planning Commission  
16   and Township Board shall review the amendment under the provisions and procedures of this  
17   Article as they relate to final approval of the PD.



# MEMORANDUM

## Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: [www.acmetownship.org](http://www.acmetownship.org)

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, John Iacoangeli  
Date: August 3, 2016  
Re: Short-Term Rentals

---

The topic of short-term rentals was brought up at the July 11 Planning Commission meeting by Joel and Debbie Safronoff who spoke during the public comment period about a problematic property near their home on Peaceful Valley Rd. The account of what they have experienced this summer aligns with other complaints I have been hearing: loud music, trespassing, discharging fireworks, numerous cars parked on the property, excessive drinking, littering, etc. Whereas last year I recall receiving one complaint all summer, I've been receiving multiple complaints each week this summer. The majority of the calls are for properties located in the Deepwater Point Road and Peaceful Valley Road areas.

It's my understanding that short-term rentals have been occurring in the Township for decades without many issues. I no longer believe that is the case based on the number of complaints I have received. Furthermore, the high number inquiries as to whether people are allowed to rent out their homes indicates that the demand is still strong. I believe we are approaching, if not surpassed, a tipping point where the Township may need to consider an effective way to regulate or prohibit short-term rentals in the future. The unregulated use of short-term rentals is creating a nuisance in the communities where they exist and may jeopardize the health, safety and welfare of those communities. Below are a number of questions to consider as we begin the discussion on short-term rentals in Acme Township.

### **Does our Zoning Ordinance allow short-term rentals in the residentially zoned neighborhoods?**

Our Zoning Ordinance doesn't have a specific prohibition on short-term rentals, or an established minimum amount of time that a property can be rented, however, that is not to say that it is necessarily a permitted use in the residentially zoned neighborhoods.

### **What about this Airbnb thing?**

Airbnb is a website-based service that allows people to rent their homes, or a portion of their homes, out to guests. It's part of the whole sharing economy that has taken off lately, with other services like Uber and Lyft (that provide rideshares). Anyone can get on the website, create a profile for themselves and their home, and make it available for guests to book online.

Through my interpretation, and conversations with Counsel, the Airbnb model where one rents out a room in their home is not allowed in Acme Township based on our definition of "Family" in the Zoning Ordinance. However, based on the rapid growth of Airbnb, the ease of use by property owners, and the high number of inquiries I've been receiving, I anticipate the use of this model to continue to increase.

### **Why has this become such a nuisance this year?**

Without doing a thorough investigation, there are a number of factors that I think are contributing:

- We live in a region whose economy is solidly based on the recreation and accommodations sectors and has been heavily promoted over the recent years.
- As mentioned above, Airbnb has provided a useful tool for parties interested in operating a short-term rental. Others include Vacation Rental By Owner (VRBO) and Homeaway, not to mention Craigslist.
- Similarly, I believe would-be guests are preferring the option to rent out a whole house for their party as opposed to a number of hotel rooms to satisfy their accommodation needs.
- The Equestrian Festival has grown both in size and duration and proves to be a popular draw during July and August.
- Other local jurisdictions have tightened up on short-term rentals, in some cases prohibiting them, which may be shifting the demand to our Township.

### **Why have other jurisdictions started cracking down on short-term rentals?**

Similar to what we are experiencing now, the catalyst has been the nuisance issues created through the short-term rentals in a residential neighborhood. In many cases the people occupying the short-term rentals are here on vacation, which often brings a spirit of celebration. One does not need to really stretch the imagination to see how this may be incompatible next door to a permanent resident living their day-to-day life.

Garfield Township had a high profile case this last year when it distributed cease and desist letters to home owners operating short-term rental along Silver Lake.

### **On what grounds were these other jurisdictions able to prohibit short-term rentals?**

It's my understanding that if you rent your house out on a short-term basis for more than two weeks a year, then the IRS considers it a commercial use. A recent case in Allegan County resulted in a ruling that states that a rental less than 30 days is considered a commercial use as well. As such, commercial uses are not allowed in the residentially zoned districts in many jurisdictions. This was the basis for Garfield Township's decision.

### **Well, does that settle it...short-term rentals are not allowed in residential districts?**

Not necessarily. A zoning ordinance can be written to allow short-term rentals in the districts. As in all most situations though, if a zoning ordinance allows it, but an established Home Owner's Association has by-laws prohibiting them, they wouldn't be allowed in those developments.

### **Would a home still be assessed the same way if it is being used for a commercial use?**

I spoke with the Township Assessor, and she said that it will be a factor in how the house is assessed: a house is a house. However, using the house for a commercial use could result in the loss of one's homestead property tax classification.

### **What are our options?**

To recap, we are looking at two separate models of short-term rentals: whole houses being rented out, and room sharing (i.e. Airbnb)

1. *A complete prohibition on any and all short-term rentals*

  - The Zoning Ordinance may need to be reviewed and/or amended to reflect this position.
2. *Allow short-term rentals to occur as is, in an unregulated manner*

  - This could apply to both models if desired
  - Again, the Zoning Ordinance will need to be changed to allow the room sharing model, and I would recommend looking at the single-family districts to review the language so that if either model is allowed there is no conflict with the use from anywhere else in the Ordinance.
  - Based on the issues reported by Township residents, I do not recommend this option.
3. *Allow short-term rentals to occur in a regulated manner*

  - One option would be to have some sort of license requirement in order to operate a short-term rental.
  - The license could designate a local point of contact, require the owner to affirm established rules and procedures, hold the owner accountable for any ordinance violations (perhaps through a fine, or a having the license revoked), require a Metro Fire inspection, and pay an established fee, for example.
  - Traverse City does not allow short-term rentals of whole homes, however, they do allow room sharing (up to three rooms) through a tourist license. There is 1,000 foot buffer between established tourist homes, and property owners within 300 feet are notified when an application is submitted and they may comment. The license requires a \$100 initial fee, and an annual \$75 fee for each subsequent year.
  - Some points to consider:
    - Would any and everyone be allowed to apply for a license?
    - If a limit was set per year as to how many people can apply, how would that number be determined without being arbitrary?
    - How would enforcement be conducted? One of the problems many jurisdictions face is trying to find the homes that are being operated as a short-term rental. Aside from complaints stemming from nuisance issues, they often fly under the radar.
    - Would the licensing be a police power ordinance, and who would manage them?
    - If it is a police power ordinance, would this fall under the purview of the Board.
    - If the Planning Commission desires to allow short-term rentals in some capacity, I would recommend establishing some sort of regulatory and licensing guidelines.

This is a difficult issue that many jurisdictions are grappling with, and it would appear that recent court cases are providing influence over the decisions that are being made. In addition to the negative impacts that have been discussed, I have also had people contact me discussing the benefits they receive from being able to operate a short-term rental. One such example is stated in the correspondence included in this month's packet. I suggest the Planning Commission begin the discussion to determine what direction they would like to pursue.

## **M E M O R A N D U M**

**TO:** Acme Township Planning Commission  
**FILE NO.** 5385.00  
**FROM:** Jeffrey L. Jocks, OLSON, BZDOK & HOWARD, P.C.  
**DATE:** July 10, 2013  
**RE:** Officer Election Process

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The purpose of this memo is to set out the general process that this Planning Commission has used for elections of Planning Commission officers. The process is basically the same as found in Robert's Rules of Order.

1. The Chairperson states that elections for officers shall begin and that each officer shall be elected in turn.
2. The Chairperson opens nominations for the office of Chairperson.
3. Any member of the Planning Commission may nominate any other member for Chairperson.
4. Voting for Chairperson occurs in the order of nomination. The person nominated first is voted upon by roll call vote and if a majority votes in favor of that person being elected as Chairperson, then no more votes are taken. If there is not a majority in favor, then the person nominated second is voted upon, and so on until a nominee is elected by a majority. The nominee recuses him or herself from voting.
5. Steps 2 through 4 are repeated for Vice Chairperson and then for Secretary.

