



ACME TOWNSHIP ZONING ORDINANCE

Grand Traverse County, Michigan

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as subsequently amended through December 22, 2012

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ARTICLE I: SHORT TITLE

This zoning ordinance shall be known as the "Acme Township Zoning Ordinance" and will be referred to herein as "this Ordinance".

ARTICLE II: PURPOSES

This Ordinance is provided for by and intended to be read in concert with the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.* The purposes of this Ordinance are to regulate the use of land and structures to meet the needs of the Township's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

ARTICLE III: DEFINITIONS

3.1. RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- 3.1.1** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- 3.1.2** The word "person" means an individual, firm, corporation, partnership, association, trust, the state or an agency of the state, or other legal entity, or any combination thereof.
- 3.1.3** The word "lot" includes the word "plot", "tract" or "parcel."
- 3.1.4** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- 3.1.5** The words "used or occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- 3.1.6** Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

3.2. DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Buildings: A subordinate building on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

Accessory Structures: A subordinate structure on the same lot with a principal or main building. Shall include but not be limited to the following: playground equipment, sport courts, children's playhouses, dog houses or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbeque stoves, parking lots, and loading docks and radio and television antennas. Shall not include fences, hunting blinds or signs.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Agricultural Tourism, "ag-tourism" and/or "agri-tourism": means the practice of visiting an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

THE ABOVE DEFINITIONS ADDED BY AMENDMENT 018 ADOPTED 05/01/2012 EFFECTIVE 05/13/2012.

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a

building, whether by extending a side or by increasing in height; or the moving from one location to another.

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple-family dwelling intended or designed for use as a residence by a single family.

Assisted Living Family Facility: A residential facility housing 6 or fewer people per building, and providing housing, two (2) or more group meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

Assisted Living Group Facility: A residential facility that houses more than 6 people per building, and providing housing, two (2) or more group meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping an assisted living facility.

THE ABOVE TWO ASSISTED LIVING DEFINITIONS ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.

Basement: A story having part, but not more than one-half of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

Board of Appeals: Acme Township Zoning Board of Appeals.

Board of Trustees: Acme Township Board of Trustees.

Boarding Residence: A private residence where non-related individuals are provided with room and board on a permanent basis.

Boat House: An enclosed structure designed for the use and storage of private boats and marine equipment.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings, and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building, Front Line of: The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, Height of: The vertical distance measured from the main elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Lines: A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Buildings, Semi-Detached: Two adjacent building essentially independent of each other, having a common (double) side wall.

Business Zoning Districts: Means the B-1S, B-1P, B-2, B-3, and B-4 Zoning Districts, as defined by this Ordinance.

Campground: Means as defined in Part 125 of the Michigan Public Health Code.

Campsite: Means the same as “site,” as defined by the Administrative Rules for Part 125 of the Michigan Public Health Code.

Child Care Center: A facility for the care of children, as defined by MCL 722.111(1)(a).

Club: An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending, or commercial activities except as required incidentally for the membership and purposes of such club.

Condominium Act: Means MCL 559.101 *et seq.*

Condominium Subdivision: shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Acme Township Subdivision Control Ordinance, as amended.

Condominium Subdivision Plan: Means as defined in the Condominium Act.

Condominium Unit: Means as defined in the Condominium Act.

Convalescent Home: A long-term recuperative care facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for the aged, the infirm or persons recovering from illness. An unlicensed extended care facility or chronic care facility providing twenty-four (24) hour nursing care shall mean the same. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**

Density: The number of dwelling units developed or to be developed per net acre of land.

District: A zoning district as that term is used in the Michigan Zoning Enabling Act.

Dwelling: Any building or part thereof occupied as the home, residence or sleeping place of one or more persons either permanently or transiently including an attached garage, but except manufactured homes, whether or not mounted on wheels. **AMENDED 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001**

Dwelling, Single Family: A detached dwelling unit designed for exclusive occupancy by a single family.

Duplex: A single building with two dwelling units designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple-Family: A building used or designed to contain separate living units for three or more families, including apartment houses, cooperative, garden apartments, and condominiums.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one family, and having cooking facilities.

Existing Buildings: A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A use of land, buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Family:

1. Family means one individual, two unrelated individuals; or where there are more than two individuals residing in a dwelling unit, individuals classified constituting a family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above individuals living together in a single dwelling unit.
2. Anyone seeking the rights and privileges afforded a member of a family by this Ordinance shall have the burden of proof by clear and convincing evidence of their family relationship.
3. Domestic unit: As herein defined, a domestic unit shall be given the same rights and privileges and shall have the same duties and responsibilities as a family, as defined herein for purposes of construing and interpreting this Ordinance. Domestic unit shall mean a collective number of individuals living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit.
4. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a house is not to function as a family, but merely for convenience and economics.
5. Any individual seeking the rights and privileges afforded a member of a domestic unit by this chapter shall have the burden of proof by clear and convincing evidence of each of the elements of a domestic unit.
6. Nothing in this definition shall be deemed to confer any legal rights upon any individual on the basis of conduct otherwise unlawful under any existing law.

Family Child Care Home: Has the same meaning as in the Child Care Organizations Act, MCL 722.111

Farmers Market: An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second-hand goods) dispensed from booths located on site.

Farmer's Roadside Market: A market operated as a part of a farming business, selling farm products produced on and off the proprietor's farm, as well as a limited number of household convenience goods.

Farmer's Roadside Stand: A structure for the display of agricultural and related products on a seasonal basis, with no space for customers within the structure itself.

Flood Plain: An area of land adjoining a river or stream that will be inundated by a 100-year flood. Michigan Administrative Rule 323.1311(f).

Garage: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles owned or used by the occupants of the building to which it is an accessory.

Gasoline Service Station: An area of land, including any structure thereon, that is used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto, approved for land use, special use or building permits.

Group Child Care Home: Has the same meaning as in the Child Care Organizations Act, MCL 722.111

Independent Housing Facilities: A multiple family residential development for persons needing little or no personal assistance, which provides independent living dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services are provided. The term "Senior Housing" or "Housing for the Elderly" shall mean the same. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**

Kennel: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of five or more dogs, cats or other household pets over the age of six months.

Lake: As defined by Part 303 of Michigan's Natural Resources and Environmental Protection Act, MCL 324.30101 *et seq.*, namely, a natural or artificial lake, pond, or impoundment; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, including Grand Traverse Bay.

Land Use Permit: Shall mean the same as a zoning permit, per the Michigan Zoning Enabling Act.

Line, Street: The dividing line between a street right of way and a lot.

Lodging House: A building in which three or more rooms are rented and in which no table board is furnished.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.

Lot Coverage: The part or percent of the lot occupied by a building, including accessory buildings.

Lot, Front Of: That lot line which is the street line of the principal street or right-of-way.
AMENDED 01/05/10 EFFECTIVE 01/18/10 AS ZONING ORDINANCE AMENDMENT 004

Lot: The parcel of land having frontage along a street or right-of-way on which one principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. Two or more parcels, lots of legal record, or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this Ordinance

Lot, Depth of: The mean distances from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: The lines bounding a lot as herein described.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds in Grand Traverse County or had been approved as a final plat by the Township Board prior to the date of this Ordinance. Also a lot described by metes and bounds, the deed or other conveyance to which has been recorded in the office of the Register of Deeds in Grand Traverse County prior to the date of this Ordinance, or a lot described by metes and bounds that has been created after the effective date of this Ordinance but only if the creation of the lot meets all the requirements of the Acme Township Zoning Ordinance and the creation of the lot has been approved pursuant to Section 5.7 of the Acme Township Zoning Ordinance.

Lot, Width of: The width measured along the front line or street line.

Lot Line, Zero: A condition requiring no setback from one lot line as required by semi-detached buildings.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function being the provision of access to abutting property.

Marina: A commercial boat basin or dock with facilities for berthing and servicing all types of watercraft, as well as providing supplies, provisions, service and fueling facilities.

Master Deed: Has the same meaning as in the Condominium Act.

Medical Urgent Care Facility: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physician or group of physicians, dentists, or similar professions.

Michigan Public Health Code: MCL 333.12501 *et seq.*

Mixed Use Planned Development: A “planned unit development” under Section 503 of the Michigan Zoning Enabling Act.

Motel: A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts", "tourist courts", motor courts", "motel hotels", and similar identifications of integrated units of individual rooms under common ownership.

MZEA: The Michigan Zoning Enabling Act. MCL 125.3101 *et seq.*

Nonconforming Use: A building, structure, or use of land which existed at the time of the enactment or later amendment of this Ordinance, and which does not conform to the regulations of the Zoning District in which it is situated.

Normal Stream or River Bank: That bank or steep slope which confines waters of a stream or river during normal periods of flow.

Nursing Home: A state licensed long-term facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for seven (7) or more aged, infirm or persons recovering from illness which is regulated under Act 368 of 1978. A State Licensed Sub-Acute Care Facility, State Licensed Home for the Aged, a State Licensed Nursing Home, or State Licensed Hospice Facility providing twenty-four (24) hour nursing care shall mean the same. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**

Master Plan: Has the same meaning as in the Michigan Planning Enabling Act. MCL 125.3801.

Medical Marihuana Act means MCL 333.26421 *et seq.*, as amended and the regulations adopted by the Michigan Department of Community Health, as amended. The definitions found in the Medical Marihuana Act are incorporated into this Ordinances for all purposes concerning Medical Marihuana.

Medical Marihuana Dispensary: An establishment or place of business where a caregiver or patient transfers Medical Marihuana to another caregiver or patient. A Medical Marihuana Dispensary may undertake the following “Medical uses” of Medical Marihuana on the property: acquisition, possession, delivery or transfer of marihuana or paraphernalia relating to the administration of 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.” It may also have licensed physician available on the property for consultations with medical marihuana patients. It may not sell any other goods or services.

Medical Marihuana Cultivation: A use where Medical Marihuana is grown as permitted by the Michigan Medical Marihuana Act.”

Medical Marihuana Cultivation Facility: A use where more than 72 Medical Marihuana plants are grown on a parcel. A Medical Marihuana Cultivation Facility is not an allowed use in Acme Township.

MEDICAL MARIHUANA-RELATED DEFINITIONS ADDED BY AMENDMENT 013 ADOPTED 08/02/11 EFFECTIVE 08/13/11

Planned Shopping Center: A development of one or more buildings on a single site having grouped retail stores and service establishments.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premise exists.

Public Uses:

Critical: such as, but not limited to, fire station, ambulance service, police station, etc., and associated facilities.

Essential: i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare. Buildings associated with Essential Public Uses require Special use Permit Approval, pursuant to Section 9.1.

Supporting: such as, but not limited to, township hall, library, civic center, official government office, authority office, post office, etc., and associated facilities.

PUBLIC USES DEFINITIONS ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public services such as electricity, gas, steam, telephone, transportation or water, sewer or cable television.

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or artificial apparatus which are necessary to form the basis for said use.

Recreational Unit: Means as defined in Part 125 of the Michigan Public Health Code.

Recreational Vehicle: A boat, all terrain vehicle, Recreational Unit, Jet Ski, snowmobile, provided the usage of the boat, all terrain vehicle, Recreational Unit, Jet Ski or snowmobile is solely for recreational purposes.