## **ACME TOWNSHIP, MICHIGAN ZONING ORDINANCE**

## **Article 1 – TITLE AND PURPOSE**

## 1.1 TITLE

Acme Township in accordance with the enabling legislation for Municipal Zoning as provided in Act 110 of 2006 (M.C.L. 125.3101 *et seq.*) and P.A. 33 of 2008 (M.C.L. 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" of Acme Township, as amended and is referred to as the "Zoning Ordinance."

## 1.2 AREA OF JURISDICTION

The provisions of this Zoning 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.

### **1.3 PURPOSE**

The purpose of this Zoning Ordinance is to promote the public health, safety, and general welfare of the residents of Acme Township. This Zoning 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.

#### **1.4 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS**

In interpreting and applying the provisions of this Zoning Ordinance, these provisions shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants, restrictions established by other ordinances or statutes, or agreements between private parties. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or lots or upon the height of buildings, or requires larger open spaces than are imposed or required by any other applicable rule, covenant or law, the provisions of this Zoning Ordinance shall govern. The Township has no responsibility or authority for enforcing private agreements or covenants.

#### **1.5 CONFLICT WITH STATE OR FEDERAL REGULATIONS**

If the provisions of this Zoning Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions will control, to the extent permitted by law.

## **1.6 OFFICIAL ZONING MAP**

The boundaries of the zoning districts established by the Zoning 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 Zoning Ordinance as fully as if it were contained within the pages of this Zoning 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.

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

- 51
- 52           1. The district boundaries are public rights-of-way including either streets, places or  
53           alleys unless otherwise shown; where the districts designated on the Official Zoning  
54           Map are approximately bounded by street, road, place or alley lines, the same shall  
55           be construed to be the boundary of the district.
- 56
- 57           2. Where the district boundaries are not otherwise indicated and where the property  
58           has been or may hereafter be divided into blocks and lots, the district boundaries shall  
59           be construed to be the lot lines; where districts designated on the Official Zoning Map  
60           are approximately bounded by lot lines, the same shall be construed to be the  
61           boundary of the districts, unless otherwise indicated on the Official Zoning Map.
- 62
- 63           3. Whenever any street, road, alley, place or other public way is officially vacated by the  
64           Township or Grand Traverse County Road Commission, the district adjoining each side  
65           thereof shall be automatically extended to the center of such vacation and all area  
66           included in the vacation shall thereafter be subject to all appropriate regulations of  
67           the extended districts.
- 68
- 69           4. Where physical or natural features existing on the ground are at variance with those  
70           shown on the Official Zoning Map, or in other circumstances not covered by rules "1"  
71           through "3" above, the Zoning Administrator shall interpret the boundaries.
- 72
- 73           5. Any dispute in the determination of the Zoning District boundaries shall be heard by  
74           the Board of Zoning Appeals.
- 75

## **ARTICLE 4**

### **ZONING DISTRICTS AND ZONING MAP**

## **4.1 Relationship of Zoning Ordinance to Community Master Plan**

The zoning 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 zoning ordinance is a tool used by the community to effectuate the recommendations of the Acme Township Community Master Plan, which is a guide for the long-term physical development of the Township.

## **4.2 Districts Established**

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

- A-1: Agricultural
  - R-1: One-Family Forest and Coastal
  - R-2: One Family Residential
  - R-3: Urban Residential
  - R-1MH: Manufactured Home Residential
  - SFN: Single Family Neighborhood
  - MHN: Mixed Housing Neighborhood
  - CS: Corridor – Shoreline
  - C: Corridor – Commercial
  - CF: Corridor – Flex
  - B-4: Material Processing and Warehousing

### **4.3 Agricultural (A-1)**

This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural District areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this zone, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

#### **4.4 One-Family Forest and Coastal (R-1)**

It is the purpose of this District to encourage the development of residential properties of a semi-rural character within the following general areas of the Township: 1) where public water and sewer facilities are not now available and likely to remain without such services indefinitely, and 2) where natural resource and environmental characteristics, such as hillsides, scenic areas, wetlands, and shore lands tend to make more intensive types of urbanized development destructive to environmental values. The intent is to provide for an environment of predominantly low density, one-family detached dwellings{ XE "dwellings" \b } that will harmonize with the natural resource capabilities of the District.

- 50      **4.5 One Family Residential (R-2)**  
51      The R-2 One Family{ XE "Family" } Urban Residential{ XE "Residential" } District is designed to  
52      accommodate the development of low to medium density, one-family residential uses within  
53      those areas of the Township where public services, such as public sewer facilities, exist or are  
54      anticipated. This District includes existing one-family developments within the Township which  
55      have a similar lot area and character, as well as areas within which such development appears  
56      likely and desirable.
- 57
- 58      **4.6 Urban Residential (R-3)**  
59      The R-3 Urban Residential{ XE "Residential" } District is designed to accommodate the  
60      development of low to medium density residential uses within those areas of the Township where  
61      public services, such as sewer facilities, exist or are anticipated.
- 62
- 63      **4.7 Manufactured Home Residential (R-1MH)**  
64      The intent and purpose of this District to provide for the development of manufactured homes
- 65
- 66      **4.8 Single Family Neighborhood (SFN)**  
67      Recognizing existing residential neighborhoods which are based on suburban site and building  
68      design standards. These neighborhoods are not quite rural and typically are found on the fringe  
69      of most urban areas. Lot size can range up to one acre is size and density can vary from  $\frac{1}{2}$  unit per  
70      acre to 2-3 units per acre.
- 71
- 72      **4.9 Mixed Housing Neighborhood (MHN)**  
73      This neighborhood will include a variety of housing types including single family residential as  
74      defined in the SFN, cluster residential and open space subdivisions, small lot residential, duplex,  
75      fourplex, courtyard units and apartments of various types and sizes. All of these residential  
76      developments will be designed as walkable neighborhoods with sidewalks and on-street parking.  
77      Densities would range from 5 to 12 dwelling units per acre. This zone can accommodate buildings  
78      described in the SFN regulating zone.
- 79
- 80      **4.10 Corridor - Shoreline (CS)**  
81      To provide for the continuation of existing businesses and residences along the west side of the  
82      US-31 as this area evolves into a series of interconnected public and private water-related  
83      recreation uses.
- 84
- 85      **4.11 Corridor - Commercial (C )**  
86      To provide for a traditional commercial district that promotes mixed use, walkability and transit  
87      options, and takes advantage of its location to East Bay.
- 88
- 89      **4.12 Corridor – Flex (CF)**  
90      To provide for a flexible mixture of retail, office, commercial, residential and institutional uses  
91      within walkable and connected neighborhoods. The objective is to create an environment where  
92      residents can live, work and shop for day-to-day amenities in the same area.
- 93
- 94      **4.13 Material Processing and Warehousing (B-4)**  
95      This district is intended to accommodate those industrial uses, storage, and related activities that  
96      generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety  
97      hazards, or any other potentially harmful or nuisance characteristics. It is designed to

98 accommodate wholesale, warehouse, and industrial activities whose operational and physical  
99 characteristics do not detrimentally affect any of the surrounding district. The B-4 Districts are  
100 established to permit the manufacturing, compounding, processing, packaging, assembly and/or  
101 treatment of finished or semi-finished products from previously prepared material. It is also  
102 intended to prohibit residential uses and intensive retail enterprises as being incompatible with  
103 the primary uses permitted.

104

#### 105 **4.14 Compliance with District Regulations**

106 Compliance with District regulations shall be required as follows:

- 108 A. No building or structure shall be erected, converted, enlarged, reconstructed,  
109 relocated or structurally altered, nor shall any building or land be used, except for a  
110 purpose or use permitted in the district in which the building or land is located, nor  
111 in excess of the height and bulk limits established for such district.
- 112 B. No building or structure intended for a dwelling use shall be erected, converted,  
113 enlarged, reconstructed or structurally altered except in conformity with the floor  
114 area regulations of the district in which it is located.
- 116 C. No building or structure shall be erected, converted, enlarged, reconstructed,  
117 relocated or structurally altered except in conformity with the yard and lot area  
118 regulations and the off-street parking and loading regulations of the district in which  
119 such building is located.
- 122 D. The minimum yards, parking space and other open spaces, including lot area per  
123 family, required by this Zoning Ordinance for any building hereafter erected or  
124 structurally altered, shall not be encroached upon or considered open space or lot  
125 area requirement for any other building, nor shall any other lot area be reduced  
126 beyond the district requirements of this Zoning Ordinance.
- 127 E. Every building or structure hereafter erected or structurally altered shall be located  
128 on a lot as defined, and in no case shall there be more than one (1) main building on  
129 one (1) lot, except as provided in parts of this ordinance.

131

#### 132 **4.15 Properties with Multiple Zoning Designations**

133 When an individual recorded parcel, which exists at the time of adoption of this ordinance, has  
134 more than one zoning classification, the zoning designation which comprises the majority of the  
135 parcel area shall be applied to the entire parcel.

136

#### 137 **4.16 Uses Contrary to Federal, State or Local Statutes, Laws, and/or Ordinances**

138 Uses for enterprises or purposes that are contrary to Federal, State, and Township statutes, laws,  
139 and/or ordinances are prohibited.

140

## ARTICLE 5

### REGULATED USES AND DIMENSIONAL REGULATIONS

#### **5.1 Land Use and Zoning District Table**

The Use Table in this Article lists by Land Use Type (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective base-zoning district.

#### **5.2 Permitted Uses [P]**

If a land use is permitted by-right in a Zoning District, it is identified by the symbol “P.”

#### **5.3 Special Land Use [S]**

The symbol “S” is noted if a land use is permitted after review and approval as a Special Land Use in accordance with Article 5 this Zoning Ordinance.

#### **5.4 Uses Not Allowed**

If a land use type is not allowed in a Base Zoning District, it is blank without a “P” or “S.”

#### **5.5 Site-Specific Standards**

Land use types, denoted with an “S,” are further regulated with site-specific standards are identified in Article 5, Special Land Uses.

#### **5.6 Unlisted Uses**

If an application is submitted for a use type that is not classified in the Land Use Table of this Article, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission may initiate an amendment to the text of the Zoning Ordinance.

#### **5.7 Land Use Type**

Land use types listed in the Land Use and Base Zoning District Table are defined in Definition Article 2: Definitions of this Zoning Ordinance.

#### **5.8 Zoning Codes**

The following codes represent the respective zoning district classifications.

A-1	Agricultural
R-1	One-Family Forest and Coastal
R-2	One Family Residential
R-3	Urban Residential
R-1MH	Manufactured Home Residential
SFN	Single Family Neighborhood
MHN	Mixed Housing Neighborhood
CS	Corridor - Shoreline
C	Corridor - Commercial
CF	Corridor - Flexible
B-4	Material Processing and Warehousing

## 5.9 Land Use and Base Zoning District Table

Uses	Acme Township	A-1	R-1	R-2	R-3	R-1MH	SFN	MHN	CS	C	CF	B-4
<b>Agricultural Land Use</b>												
Agricultural Tourism		P										
Customary Agricultural Operations			P	P	P							
Farmers Markets												P
Farmer's Roadside Market		S										
Farmer's Roadside Stands		P										
Field Crop and Fruit Farming		P	P	P	P							
Food Processing Plants		S										
Game or Hunting Preserves for Profit		S										
Greenhouse (capable of selling retail)		S										
Historic Parks		S										
Lumber and Planing Mills												S
Planned Agricultural Units		S										
Production and Processing												S
Raising and Keeping of Small Animals / Livestock		P										
Raising of Fur Bearing Animals for Profit		S										
Riding Horses		P	P	P	P							
Riding Stables		S										
Sawmills		S										
Special Open Space Uses		S										
Tenant Houses (as part of farm property)		P										
Wineries		S										
<b>Residential Land Uses</b>												
Assisted Living Group Facilities / Convalescent Homes / Nursing Homes		S	S	S		S	P	S				
Bed & Breakfast		S	S	S	S		S	S	S			
Conservation Development		S	S	S	S							
Duplexes		S			S		P	P	P			
Home Occupations (1-Person)		P	P	P	P		P	P	P	P	P	P
Home Occupations (2 or More-Persons)							S	S	S			
Live-Work Housing Unit								P		P	P	P
Manufactured Home Subdivision / Housing Communities						P						
Manufactured Homes		P	P	P	P							
Mixed Use Planned Development						S						
Multiple Family Dwellings						S		P	S	P	P	P
Open Space Preservation Developments (duplexes, multiple or single family)						S						
Open Space Preservation Developments (single family)		P	P	P	P	P		P				
Single Family Condominium Subdivisions								P				
Single Family Dwelling		P	P	P	P	P	P	P	P			

## 5.9 Land Use and Base Zoning District Table

## 5.9 Land Use and Base Zoning District Table

Uses	A-1	R-1	R-2	R-3	R-1MH	SFN	MHN	CS	C	CF	B-4
<b>Institutional Land Uses</b>											
Adult Day Care Center						S	S	S			
Airports and Airfields	S										
Cemeteries	P	P	P	P							
Conservation Areas (Public and Private)	P										
Critical / Supporting Public Uses	S	S	S	S	S				P		
Educational and Social Institutions	S	S	S	S		P	P	P	P	P	
Group Care Home		S	S	S							
Institutional Uses	S	S	S	S							
Private, Non-Commercial Recreation Areas	P	S	S	S							
Public and Private Schools						P	P	P	P	P	
Public Recreation	P	P	P	P		P	P	P	P	P	
Public Uses: Critical, Supporting & Essential	S	S	S	S	P	P	P	P	P	P	
Religious Institutions (with and without Assembly Halls)	S	S	S	S		P		P	P		
Research - Design / Experimentation									P		
Sand/Gravel Pits, Quarries	S										
Sewage Treatment / Disposal Installations	S	S	S	S							
Trade Schools									P		
<b>Accessory Land Uses</b>											
Boathouse		P	P	P							
Customary Uses / Buildings (incidental to permitted principal uses)	P										
Farm Buildings	P	P	P								
Green House (not selling retail on premises)	P	P	P								
Guest House	P	P	P								
Private Swimming Pools	A	A	A								
Private, Detached Garage	P	P	P								
Public Transit Stop or Station						P	P	P	P		
Radio and Television Antennas	P	P	P								
Recreational Vehicle Storage	P	P	P								
Structural Appurtenances	S	S	S	S					S		
Temporary Buildings		A	A	A							
Wireless Telecommunication Facilities						S		S			

## **5.9 Dimensional Regulations**

The placement of Land uses (permitted or special use) are regulated by the zoning district. The table below enumerates by zoning district the dimensional requirements.

## **ARTICLE 9 SPECIAL USES**

## **9.1. GENERAL STANDARDS:**

### **9.1.1 RULES GOVERNING ARTICLE 9:**

This Article permits detailed review of certain types of land uses that, because of their characteristics, require a discretionary decision. These land uses are listed in the remaining sections of this Article. Each of these land uses shall require a special use permit. The general standards in this Section must be met by all uses authorized by special use permit. Some land uses area required to meet the general standards plus specific.

### **9.1.2 PERMIT PROCEDURES:**

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

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

41           d. Township Board Review and Hearing: The Township Board shall review the  
42 application, including the application for site plan approval, and the Planning  
43 Commission's recommendations, and shall decide whether to approve, approve  
44 with conditions, or deny the special use permit. The Township Board may also  
45 refer the application back to the Planning Commission for further consideration.  
46 The Township Board shall incorporate its final decision on a special use permit in  
47 a statement of findings and conclusions which specifies the basis for the decision  
48 and any conditions imposed. If a separate document is not prepared, the  
49 Township Board's meeting minutes (and, to the extent it concurs with the  
50 recommendations, the Planning Commission's meeting minutes) will serve as the  
51 Township Board's findings.