Regional Sewage Treatment System: That system being planned and implemented as of the effective date of this Ordinance by the City of Traverse City and six of the townships surrounding Traverse City.

Residential Zoning Districts: Means the R-1, R-2, R-3, and R-1MH Zoning Districts, as defined by this Ordinance.

Right-of-way: A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Setback: The distance required between a lot line and a structure.

Setback, front: The minimum required distance, extending the full lot width, between any structure and the front lot line.

Setback, rear: The minimum required distance, extending the full lot width, between any structure and the lot line opposite the front line.

Setback, side: The minimum required distance, extending from the front setback to the rear setback, between any structure and the side lot line.

Shared Waterfront Parcel: Any waterfront parcel to be used by more than one family.

Sign Regulation Definitions:

1. Highway Advertising Sign: A structure which is an off premises sign owned by a person, corporation, or the entity that engages in the business of selling the advertising space on that sign.
2. Billboard: See Highway Advertising Sign.
3. Portable Sign: A free-standing sign not permanently anchored or secured to either a building or the ground, trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle of wheeled object.
4. Roof Sign: Any sign which is erected above the roof of a building.
5. Sign: Any identification, description, illustration, display, or device illuminated or non-illuminated which is visible from any public place, or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national, state, municipal, and institutional flags. For the purpose of removal, signs shall also include all sign structures.

Special Use Permit: An approval for a special land use, pursuant to Section 502 of the Michigan Zoning Enabling Act.

State licensed residential facility: A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, as defined in that act, MCL 125.3102.

Stream: Shall be as defined by Part 303 of Michigan's Natural Resources and Environmental Protection Act, MCL 324.30101 *et seq.*, namely, a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow.

Structure: A structure is any production or piece of material artificially built up or composed of parts jointed together in some definite manner; any construction, including dwelling, garages, buildings, manufactured homes, signs and sign boards, towers, poles, antennae, landfill, sea walls, weirs, jetties, pipes, or other objects, but not including fences.
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Township Board: Acme Township Board.

Undeveloped state, land in: A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. MCL 125.3102(u).

Use: The purpose for which land or a building(s) is arranged, designed or intended, or for which land or a building may be occupied.

Vacation Resort: A hotel or motel with additional amenities for guests, including, but not limited to small scale water parks, outdoor activities, or boating activities. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**

Waterfront Parcel: Any parcel of land having frontage along the shore or bank of a lake or stream.

Water Mark: The highest normal water level of the lakes or streams within the Township as determined by the Township Engineer, based on water level history and/or impoundment control. The water mark on Grand Traverse Bay shall be the high water mark, elevation of 581.0. (International Great Lake Datum 1955).

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
2. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subparagraph shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the department certifies to the commission it has substantially completed its inventory of wetlands in that county.
3. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner; except this subparagraph may be utilized regardless of wetland size in a county in which subparagraph (ii) is of no effect; except for the purpose of inventorying, at the time. MCL 324.30301(p).

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building, unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

ARTICLE IV: ADMINISTRATION AND ENFORCEMENT

4.1. ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board.

4.2. DUTIES

It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny same; to inspect buildings or structures in order to determine compliance with the land use permits issued in compliance with this Ordinance, and to be in charge of the enforcement of this Ordinance. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The Township Board may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.

4.3. LAND USE PERMITS

4.3.1 General:

No person shall erect or move a structure to the extent of more than one hundred square feet of floor area or to establish a new use or change in use for any parcel, without a land use permit. The Zoning Administrator shall issue a land use permit if the proposed structure or use is in compliance with the provisions of this Ordinance. The applicant shall furnish permits or approvals from the Grand Traverse County Environmental Health Department, the Grand Traverse County Road Commission, and the Michigan Department of Natural Resources, if required, before the Zoning Administrator may issue a permit. A copy of each land use permit will be retained by the Zoning Administrator as a part of the permanent records of the Township. The Zoning Administrator shall promptly inform the applicant of the denial of a land use permit if the proposed structure or use does not comply with the provisions of this Ordinance.

4.3.2 Evidence of Ownership:

All applications for land use permits under the provisions of this Ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy, or commitment, abstract or attorney's opinion of title; for properties in Residential and the A-1 Zoning Districts, a certification of ownership by the owner or his agent, shall be deemed sufficient or such other evidence of ownership as the Zoning Administrator determines acceptable.

4.3.3 Property Boundaries:

In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor. In cases on properties located along a stream or shoreline, if there is any question of the location of the "high water mark", the Zoning Administrator may also require this level to be set and marked by a registered surveyor.

4.3.4 Supporting Documentation:

In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a land use permit, the Zoning Administrator may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

4.3.5 Voiding Permit:

Any permit granted under this section shall become null and void after one year from the date of granting such permit unless the development proposed shall have passed its first Grand Traverse County Construction Code inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice by certified mail to the applicant at the address indicated on the permit application. The applicant shall have the option of extending the permit by a maximum of six months upon written notice to the Zoning Administrator. Said notice shall be filed no later than five working days following the expiration of the permit

4.3.6 Inspection:

The developer of the property is solely responsible for meeting the conditions and terms of the land use permit and this Ordinance.

4.4. FEES

The fees for applications, permits and other requests shall be established by the Township Board. Fees must be paid before a land use permit is issued. Certain applications, permits and requests are subject to the Acme Township Escrow Policy, as defined in that policy.

ARTICLE V: ZONING BOARD OF APPEALS

5.1. NUMBER OF MEMBERS, APPOINTMENT

The Zoning Board of Appeals shall consist of five members, to be appointed by the Township Board

5.2. ORGANIZATION AND PROCEDURES

The Zoning Board of Appeals' organization and procedures shall be governed by the Michigan Zoning Enabling Act.