52           e. Permit Expiration: A special use permit approved under this Section shall be valid  
53 for a period of one year from the date of the approval of the application. If  
54 construction has not commenced and proceeded meaningfully toward  
55 completion by the end of this period, the Zoning Administrator shall notify the  
56 applicant in writing of the expiration of said permit. The Planning Commission  
57 may permit a 1-year extension of the approval as a modification pursuant to  
58 Section 9.1.4.b.

59           f. Revocation: Pursuant to the MZEA allowing for the placement of conditions on  
60 the approval of any special use permit, the Township Board shall have the  
61 authority to revoke any special use permit if (a) it was granted in part because of  
62 a material misrepresentation by the applicant or an agent of the applicant; or (b)  
63 the holder of the special use permit violates any term of the special use permit,  
64 including any condition, or any applicable requirement of this ordinance. In either  
65 event, the Township shall give written notice to the holder of the special use  
66 permit, by ordinary mail to the last address provided to the Township by the  
67 holder of the special use permit. If the subject of the notice is a violation of a term  
68 or condition of the special use permit or the ordinance, the Applicant shall have  
69 30 days from the date of the notice to correct the violation, unless the time period  
70 is extended at the sole discretion of the Township Supervisor. If the violation is  
71 not corrected in time, or if the subject of the notice was a material  
72 misrepresentation by the applicant or its agent, the Township Board may revoke  
73 the special use permit with cause after a hearing. The Township Board shall  
74 establish notice requirements and such other conditions for the hearing as the  
75 Township Board deems appropriate, including but not limited to the subpoena of  
76 persons and/or documents. The holder of the special use permit shall reimburse  
77 the Township for its costs, including expert consultant and attorney fees,  
78 associated with or resulting from a revocation proceeding. This paragraph shall  
79 not prevent the Township from seeking any appropriate relief in any other venue,  
80 including but not limited to civil infraction proceedings, criminal proceedings, or  
81 proceedings in civil court.

82           g. Reapplication: No application for a special use permit which has been denied  
83 wholly or in part by the Township Board shall be resubmitted until the expiration  
84 of one year or more from the date of such denial, except on the grounds of newly  
85 discovered evidence or proof of changed conditions.

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### 9.1.3 BASIS FOR DETERMINATIONS:

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Before formulating recommendations for a special land use application, the Planning Commission shall require that the following general standards below and any specific standards for uses listed in Section 9.2 through Section 9.15 be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards:

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a. Compatibility with the Master Plan: The proposed special land use shall be compatible with and in accordance with the general goals and objectives of the Acme Township Master Plan and any associated sub-area and corridor plans.

b. Compatibility with Adjacent Uses: The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a special land use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the Township. The following types of impacts shall be considered:

1. use activities, processes, materials, equipment, or conditions of operation;
2. vehicular circulation and parking areas;
3. outdoor activity, storage and work areas;
4. hours of operation;
5. production of traffic, noise vibration, smoke, fumes odors, dust, glare and light;
6. impacts on adjacent property values; and
7. the relative ease by which the impacts above will be mitigated.

c. Impact of Traffic on the Road Network: The location and design of the proposed special land use shall minimize the negative impact on the traffic network in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, road capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.

d. Impact on Public Services: The proposed special land use shall be located where it can be adequately served by essential public facilities and services, such as highways, streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools. Such services shall be provided and accommodated without excessive additional requirements at a public cost.

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- 130                   e.     Compliance with Zoning Ordinance Standards: The proposed special land use  
131                   shall be designed, constructed, operated and maintained to meet the stated  
132                   intent of the zoning districts and shall comply with all applicable ordinance  
133                   standards.
- 134                   f.     Impact on the Overall Environment: The proposed special land use shall not have  
135                   an unacceptable significant adverse effect on the quality of the natural  
136                   environment in comparison to the impacts associated with typical permitted  
137                   uses.
- 139                   g.     Licensing: The application shall comply with all applicable licensing ordinances.
- 141                   h.     Additional Provisions: The Planning Commission may stipulate such additional  
142                   conditions and safeguards deemed necessary for the general welfare for the  
143                   protection of individual property rights, and for ensuring that the intent and  
144                   objectives of this Ordinance will be observed. The breach of any condition,  
145                   safeguard, or requirement shall automatically invalidate the granting of the  
146                   special land use.
- 148                   i.     Special Land Use Specific Requirements: The general standards and requirements  
149                   of this Section are basic to all uses authorized by special land use. The specific and  
150                   detailed requirements must be met by those uses in addition to the foregoing  
151                   general standards and requirements where applicable.

153                  **9.1.4 PERFORMANCE GUARANTEE:**

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155                  Performance Guarantee: To ensure compliance with the ordinance and any conditions  
156                  imposed, the Township Board may require that a cash deposit, certified check, irrevocable  
157                  letter of credit, or surety bond acceptable to the Township covering the estimated cost of  
158                  improvements be deposited with the Township Clerk to ensure faithful completion of the  
159                  improvements. The performance guarantee shall be deposited at the time of the issuance  
160                  of the special use permit. The Township shall not require the deposit of the performance  
161                  guarantee until it is prepared to issue the permit. If requested by the holder of the special  
162                  use permit, the Township shall rebate any cash deposits in reasonable proportion to the  
163                  ratio of work completed on the required improvements as work progresses. This  
164                  paragraph shall not apply to improvements for which a performance guarantee has been  
165                  deposited under the Land Division Act.

166  
167                  **9.1.5 AMENDMENTS AND MODIFICATIONS:**

- 168                  a.     The Zoning Administrator may authorize insignificant deviations in special use  
169                  permits if the resulting use will still meet all applicable standards and  
170                  requirements of this ordinance. A deviation is insignificant if the Zoning  
171                  Administrator determines it will result in no discernible changes to or impact on

172 neighboring properties, the general public, or those intended to occupy or use  
173 the proposed development and will not noticeably change or relocate the  
174 proposed improvements to the property.

- 175 b. The Planning Commission may permit minor modifications in special use permits  
176 if the resulting use will still meet all applicable standards and requirements of this  
177 ordinance. The Planning Commission may decide minor modifications without a  
178 formal application, public hearing, or payment of an additional fee. For purposes  
179 of this section, minor modifications are those the Zoning Administrator  
180 determines have no substantial impact on neighboring properties, the general  
181 public, or those intended to occupy or use the proposed development.
- 182 c. All other requests for amendments to special use permits shall be processed in  
183 the same manner as new special use permit applications. The Township may  
184 impose new conditions on the approval of an amendment request if such  
185 conditions are warranted under Section 9.1.3b. The holder of the special use  
186 permit may reject such additional conditions by withdrawing the request for an  
187 amendment and proceeding under the existing special use permit.
- 188 d. The holder of a special use permit may request changes under this section by  
189 making the request in writing to the Zoning Administrator. Approval of all changes  
190 must be given in writing.

191 **9.2. CAMPGROUNDS:**

192 **9.2.1 REQUIREMENTS:**

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

- 195 a. No campgrounds shall be located except with direct access to a major  
196 thoroughfare, or with a minimum lot width of not less than 50 feet for the portion  
197 used for entrance and exit. No entrance or exist shall be through a residential  
198 district or shall require movement of traffic from the campground through a  
199 residential district.
- 200 b. The minimum lot area per campground shall be ten acres.
- 201 c. Campsites in campgrounds may be rented by the day or week or for indefinite  
202 periods; or sold PROVIDED, however, that no site shall be occupied as a  
203 permanent or principal residence.
- 204 d. Management headquarters, recreational facilities, toilets, showers, off-street  
205 parking areas, laundry facilities and other uses and structures customarily  
206 incidental to the operation of a campground are permitted as accessory uses  
207 PROVIDED that:
- 208 1. Such accessory uses shall not occupy more than ten percent of the area  
209 of the campground.