5.3. DUTIES AND POWERS

The Zoning Board of Appeals shall have the duties and powers prescribed by the Michigan Zoning Enabling Act. Included among these shall be the power to determine Zoning District boundaries, where uncertainty exists with respect to the location of boundaries as depicted on the Zoning Map.

5.4. NONUSE VARIANCES

The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

5.4.1 Basic Conditions: That any nonuse variance granted from this Ordinance:

- a. Is a result of practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall be evaluated in terms of the use of the particular parcel of land, and cannot be solely economic in nature.
- b. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
- c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- d. Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
- e. Will relate only to property that is under control of the applicant.
- f. Will not be permitted for a parcel of property that is not a Legal Lot of Record, as defined by this Ordinance.

5.4.2 Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a nonuse variance may be granted when any ONE of the following special conditions can be clearly demonstrated:

- a. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property uses in the same zoning district. Such circumstances

or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

- b. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

5.4.3 Rules: The following rules shall be applied in the granting of nonuse variances:

- a. The Zoning Board of Appeals may specify, in writing, such conditions that will in its judgment, secure the objectives and purposes of this Ordinance. Any conditions imposed shall meet the requirements for conditions set forth the Michigan Zoning Enabling Act. Violation of conditions imposed shall nullify the variance.
- b. No application for a nonuse variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

5.5. ESSENTIAL SERVICES

The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation for public utility purposes, in any permitted district to a greater height or of larger area than the district requirement herein established, and permit the location in any use district of a public utility building, structure or use if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

5.6. BOND FOR COMPLIANCE

To ensure compliance with a zoning ordinance and any conditions imposed under a zoning ordinance, the Zoning Board of Appeals may require a performance guarantee, pursuant to the MZEA. MCL 125.3505.

5.7. LOT DIVISION

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

ARTICLE VI: ZONING DISTRICTS; MAP AND SCHEDULE OF REGULATIONS

6.1. GENERAL PROVISIONS

6.1.1 DISTRICTS ESTABLISHED: For the purpose of this Ordinance, the Township of Acme is divided into the following Zoning Districts:

R-1	One Family Forest and Coastal District
R-2	One Family Urban Residential District
R-3	Urban Residential District
R-1MH	Manufactured Home Residential District
B-1S	Shoreline Business District
B-1P	Professional Office District
B-2	General Business District
B-3	Planned Shopping Center District
B-4	Material Processing and Warehousing District
A-1	Agricultural District

6.1.2 ZONING DISTRICT MAP:

The boundaries of these Zoning Districts are defined as shown on a map entitled "Zoning District Map of Acme Township, Grand Traverse County, Michigan," which is hereby incorporated by reference and made a part of this Ordinance.

6.1.3 COMPLETION REQUIREMENT FOR ALL RESIDENTIAL ZONING DISTRICTS:

Any dwelling, accessory building or addition thereto must be completed on the exterior surface with a suitable finishing material including painting or staining in the case of wood, within one year from date of issuance of a land use permit or one year from the date of occupancy whichever occurs last, but not to exceed a total of two years. Basements must be completed and enclosed to prevent entry and accumulation of water within two months of commencement of construction.

6.1.4 WIND ENERGY GENERATION SYSTEMS: Wind energy systems are an allowable use in all zoning districts subject to compliance with the conditions set forth in Article XIV. **ADDED BY AMENDMENT 006 ADOPTED 03/02/10 EFFECTIVE 04/20/2010.**

6.2. R-1 DISTRICT: ONE-FAMILY FOREST AND COASTAL DISTRICT

6.2.1 INTENT AND PURPOSE:

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 that will harmonize with the natural resource capabilities of the District.

6.2.2 USES PERMITTED BY RIGHT:

- a. Single-Family Detached Dwellings
- b. Open Space Preservation Developments containing only Single-Family Detached Dwellings: Subject to the provisions of Article XI.
- c. Customary Accessory Uses and Buildings: Accessory buildings such as farm buildings, a detached garage or boathouse for the storage of automobiles and boats shall be permitted with a single-family dwelling, PROVIDED that the farm building and/or garage complies with the setback restrictions for this District and, PROVIDED FURTHER that a boathouse complies with the side yard setback requirements for this District and has a maximum floor area of three hundred square feet. A guest house separate from a single-family dwelling shall be permitted if the lot is twice the minimum width required in this District, and the guest house is so located as to be qualified as a single-family dwelling in its own right on one-half the width of the lot of the principal dwelling.
- d. Public Recreation: Publicly owned and operated parks.
- e. Storage of Recreational Vehicle: PROVIDED not more than one such vehicle is stored on each residential lot and that such vehicle is not stored in any of the required setbacks from surrounding properties.
- f. Cemeteries
- g. State licensed residential facilities
- h. Family Child Care Home
- i. Radio and Television Antennas: Subject to the following conditions:
 1. Location and Height of Antenna:
 - a) No antenna shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure and may be allowed in a rear yard.

- b) No antenna shall be constructed without appropriate evergreen landscaping to reasonably conceal said earth station from view.
- c) An antenna shall not exceed a height above the roof line of the principal structure.
- d) Such antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
- e) An antenna must be bonded to a grounding rod.
- f) No antenna shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment, building, hospital or any other commercial building or structure, unless as provided below.

2. Antenna Color and Composition: Antennas shall be a dark natural color. Antennas shall not be painted with signs or other graphic depictions.

3. Variances Allowed:

Due to the unique location requirements of antennas, the Board of Appeals may grant location variances; such variances however shall be the minimum necessary to allow the use of such an antenna, although the allowed antenna may not be the size, design or model desired by the applicant.