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

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

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

223           f. The campground site plan shall be subject to the review and approval of the  
224           Grand Traverse-Leelanau-Benzie County Health Department.

225           g. Individual campsites are not subject to setback and accessory structure  
226           placement requirements that would otherwise be required under the zoning  
227           ordinance.

228           **9.3. GASOLINE SERVICE STATIONS:**

229           **9.3.1 REQUIREMENTS:**

230           The following requirements for site development together with any other applicable  
231           requirements of this Ordinance shall be complied with for Gasoline Service Stations:

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

235           b. Minimum Site Size: 15,000 square feet with a minimum lot width of 150 feet.

236           c. Site Location: The proposed site shall have at least one property line on a major  
237           thoroughfare, provided that where Gasoline Service Station are proposed as part  
238           of a planned shopping center development as outlined in the B-3 Zoning District,  
239           the Gasoline Service Station site, or sites, shall be located at the boundary of the  
240           center where it can be away from patterns of pedestrian circulation and have  
241           direct unencumbered access to traffic arteries.

242           d. Building Setback: Any buildings that are part of a Gasoline Service Station shall be  
243           set back 40 feet from all street right-of-way lines and shall not be located closer  
244           than 25 feet to any property line in the Residential Zoning Districts.

245           e. Access Drives: No more than two driveway approaches shall be permitted directly  
246           from any other public street.

247           1. Driveway approach widths shall not exceed 35 feet measured at the  
248           property line.

- 249                   2. Driveways shall be located as far from street intersections as practicable,  
250                   but no less than fifty feet.
- 251                   3. No driveway or curb cut for a driveway shall be located within ten feet of  
252                   an adjoining property line.
- 253                   4. Any two driveways giving access to a single street shall be separated by  
254                   an island with a minimum dimension of 20 feet.
- 255
- 256                   f. Curbing and Paving: A raised curb of at least six inches in height shall be erected  
257                   along all of the street property lines, except at driveway approaches. The area  
258                   used for servicing vehicles within the Gasoline Service Station property lines shall  
259                   be paved with a permanent surface of concrete or asphalt.

260                  **9.4. INDEPENDENT HOUSING FACILITIES:**

261                  **9.4.1 REQUIREMENTS FOR INDEPENDENT HOUSING FACILITIES:**

- 262                  a. All dwelling units shall contain at least 350 square feet per unit.
- 263                  b. Total coverage of all buildings, including dwelling units and related buildings shall  
264                  not exceed 25% of the total site.
- 265                  c. The maximum allowable density shall be 25 units per acre.
- 266                  d. One parking space per dwelling unit shall be required, of which 25% shall be  
267                  designated for non-resident (visitor) parking, plus an additional space per  
268                  employee on the maximum working shift.
- 269                  e. A minimum of 200 square feet of open space is required per dwelling unit. Open  
270                  space shall not be occupied by principal buildings, accessory buildings, driveways,  
271                  parking or loading space. Open space shall be available to all occupants of the  
272                  development. Each open space area so provided shall have a minimum total area  
273                  of 1,200 square feet and shall be used for recreational space, and other leisure  
274                  activity normally carried on outdoors.
- 275                  f. A minimum of 200 square feet of indoor recreation space is required per dwelling  
276                  unit.

277                  **9.4.2 REQUIREMENTS FOR FACILITIES WITH MULTIPLE RESIDENTIAL BUILDINGS:** Independent  
278                  Housing Facilities may have two or more residential buildings of similar or differing  
279                  character built upon one lot or parcel of land, when a site plan is submitted to and  
280                  approved by the Township Board. When the following requirements have been complied  
281                  with:

- 282                  a. All relevant requirements of 9.9.1 are met.
- 283                  b. Minimum lot size shall be 2 acres.

- 284           c. No facility shall be established on a lot or parcel having a width less than 150 feet,  
285           PROVIDED, however, that the average lot area per family or dwelling unit shall  
286           not be less than required for other residential development in the same zone.
- 287           d. Total coverage of all buildings, including dwelling units and related buildings shall  
288           not exceed 35% of the total site.
- 289           e. Useable Open Space: A minimum of 200 square feet of open space is required per  
290           dwelling unit. Open space shall not be occupied by principal buildings, accessory  
291           buildings, driveways, parking or loading space. Open space shall be available to  
292           all occupants of the development. Each open space area so provided shall have a  
293           minimum total area of 1,200 square feet and shall be used for recreational space  
294           and other leisure activity normally carried on outdoors.
- 295           f. Maximum Building Height: The maximum height of buildings housing the  
296           principal use shall be governed by the requirements in the zoning district.  
297           Accessory buildings shall not exceed fifteen feet in height.
- 298           g. Private Streets: Private streets or private access drives may be permitted within  
299           group housing developments, PROVIDED that the following minimum  
300           requirements are met.
- 301           1. All streets, roadways, or private access drives meet all other private  
302           street requirements under the ordinance and shall be designed to at least  
303           the minimum design, construction, inspection, approval and  
304           maintenance requirements of the Grand Traverse County Road  
305           Commission for private roads.
- 306           2. Satisfactory arrangements have been made with the Planning  
307           Commission regarding the maintenance and repair of streets, roadways  
308           or access drives.

310           **9.5. PRIVATE NON-COMMERCIAL RECREATION AREAS:**

311           **9.5.1 REQUIREMENTS:**

312           Private nonprofit swimming pool clubs, community recreation centers, or other  
313           non-commercial recreation activities, are allowed in designated Zoning Districts by special  
314           use permit, subject to the following requirements:

- 315           a. Facilities are to be constructed, maintained, and operated by an incorporated,  
316           non-profit club or organization with a specified limitation of members and their  
317           guests.
- 319           b. The minimum site size shall be five acres with a minimum width of 200 feet.
- 320           c. In those instances where the proposed site is intended to serve club or  
321           organization members who reside beyond the immediate neighborhood or

322 subdivision in which the proposed site is located, the site shall be located on a  
323 major thoroughfare and all ingress and egress for the site shall be from said  
324 thoroughfare.

325 d. A front yard setback of 50 feet shall be provided.

326 e. Off-street parking may be located in a side or rear yard PROVIDED that it is not  
327 located closer than 50 feet to any adjacent property in the Residential Zoning  
328 Districts.

329 An outdoor swimming pool shall be permitted in the rear yard only, shall be located at  
330 least 100 feet from any adjoining property in the Residential Zoning Districts , and shall  
331 be enclosed with a protective fence 6 feet in height with entry provided by means of a  
332 controlled gate.

333 **9.6. SAND OR GRAVEL PITS, QUARRIES:**

334 **9.6.1 REQUIREMENTS:**

335 Sand or gravel pits, and quarries are authorized by special use permit in designated Zoning  
336 Districts subject to the following requirements:

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

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

343 c. No fixed machinery shall be erected or maintained within 100 feet of any property  
344 or street line.

345 d. The use shall be enclosed by a fence or suitable plantings six feet or more in height  
346 for the entire periphery of the property.

347 e. No slope shall exceed an angle with the horizontal of 45 degrees.

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

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

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

- 358           i. All installations shall be maintained in a neat, orderly condition so as to prevent  
359           injury to property, any individual, or the Township in general.
- 360           j. Proper measures, as determined by the Township Board, shall be taken to  
361           minimize the nuisance of noise and flying dust or rock. Such measures may  
362           include limitations upon the practice of stockpiling excavating materials on the  
363           site.
- 364           k. When excavation and removal operations are completed, the excavated area  
365           shall be graded so that no gradients in disturbed earth shall be steeper than a  
366           slope of three to one in horizontal-vertical gradient. A layer of gravel topsoil shall  
367           be spread over the excavated areas to minimum depth of four inches in  
368           accordance with an approved contour plan furnished by the applicant. The area  
369           shall be seeded with a perennial rye grass, or other similar soil-holding material,  
370           and maintained by the applicant until the area is stabilized.