- a) Roof-Mounted in the event of a variance.
 - i. Antennas shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances attached to the house.
 - ii. An antenna shall not exceed a height of more than three feet above the ridge of the roof upon which it is mounted.
 - iii. An antenna shall be designed to withstand a wind force of eighty-five miles per hour without the use of supporting guy wires.
 - iv. An antenna must be bonded to a grounding rod.
- b) Antennas located other than to the rear of the principal structure shall be of an open mesh type.

j. Temporary Buildings: Permitted as an accessory use incidental to the construction of the principal use or building. Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period.

k. Private Swimming Pools: Private swimming pools shall be permitted as an accessory use, subject to the following restrictions:

1. Private pools shall be located in the rear yard only.
2. There shall be a minimum distance of not less than ten feet between the adjoining property line and the outside of the pool wall.
3. There shall be a distance of not less than six feet between outside pool wall and any building located on the same lot.
4. For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than four feet in height containing gates of a self-closing or latching type. Gates shall be capable of being securely locked when the pool is not in use.

l. Riding Horses: Keeping of riding horses for the use of residents of the property PROVIDED the parcel of land shall contain not less than five acres.

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

1. That the raising or keeping of small animals such as rabbits, poultry and goats, other than household pets, or the raising or keeping of livestock such as cattle, hogs, and sheep shall not occur on a parcel of land less than ten acres in area.
2. The carrying out of such practices shall not generate any noise, odor, pollution or other environmental impact which will have an adverse effect on adjacent properties.
3. No storage or unusual accumulation of manure or odor or dust producing materials shall be permitted within 100 feet of any property line.
4. No building for storage of mechanical equipment for agricultural purposes or housing of animals shall be permitted closer than 100 feet of any property line.
5. No products shall be publicly displayed or offered for sale from the roadside.

As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any standard listed above, the GAAMP shall control.

n. Home Occupations that meet the requirements of Section 7.7.

o. Manufactured homes, subject to the following requirements:

1. Each home shall bear a label required by Section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations.
2. Each home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with any applicable requirements of the Michigan Mobile Home Commission.
3. Within ten days following installation, all towing mechanisms shall be removed from each home. No home shall have any exposed undercarriage or chassis.
4. Each home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
5. Each home shall have a full concrete slab within the perimeter wall. This space may be used as a crawl space for storage purposes.
6. All construction and all plumbing, electrical apparatus and insulation within and connected to each home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR Section 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
7. Exterior Finish; Light Reflection: Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, PROVIDED, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
8. Each home shall be aesthetically compatible in design and appearance with other residences in the adjacent area, particularly with regard to foundation treatment, siding and roofing material and perimeter wall. Compatible materials such as siding, screen wall, etc. may be added to assure aesthetic compatibility with other structures.
9. The compatibility of design and appearance shall be determined by the Acme Township zoning administrator. The Acme Township Zoning Administrator shall base his or her decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.
10. To the extent that any of these provisions conflicts with any provision of the Mobile Home Commission Act or its administrative rules as applied to a mobile home in a residential neighborhood, the Mobile Home Commission Act provision will control.

- p. Public Uses: Essential: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.2.3 USES PERMITTED BY SPECIAL USE PERMIT:

The following uses of land and structures may be permitted by the application for and the issuance of a special use permit, pursuant to Section 9.1:

- a. Conservation Development: Subject also to the requirements of Section 9.3.
- b. Institutional Uses: Subject also to the requirements of Section 9.5.
- c. Group Child Care Home: Subject to the following requirements only:
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a) Another licensed group child-care home.
 - b) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, MCL 400.701 to 400.737.
 - c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, MCL 333.6101 to 333.6523.
 - d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - 2. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- d. Golf Courses, Driving Ranges and Country Clubs: Subject also to the requirements of Section 9.13.
- e. Private Non Commercial Recreation Areas: Subject also to the requirements of Section 9.14.
- f. Sewage Treatment and Disposal Installations: Subject also to the requirements of Section 9.15.
- g. Bed and Breakfast Establishments: Subject also to the requirements of Section 9.24.
- h. Structural appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as

chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.

- i. Special school and church height regulation: School and church structures may be permitted to exceed maximum height limitations provided each front, side and rear yard minimum setback is increased one foot for each one foot of additional height above the maximum height that is permitted.
- j. Assisted Living Group Facilities, Convalescent Homes, Independent Housing Facilities and Nursing Homes subject also to the requirements of Section 9.9. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**
- k. Public Uses: Critical, Supporting **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.3. R-2 DISTRICT: ONE FAMILY URBAN RESIDENTIAL

6.3.1 INTENT AND PURPOSE:

The R-2 One Family Urban Residential District is designed to accommodate the development of low to medium density, one-family residential uses within those areas of the Township where public services, such as public sewer facilities, exist or are anticipated. This District includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.

6.3.2 USES PERMITTED BY RIGHT:

All uses permitted by "Right" in the R-1 District, subject to all restrictions specified in that section.

6.3.3 USES PERMITTED BY SPECIAL USE PERMIT:

All uses permitted by "Special Use Permit" in the R-1 District.

6.4. R-3 DISTRICT: URBAN RESIDENTIAL

6.4.1 INTENT AND PURPOSE: The R-3 Urban Residential District is designed to accommodate the development of low to medium density residential uses within those areas of the Township where public services, such as sewer facilities, exist or are anticipated.

6.4.2 USES PERMITTED BY RIGHT: All uses permitted "By Right" in the R-1 District, subject to the restrictions in that section.

6.4.3 USES PERMITTED BY SPECIAL USE PERMIT

All uses permitted "By Special Use Permit" in the R-1 District subject to all restrictions in that section.

- a. Duplexes
- b. Multiple Family Dwellings
- c. Open Space Preservation Developments containing Duplexes, or Multiple Family Dwellings, or both, in addition to or instead of Single Family Dwellings: Subject to the provisions of Article XI.
- d. **DELETED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/18/11.**
- e. Mixed Use Planned Development: Subject also to the requirements of Section 9.21.

6.5. R-1MH DISTRICT: MANUFACTURED HOME RESIDENTIAL

6.5.1 INTENT AND PURPOSE: The intent and purpose of this District to provide for the development of manufactured homes.

6.5.2 USES PERMITTED BY RIGHT:

- a. Manufactured Home Subdivision: Subject to the requirement that said subdivision has by deed restriction been designated solely for occupancy by manufactured homes as defined herein, and subject to all restrictions including area and bulk requirements specified in Section 6.12 for the R-3 residential district.
- b. Open Space Preservation Development containing a Manufactured Home Subdivision: Subject to the provisions of Article XI.
- c. Manufactured Housing Communities: Subject to the provisions of Article XII.

Sections 6.5 through 6.5.2.c. AMENDED 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001

- d. Public Uses: Essential: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.5.3 USES PERMITTED BY SPECIAL USE PERMIT:

The following uses of land and structures may be permitted by the application for and the issuance of a special use permit, pursuant to Section 9.1:

- a. Public Uses: Critical, Supporting **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.6. B-1S DISTRICT: SHORELINE BUSINESS

6.6.1 INTENT AND PURPOSE:

The District is established to provide development standards harmonious with the unique character of the lands contained therein. It is the declared public policy of this Township to recognize that the lands contained within this district are characterized by the close proximity between the water mark of Grand Traverse Bay and the existing state highway right-of-way, and/or the C & O Railroad right-of-way combined with a high water table and the need for erosion control, said lands being uniquely invested with a public interest because of the abut with waters of the Great Lakes and the potential which exists to create irreversible and extensive damage to water, environment, and other ecological systems. The Township recognizes that unusual economic pressures exist in this district to effect a maximum utilization of the land, but the resulting burden to the land, shore and highway caused thereby is not in the public interest, health, safety or welfare.

6.6.2 USES PERMITTED BY RIGHT:

Uses permitted by right in B-1S other than single family dwellings and their accessory uses require site plan review under Article VIII.

- a. Accessory Uses that are clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.
- b. Offices
- c. Neighborhood Business defined as small commercial areas providing limited retail goods and services, such as dry-cleaning, prepackaged food and beverages, and limited household supplies and hardware, for nearby residential consumers, but not including convenience stores with gasoline or fuel sales.
- d. Banks, or other similar financial corporation branches, including appurtenant drive-in and 24-hour service facilities.
- e. Single Family Dwellings
- f. Single Family Dwellings in an Open Space Preservation Development: Subject to the provisions of Article XI.
- g. Personal Services: i.e., an establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed massage establishment, barbershops, shoe repair shops, tailor shops, and laundromats and dry cleaners.
- h. State licensed residential facilities
- i. Family child care homes
- j. Manufactured homes, subject to the following requirements:

1. Each home shall bear a label required by Section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations.
2. Each home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with any applicable requirements of the Michigan Mobile Home Commission.
3. Within ten days following installation, all towing mechanisms shall be removed from each home. No home shall have any exposed undercarriage or chassis.
4. Each home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
5. Each home shall have a full concrete slab within the perimeter wall. This space may be used as a crawl space for storage purposes.
6. All construction and all plumbing, electrical apparatus and insulation within and connected to each home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR Section 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
7. Exterior Finish; Light Reflection: Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, PROVIDED, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
8. Each home shall be aesthetically compatible in design and appearance with other residences in the adjacent area, particularly with regard to foundation treatment, siding and roofing material and perimeter wall. Compatible materials such as siding, screen wall, etc. may be added to assure aesthetic compatibility with other structures.
9. The compatibility of design and appearance shall be determined by the Acme Township Zoning Administrator. The Acme Township Zoning Administrator shall base his or her decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.
10. To the extent that any of these provisions conflicts with any provision of the Mobile Home Commission Act or its administrative rules as applied to a mobile home in a residential neighborhood, the Mobile Home Commission Act provision will control.

- k. Dwelling units above the first floor or below the first floor where the unit(s) would occupy a walk-out basement. **ADDED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003.**
- l. Public Uses: Critical, Essential, Supporting: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.6.3 USES PERMITTED BY SPECIAL USE PERMIT:

The following uses of land and structures are permitted with the approval of a special use permit under Section 9.1:

- a. Bed & Breakfast Establishments: Subject also to the requirements of Section 9.24.
- b. Docking facilities (rental and condominium) for pleasure boats, and pleasure boat facilities such as repair shops, bath houses, and parts and equipment sales, provided further the same conform to all applicable federal and state regulations pertaining to such installations on the Great Lakes. Permitted uses do not include boat sales businesses, storage buildings, or lots.
- c. Entertainment Facilities with Auditorium **AMENDED BY AMENDMENT 021, ADOPTED 08/14/12 EFFECTIVE 12/22/12.**
- d. Essential Services; i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Essential Services do not include buildings. **DELETED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**
- e. Farmers Markets
- f. Indoor and Outdoor Swimming Pools subject also to the requirements of Section 6.2.2k.
- g. Motels and Hotels: Subject also to the requirements of Section 9.10.
- h. Duplexes and Multiple Family Dwellings
- i. Parks and Recreation Facilities
- j. Public Uses, such as but not limited to a township hall, fire station, and public library. **DELETED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12**
- k. Residential dwelling units above the 1st Floor **DELETED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003**