371           **9.7. FARMER'S ROADSIDE MARKETS:**

372           **9.7.1 REQUIREMENTS:**

373           Markets selling farm products and limited household convenience goods are authorized  
374           by special use permit in designated Zoning Districts, subject to the following  
375           requirements:

- 377           a. Maximum floor area: The principal building shall have a maximum floor area of  
378           2,500 square feet.
- 379           b. Parking shall be provided at the highway right-of-way in accord with the  
380           standards of Section 7.5.
- 381           c. Outside sales shall be temporary and restricted to the above mentioned products.

382           **9.8. FOOD PROCESSING PLANTS INCLUDING COOLING STATIONS:**

383           **9.8.1 REQUIREMENTS:**

384           Food processing plants, including cooling stations, are permitted in designated Zoning  
385           Districts, subject to the following requirements:

- 387           a. Required information: The following additional information shall be submitted as  
388           a basis for judging the suitability of the proposed operation:
- 389           1. A site plan of the property showing the location of all present and  
390           proposed buildings, drives, parking areas, waste disposal fields,  
391           landscaping, plant materials, screening, fences, or walls, and other  
392           construction features which shall be proposed.
- 393           2. A description of the operations proposed in sufficient detail to indicate  
394           the effects of those operations in producing traffic congestion, noise,

glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter.

### **3. Engineering and Architectural Plans for:**

a) The treatment and disposal of sewage and industrial waste or unusable by-products.

b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazard, or emission of potentially harmful or obnoxious matter.

4. The proposed number of shifts to be worked and the maximum number of employees on each shift

**b.** The landscaped buffer required by Section 7.5.6e of this Ordinance shall be 200 feet in width where any use permitted herein abuts a highway. Otherwise, there shall be a 100 foot wide landscaped buffer from any adjacent property line. The buffer shall be provided as described in Section 7.5.6d.

## **9.9. MATERIAL PROCESSING AND WAREHOUSING:**

### **9.9.1 DATA REQUIRED:**

In addition to the information required by Section 9.1 the applicant shall submit the following information to the Township:

**a.** A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any active potentially harmful or obnoxious matter, or radiation or radioactive materials.

b. Engineering and Architectural Plans For the proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter, or radiation or radioactive materials.

c. The proposed number of shifts to be worked and the maximum number of employees on each shift

### **9.9.2 USE REQUIREMENTS:**

a. Enclosed Buildings: All activities related to this use shall be carried out in completely enclosed buildings. Storage may be permitted out-of-doors by the Township, PROVIDED that within 100 feet of the Residential District, all storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates.

435           1. Such fence or wall shall be at least six feet in height, but in no case shall  
436           the required fence be higher than eight feet. Such storage shall not be  
437           deemed to include the parking of licensed motor vehicles. The Township  
438           may approve a screening of plant materials and berthing, provided the  
439           approved screening will have the immediate effect of screening the  
440           proposed use. Plans and specifications for such screening shall be a part  
441           of plans required under Section 9.1.2.

442           b. Noise emanating from this use shall not exceed the level of ordinary conversation  
443           at the boundaries of the lot. Noise may equal but shall not exceed average street  
444           traffic noise.

446           c. This use shall conform to the following additional requirements:

447           1. Emit no obnoxious, toxic, or corrosive fumes or gases which are  
448           deleterious to the public health, safety or general welfare; except for  
449           those produced by internal combustion engines under designed  
450           operating conditions.

451           2. Emit no smoke, odorous gases, or other odorous matter in such  
452           quantities as to be offensive at or beyond any boundary of the use of the  
453           parcel.

454           3. Discharge into the air no dust or other particulate matter created by any  
455           industrial operation or emanating from any products stored prior or  
456           subsequent to processing.

457           4. Produce no heat or glare humanly perceptible at or beyond the lot  
458           boundaries.

459           5. Produce no physical vibrations humanly perceptible at or beyond the lot  
460           boundaries.

461           6. Discharge no radiation or radioactive materials that exceed quantities  
462           established by the U.S. Bureau of Standards.

463           7. Does not include in the manufacturing process any production or storage  
464           of any material designed for use as an explosive, or in the use of any such  
465           material in production.

466           d. Yards for this use shall conform to the following requirements:

468           1. Except for landscaping and necessary drives and walks, the front yard  
469           shall remain clear, and shall not be used for parking, loading, or accessory  
470           structures. Side and rear yards, except for a strip along the lot boundary  
471           10 feet in width, may be used for parking and loading but not for storage.  
472           The side or rear yard may be eliminated where a railroad service to the  
473           site is obtained at that edge of the lot.

- 474                   2. When the side or rear yard areas abut land within the Residential Zoning  
475                   Districts and when such yard areas are to be used for parking, loading,  
476                   unloading, or servicing, then such side and rear yard areas shall be  
477                   effectively screened by a solid, uniformly finished wall or fence. Such wall  
478                   or fence shall be at least four feet in height, but in no case shall the fence  
479                   or wall be lower than the enclosed parking, loading, or servicing activity  
480                   to be screened. The height and intent of such wall or fence shall be  
481                   determined by the Township on the basis of proposed side or rear yard  
482                   usage.

483                   **9.10. REGULATION OF BILLBOARDS:**

484                   **9.10.1 STATEMENT OF INTENT:**

485                   The economic health and well being of Acme Township, Grand Traverse County and the  
486                   Grand Traverse Region depends upon the area's natural scenic beauty and environmental  
487                   quality. The region's highway corridors are subject to the highest visual exposure of any  
488                   areas within the Township and region; therefore, it is necessary within these corridors to  
489                   protect the area's natural landscapes and community character from visual pollution.  
490                   Such protection is essential to the community health, safety and welfare. To assure such  
491                   protection the following standards are established.

492                   **9.10.2 REQUIRED STANDARDS:**

- 493                   a. Not more than two billboards may be located per linear mile of highway  
494                   regardless of the fact that such billboards may be located on different sides of the  
495                   highway. The linear mile measurement shall not be limited to the boundaries of  
496                   the Township where the highway extends beyond such boundaries. Double-faced  
497                   billboard structures (i.e., structures having back-to-back billboard faces) and V-  
498                   type billboard structures having only one face visible to traffic proceeding from  
499                   any given direction on a highway shall be considered as one billboard. Otherwise,  
500                   billboard structures having more than one billboard face, including billboard  
501                   structures with tandem (side-by-side) or stacked (one above the other) billboard  
502                   faces, shall be considered as two billboards and shall be prohibited in accordance  
503                   with the minimum spacing requirement set forth in subsection b below.
- 504                   b. No billboard shall be located within 1,000 feet of another billboard abutting  
505                   either side of the same highway.
- 506                   c. No billboard shall be located within 200 feet of Residential Zoning Districts and/or  
507                   an existing dwelling. If the billboard is illuminated, this required distance shall be  
508                   300 feet.
- 509                   d. No billboard shall be located closer than the required front yard width from a  
510                   property line adjoining a public right-of-way or a side yard width from any interior  
511                   boundary lines of the premises on which the billboard is located.
- 512                   e. The surface display area of any side of a billboard may not exceed 300 square  
513                   feet. If a billboard abuts a portion of a two-lane road with a posted speed limit of