- l. Restaurant - Full Service
- m. Restaurant - Carry-Out Only
- ~~n. Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, or philanthropic nature~~
AMENDED BY AMENDMENT 021, ADOPTED 08/14/12 EFFECTIVE 12/22/12.
- ~~o. Social Activities where a building and/or land are used for private or semiprivate club activities, including lodges, fraternities and similar activities.~~
AMENDED BY AMENDMENT 021, ADOPTED 08/14/12 EFFECTIVE 12/22/12.
- p. Tourist Homes and Summer Resorts
- q. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.
- r. Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum.
- s. Assisted Living Group Facilities, Convalescent Homes, Independent Housing Facilities, and Nursing Homes: Subject also to the requirements of Section 9.9. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**

6.7. B-1P DISTRICT: PROFESSIONAL OFFICE

6.7.1 INTENT AND PURPOSE: The professional and commercial office district is designed to provide for service oriented enterprises and institutions having relatively low traffic generation and normal daytime or evening operating hours. It is intended that this zone be suitable as a buffer between residential and commercial zones, and that the general character of development within the zone be in keeping with adjacent residential zones.

6.7.2 USES PERMITTED BY RIGHT: Uses permitted by right in B-1P require site plan review under Article VIII

- a. Accessory Uses that are clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.
- b. Banks, or other similar financial corporation branches, including appurtenant drive-in and 24-hour service facilities.
- c. Printing Establishments
- d. Offices
- e. Professional Studios including fine arts, photography, music, ballet, or drama.
- f. Public Uses: Critical, Essential, Supporting: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.7.3 USES AUTHORIZED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted by the approval of a special use permit under Section 9.1:

- a. Group Child Care Home, subject to the following requirements only:
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a) Another licensed group child-care home.
 - b) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, MCL 400.701 to 400.737.
 - c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, MCL 333.6101 to 333.6523.
 - d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate

population under the jurisdiction of the department of corrections.

2. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
5. Meets Township sign regulations.
6. Meets Township off-street parking regulations.

b. Private Schools

~~e. Essential Services; i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Essential Services do not include buildings.~~ DELETED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.

d. Limited Residential Units: provided such units are designed as an integral part of the commercial development, and provided that the requirements cited in Section 9.7 are complied with.

e. Medical Urgent Care Facilities

f. Mortuaries and Funeral Homes

g. Parks and Recreation Facilities

h. Personal Services; i.e. an establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed message establishment, barbershops, shoe repair shops, tailor shops, and laundromats and dry cleaners.

i. Public and Private Colleges

j. Restaurants: full-service

k. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions,

such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.

- l.** Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum.
- m.** Assisted Living Group Facilities, Convalescent Homes, Independent Housing Facilities, and Nursing Homes: Subject also to the requirements of Section 9.9. **ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**

6.8. **B-2 DISTRICT: GENERAL BUSINESS**

6.8.1 INTENT AND PURPOSE: These districts accommodate those retail and business activities that serve the whole community. Such activities require land and structure uses that generate large volumes of pedestrian and vehicular traffic. It is the purpose of these regulations to recognize those retail establishments presently existing within the Township.

6.8.2 USES PERMITTED BY RIGHT: Uses permitted by right require site plan review under Article VIII.

- a. Accessory Uses that are clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.
- b. Animal Hospital/Veterinary Establishment
- c. Private Schools
- d. Entertainment Facilities with Auditorium
- e. Neighborhood Business defined as small commercial areas providing limited retail goods and services, such as dry-cleaning, prepackaged food and beverages, and limited household supplies and hardware, for nearby residential consumers, but not including convenience stores with gasoline or fuel sales.
- f. Banks, or other similar financial corporation branches and offices, including appurtenant drive-in and 24-hour service facilities.
- g. Personal Services; i.e. an establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed massage establishment, barbershops, shoe repair shops, tailor shops, and laundromats and dry cleaners.
- h. Pet Stores
- i. Printing Establishments
- j. Offices
- k. Restaurant: Carry-Out Only
- l. Restaurant: Full Service
- m. Dwelling units above the first floor or below the first floor where the unit(s) would occupy a walk-out basement. **ADDED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003.**
- n. Public Uses: Critical, Essential, Supporting: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to

Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12
EFFECTIVE 07/18/12.**

6.8.3 USES AUTHORIZED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted by the application for and the issuance of a special use permit, pursuant to Section 9.1

- a. Adult Day Care Centers where adults are given care for not more than twelve (12) hours within any 24-hour period.
- b. **DELETED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003**
- c. Auto Wash
- d. Automotive Light Repair; i.e. repair or replacement of automotive components for maintenance purposes, such as tires, mufflers, glass, etc.
- e. Automotive Sales and Lease
- f. Automotive Sales: Outdoor for New and Used
- g. Automotive: Oil & Lube Service Facilities
- h. Carry-Outs / Other Business, Alcoholic Beverages
- i. Drive-In Commercial Establishments where retail or service is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than while in a building or structure.
- j. ~~Essential Services; i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Essential Services do not include buildings. DELETED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.~~
- k. Farmers Market
- l. Grocery Stores
- m. Medical Urgent Care Facilities
- n. Mortuaries & Funeral Homes
- o. Multimode Transportation Stations
- p. Outdoor Sales