- 514                          45 m.p.h. or less, the surface display area limits set forth above shall be 75 square  
515                          feet instead of 300 square feet.
- 516                          f.        The height of a billboard shall not exceed 20 feet above the natural grade of the  
517                          ground on which the billboard sits.
- 518                          g.        No billboard shall be on top of, cantilevered or otherwise suspended above the  
519                          roof of any building.
- 520                          h.        A billboard may be illuminated, provided such illumination is concentrated on the  
521                          surface of the sign and is so located as to avoid glare, upward light or reflection  
522                          onto any portion of an adjacent street or highway property, landscaping, etc., the  
523                          path of on-coming vehicles, or any adjacent premises. In no event shall any  
524                          billboard have flashing or intermittent lights, nor shall the lights be permitted to  
525                          rotate or oscillate.
- 526                          i.        A billboard must be constructed in such a fashion that it will withstand all wind  
527                          and vibration forces which can normally be expected to occur in the vicinity. A  
528                          billboard must be maintained so as to assure proper alignment or structure,  
529                          continued structural soundness, and continued readability of message.
- 530                          j.        A billboard established within a business, commercial, or industrial area, as  
531                          defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended)  
532                          bordering interstate highway, freeways or primary highways as defined in said  
533                          Act shall, in addition to complying with the above conditions, also comply with all  
534                          applicable provisions of said Act and the regulations promulgated there under, as  
535                          such may from time to time be amended.
- 536                          k.        No person, firm or corporation shall erect a billboard within Acme Township  
537                          without first obtaining a special use permit, which permit shall be granted upon  
538                          a showing of compliance with the provisions of this Ordinance, payment of a fee  
539                          therefore, and the contractual agreement allowing for the installation of said  
540                          billboard. Permits shall be issued for a period of one (1) year, but shall; be  
541                          renewable annually upon inspection of the billboard by the Acme Township  
542                          Zoning Administrator confirming continued compliance with this Ordinance and  
543                          payment of the billboard permit fee. The amount of the billboard permit fee  
544                          required hereunder shall be established by resolution of the Acme Township  
545                          Board and shall bear a reasonable relationship to the cost and expense of  
546                          administering this permit requirement. The Township Board shall further have  
547                          the right to amend the aforementioned resolution from time to time within the  
548                          foregoing limits of reasonableness.

549                          **9.11. BED AND BREAKFAST ESTABLISHMENTS**

550                          **9.11.1 STATEMENT OF INTENT:**

551                          It is the intent of this section to allow for and regulate Bed and Breakfast Establishments,  
552                          and to ensure that the property is suitable for transient lodging facilities, the use is  
553                          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.

### **9.11.2 PERMITTED USES:**

- a. Bed and Breakfast Homes: in addition to the requirements in Section 9.24.3, the following additional requirements shall be met:

1. No more than five rooms shall be available for rent at any time.

2. Such Homes shall not be located on property less than one acre in size.

- b. **Bed and Breakfast Inns:** in addition to the requirements in Section 9.24.3, the following additional requirements shall be met:

1. No more than ten rooms shall be available for rent at any time.

2. Such Inns shall not be located on property less than five acres in size.

### **9.11.3 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:

- a. The minimum lot size shall be one acre for Bed and Breakfast Homes and five for Bed and Breakfast Inns.

- b. Off-street parking shall be provided at one space per rental sleeping room and one additional space for the owner occupant.

- c. In addition to the standards set forth in Section 7.4, Signage, for Bed and Breakfast Homes and Inns shall meet the following requirements:

1. Signs for Bed and Breakfast Inns shall not exceed sixteen square feet in size. Signs for Bed and Breakfast Homes shall not exceed sixteen square feet in size. Such signage may not be internally lit, but may have external sign lighting 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 and polarizing devices.

2. No sign shall be located closer than ten feet from the road right-of-way.

3. No internally lit signs will be permitted. External sign lighting shall be from an overhead position only shining downward onto the sign face. Light sources shall be shielded from view from adjacent streets and properties by light fixture shields.

- 590                   d. The establishment shall be owner-occupied at all times. In the case a Bed and  
591                   Breakfast Home or Inn has multiple owners, at least one owner shall occupy the  
592                   establishment at all times. Any other arrangement shall require the approval of  
593                   the Township.
- 594                   e. The rental sleeping rooms shall have a minimum size of 100 square feet for each  
595                   two occupants with an additional 30 square feet for each occupant to a maximum  
596                   of four occupants per room.
- 597                   f. In the event the Township determines that noise generation may be disturbing to  
598                   neighbors, or that the location of the establishment is in an area where trespass  
599                   onto adjacent properties is likely to occur, then the Township may require that  
600                   fencing and/or a planting buffer be constructed and maintained.
- 601                   g. Use of snowmobiles, all-terrain vehicles or similar vehicles, boats and other  
602                   marine equipment, in conjunction with the operation of the establishment shall  
603                   be prohibited.
- 604                   h. A special use permit shall not be granted if the essential character of a lot or  
605                   structure within a residential or agricultural district, in terms of use, traffic  
606                   generation or appearance will be changed substantially by the occurrence of the  
607                   bed and breakfast use.
- 608                   i. All Bed and Breakfast Homes or Inns shall be an active member in the State of  
609                   Michigan's Bed and Breakfast Association. A copy of all reviews, as part of the  
610                   association review process, shall be provided to the township upon completion.
- 611                   j. All Bed and Breakfast Homes or Inns shall meet all local and state regulations for  
612                   construction code and fire safety.
- 613                   k. When proposing to use a structure for a Bed and Breakfast Home or Inn, it shall  
614                   be demonstrated, with the burden of proof provided by the applicant, that such  
615                   structure possesses some historical or architectural significance which would  
616                   make it a unique location for such an establishment.
- 617                   l. All rooms for rent in any Bed and Breakfast Home or Inn shall be rented for  
618                   temporary periods of time. No room shall be used as the primary residence of any  
619                   non-family renter.

620                   **9.14 MEDICAL MARIHUANA DISPENSARY**

621                   **9.14.1 STATEMENT OF INTENT:**

622                   The purpose of a Medical Marihuana Dispensary is to allow an establishment or place of business  
623                   to undertake the following "Medical uses" of Medical Marihuana on the property: acquisition,  
624                   possession, delivery or transfer of marihuana or paraphernalia relating to the administration of  
625                   marihuana to treat or alleviate a registered qualifying patient's debilitating medical conditions or  
626                   symptoms associated with the debilitating medical condition under the Medical Marihuana Act.  
627                   Acme Township desires to allow all legal businesses to operate in the Township, but recognizes  
628  
629

630 the need to zone for all uses to protect the health, safety and welfare of the general public. A  
631 Medical Marihuana Dispensary must satisfy the general standards in Section 9.1, the specific  
632 requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.  
633

634 **9.14.2 REQUIRED STANDARDS:**

- 636     a. The acquisition, possession, delivery or transfer of Medical Marihuana or  
637         paraphernalia shall comply at all times with the Medical Marihuana Act and the  
638         General Rules of the Michigan Department of Community Health, as amended.
- 640     b. The transfer of Medical Marihuana shall be only allowed to a Qualifying Patient by  
641         his or her Registered Primary Caregiver or by another Qualifying Patient as allowed  
642         by the Medical Marihuana Act and the General Rules of the Michigan Department  
643         of Community Health, as amended.
- 645     c. A Medical Marihuana Dispensary shall not operate between the hours of 8:00p.m.  
646         and 8:00 a.m.
- 649     d. Except for parents or guardians of a Qualifying Patient who is under the age of  
650         eighteen (18) and the Owner or staff of the facility, persons other than a Qualifying  
651         Patient or Primary Caregiver shall not be permitted within the facility when  
652         Medical Marihuana is being transferred.
- 654     e. A Medical Marihuana Dispensary shall not be owned or operated by, or employ, a  
655         person that has been convicted of a felony involving controlled substances.
- 657     f. No use by way of smoking, ingestion, consumption, or any other method of taking  
658         Medical Marihuana into the body shall occur at a Medical Marihuana Dispensary.
- 660     g. No person under the age of 18 shall be permitted into a Medical Marihuana  
661         Dispensary at any time unless that person is a Qualifying Patient and is  
662         accompanied by that person's parent or guardian.
- 664     h. Medical Marihuana Dispensaries shall be considered a Retail store for purposes of  
665         determining Off-Street Parking and Loading requirements under the Zoning  
666         Ordinance.
- 668     i. A Medical Marihuana Dispensary shall not be located within a 500foot radius of  
669         another existing Medical Marihuana Dispensary or Medical Marihuana Cultivation  
670         Operation.
  - 672         1. For purposes of measuring the 500 foot radius in this section, the  
673             measurement shall be taken from the nearest point on the building where  
674             the existing Medical Marihuana Dispensary or Medical Marihuana

675 Cultivation Operation exists to the nearest point on the building where the  
676 proposed Medical Marihuana Dispensary is proposed.  
677

678 2. Exception shall be made when the operator of a Medical Marihuana  
679 Dispensary is also approved to operate a Medical Marihuana Cultivation  
680 Operation on the same parcel as granted through a Special Use Permit.  
681

682 j. A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of  
683 any existing public or private elementary, vocational, or secondary school, or a  
684 public or private college, junior college, or university, or a library, or a playground  
685 or park, or a public or private youth recreational facility.  
686

687 1. For purposes of this section the term "library" means a library that is  
688 established by the state; a county, city , township, village, school district,  
689 or other local unit of government or authority or combination of local units  
690 of government and authorities; a community college district; a college or  
691 university; or any private library open to the public.  
692

693 2. For purposes of this section the term "playground" means any outdoor  
694 facility (including any parking lot appurtenant thereto) intended for  
695 recreation, open to the public, and with any portion thereof containing  
696 three or more separate apparatus intended for the recreation of children  
697 including, but not limited to, sliding boards, swing sets, and teeterboards.  
698

699 3. For purposes of this section the term "park" means any land or facility of  
700 any size or shape, including but not limited to linear ways, road ends, and  
701 submerged lands, that are open to the public and used for recreation or  
702 held for future recreational use.  
703

704 4. For purposes of measuring the 1,000 foot radius in this section, the  
705 measurement shall be taken from the nearest property line of the existing  
706 public or private elementary, vocational, or secondary school, or public or  
707 private college, junior college, or university, library, or playground or park,  
708 or a public or private youth recreational facility to the nearest point on the  
709 building where the proposed Medical Marihuana Dispensary is proposed.  
710

711 k. The planting, growing, harvesting, processing and packaging of Medical Marijuana  
712 shall not be allowed on the parcel unless approved through a Special Use Permit  
713 and pursuant to Section 9.1 and Section 9.27.  
714  
715

## 716 **9.15 MEDICAL MARIHUANA CULTIVATION OPERATION**

### 717 **9.15.1 STATEMENT OF INTENT**

The purpose of a Medical Marihuana Cultivation Operation is to allow an establishment or place of business to undertake the following "Medical uses" of Medical Marihuana on the property: planting, growing, harvesting, processing, packaging or storing of Medical Marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana 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. A Medical Marihuana Cultivation Operation must satisfy the general standards of Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

### **9.15.2 REQUIRED STANDARDS**

- a. The planting, growing, harvesting, processing, packaging or storing of Medical Marihuana shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health.
- b. The cultivation of Medical Marihuana shall be only allowed by a Primary Caregiver for the Qualifying Patients registered under their care.
- c. Medical Marihuana Cultivation Operations shall be limited to growing a maximum of sixty (60) marihuana plants for Qualifying Patients. The maximum number of marihuana plants shall increase to seventy two (72) if the Primary Caregiver operating the Medical Marihuana Cultivation Operation is also a Qualifying Patient.
- d. Except for the Owner of the property, persons other than the Primary Caregiver shall not be permitted within the Operation when Medical Marihuana is being cultivated, harvested, processed, packaged or stored.
- e. No person under the age of eighteen (18) shall be permitted into a Medical Marihuana Cultivation Operation at any time
- f. A Medical Marihuana Cultivation Operation shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.
- g. No use by way of smoking, ingestion, consumption, or any other method of taking Medical Marihuana into the body shall occur at a Medical Marihuana Cultivation Operation.
- h. No more than one (1) Primary Caregiver shall operate a Medical Marihuana Cultivation Operation on any one (1) parcel.

- 763                   i. The cultivation of Medical Marihuana shall only be permitted inside a structure  
764                   not visible from the outside that shall be at all times secured and locked, and shall  
765                   be accessible only by the Primary Caregiver and Owner of the property.
- 766
- 767                   j. Lighting utilized for cultivating Medical Marihuana shall not be visible from the  
768                   exterior of the building.
- 769
- 770                   k. No equipment or process shall be used in which creates noise, dust, vibration,  
771                   glare, fumes, odors or electrical interference detectable to the normal senses  
772                   beyond the parcel boundary.
- 773
- 774                   l. A waste disposal plan shall be included with all applications for an operation  
775                   detailing plans for chemical disposal and plans for marihuana plant disposal.  
776                   Under no instance shall the incineration of medical marihuana plants or plant  
777                   materials be allowed on the parcel.
- 778
- 779                   m. A Medical Marihuana Cultivation Operation shall be considered an industrial or  
780                   manufacturing use for purposes of determining Off-Street Parking and Loading  
781                   requirements under the Zoning Ordinance.
- 782
- 783                   n. A Medical Marihuana Cultivation Operation shall not be located within a 500 foot  
784                   radius of another existing Medical Marihuana Cultivation Operation or Medical  
785                   Marihuana Dispensary.
- 786
- 787                   1. For purposes of measuring the 500 foot radius in this section, the  
788                   measurement shall be taken from the nearest point on the building where  
789                   the existing Medical Marihuana Cultivation Operation or Medical  
790                   Marihuana Dispensary exists to the nearest point on the building where  
791                   the proposed Medical Marihuana Cultivation Operation is proposed
- 792
- 793                   2. Exception shall be made when the operator of a Medical Marihuana  
794                   Cultivation Operation is also approved to operate a Medical Marihuana  
795                   Dispensary on the same parcel as granted through a Special Use Permit.
- 796
- 797                   o. A Medical Marihuana Cultivation Operation shall not be located within a 1,000  
798                   foot radius of any existing public or private elementary, vocational, or secondary  
799                   school, or a public or private college, junior college, or university, or a library, or a  
800                   playground or park, or a public or private youth recreational facility.
- 801
- 802                   1. For purposes of this section the term "library" means a library that is  
803                   established by the state; a county, city township, village, school district, or  
804                   other local unit of government or authority or combination of local units  
805                   of government and authorities; a community college district; a college or  
806                   university; or any private library open to the public.

- 807
- 808     2. For purposes of this section the term "playground" means any outdoor  
809       facility (including any parking lot appurtenant thereto) intended for  
810       recreation, open to the public, and with any portion thereof containing  
811       three or more separate apparatus intended for the recreation of children  
812       including, but not limited to, sliding boards, swing set, and teeterboards.
- 813
- 814     3. For purposes of this section the term "park" means any land or facility of  
815       any size or shape, including but not limited to linear ways, road ends, and  
816       submerged lands, that are open to the public and used for recreation or  
817       held for future recreational use.
- 818
- 819     4. For purposes of measuring the 1,000 foot radius in this section, the  
820       measurement shall be taken from the nearest property line of the existing  
821       public or private elementary, vocational, or secondary school, or public  
822       park or private college, junior college, or university, or a library, or a  
823       playground or park, or a public or private youth recreational facility to the  
824       nearest point on the building where the proposed Medical Marihuana  
825       Cultivation Operation is proposed.
- 826
- 827     p. The acquisition, possession, delivery or transfer of Medical Marihuana or  
828       paraphernalia shall not be allowed on the parcel unless approved through a  
829       Special Use Permit and pursuant to Section 9.1 and Section 9.15.

830