- q. Public and Private Colleges
- r. Restaurant: Drive-In
- s. Restaurant: Fast Food
- t. Restaurant: Outdoor Cafes
- u. Retail Business
- v. Sale (Indoor) Building Materials
- w. Gasoline Service Stations: Subject also to the requirements of Section 9.6.
- x. Shopping Center: Where a group of retail and other commercial establishments that is planned, developed, owned, and/or managed as a single property.
- y. Social Activities where a building and/or land are used for private or semiprivate club activities, including lodges, fraternities and similar activities.
- z. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.
- aa. Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum.
- bb. Medical Marihuana Dispensary: Subject also to the requirements of Section 9.26. **ADDED BY AMENDMENT 013 ADOPTED 08/02/11 EFFECTIVE 08/13/11.**
- cc. Assisted Living Group Facilities, Convalescent Homes, Independent Housing Facilities, and Nursing Homes: Subject also to the requirements of Section 9.9..
- dd. Motels and Hotels: Subject also to the requirements of Section 9.10.
- ee. Bed and Breakfast Establishments: Subject also to the requirements of Section 9.24.
- ff. Vacation Resorts **SECTIONS CC THROUGH FF ABOVE ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.**
- gg. Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature. **AMENDED BY AMENDMENT 021, ADOPTED 08/14/12 EFFECTIVE 12/22/12.**

6.9. **B-3 DISTRICT: PLANNED SHOPPING CENTER**

6.9.1 INTENT AND PURPOSES: It is the intent of these districts to provide for and encourage the development of grouped retail sales and services establishments at logical and sound locations within Acme Township.

6.9.2 USES PERMITTED BY RIGHT: Uses permitted by right require site plan review under Article VIII.

- a. Accessory Uses that are clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.
- b. Animal Hospital / Veterinary Establishment
- c. Entertainment Facilities with Auditorium
- d. Medical Offices
- e. Banks, or other similar financial corporation branches and offices, including appurtenant drive-in and 24-hour service facilities.
- f. Offices
- g. Personal Services; i.e. an establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed massage establishment, barbershops, shoe repair shops, tailor shops, and laundromats and dry cleaners.
- h. Pet Stores
- i. Printing
- j. Professional Offices
- k. Restaurant: Full Service
- l. Dwelling units above the first floor or below the first floor where the unit(s) would occupy a walk-out basement. **ADDED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003.**
- m. Public Uses: Critical, Essential, Supporting: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.9.3 USES AUTHORIZED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted by the application for and the issuance of a special use permit, pursuant to Section 9.1:

- a. Auto Wash

- b. Commercial Recreation Facilities
- c. ~~Essential Services; i.e. the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Essential Services do not include buildings. DELETED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.~~
- d. Grocery Stores
- e. Medical Urgent Care Facilities
- f. Motel and Hotel: Subject also to the requirements of Section 9.10.
- g. Multimode Transportation Station
- h. Outdoor Sales
- i. ~~Residential dwelling units above the 1st Floor DELETED 07/07/09 EFFECTIVE 07/20/09 AS ZONING ORDINANCE AMENDMENT 003~~
- j.
- k. Restaurant: Drive-In
- l. Restaurant: Fast Food
- m. Restaurant: Outdoor Cafes
- n. Retail Business
- o. Sale (Indoor) Building Materials
- p. Gasoline Service Station: Subject also to the requirements of Section 9.6.
- q. Planned Shopping Center: A group of retail and other commercial establishments that is planned, owned, and/or managed as a single property, subject also to the requirements of Section 9.12.
- r. Social Activities where a building and/or land is used for private or semiprivate club activities, including lodges, fraternities, and similar activities.
- s. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers

and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.

- t. Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum.
- u. Nonconforming Lots in the B-3 District: Legally established lots of record of one acre or less which are nonconforming due to lot size may be used for uses allowed by Special Use Permit in the B-2 District, subject to the same requirements and limitations as required by the B-2 District.
- v. Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable, or philanthropic nature.
ADDED BY AMENDMENT 021 ADOPTED 08/14/12 EFFECTIVE 12/22/12.

6.10. B-4 DISTRICT MATERIAL PROCESSING AND WAREHOUSING DISTRICT

6.10.1 INTENT AND PURPOSE: This district is intended to accommodate those industrial uses, storage, and related activities that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or any other potentially harmful or nuisance characteristics. It is designed to accommodate wholesale, warehouse, and industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding district. The B-4 Districts are established to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is also intended to prohibit residential uses and intensive retail enterprises as being incompatible with the primary uses permitted.

6.10.2 USES PERMITTED BY RIGHT: Uses permitted by right require site plan review under Article VIII.

- a. Farmers Market
- b. Trade Schools
- c. Veterinary Hospitals
- d. Professional Offices
- e. Public Uses: Critical, Essential, Supporting: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**
- f. Research – Design and Experimentation

6.10.3 USES PERMITTED BY RIGHT WITHIN 500 FEET OF THE M-72 RIGHT-OF-WAY: No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one (1) or more of the following specified uses located within 500 feet of the M-72 right-of-way. Uses permitted by right within 500 feet of the M-72 right-of-way require site plan review under Article VIII.

- a. Computer Operations
- b. Printing and Publishing Plant
- c. Warehousing – Enclosed
- d. Wholesale Activities – Enclosed

6.10.4 USES AUTHORIZED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted by the application for and the issuance of a special use permit, pursuant to Section 9.1, if they are located more than 500 hundred feet from the M-72 right-of-way.

- a. Central Dry Cleaning and Laundering Facility/Plant
- b. Contractor Establishments

- c. Production and Processing
- d. Drive-In Theaters
- e. Lumber and Planing Mills
- f. Storage Facilities
- g. Truck and Freight Operations / Terminals
- h. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.
- i. Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum.

6.11. A-1: AGRICULTURAL DISTRICT:

6.11.1 INTENT AND PURPOSE: 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.

6.11.2 USES PERMITTED BY RIGHT:

- a. Single-family detached dwellings
- b. Open Space Preservation Developments containing only Single-Family Detached Dwellings: Subject to the provisions of Article XI.
- c. State licensed residential facilities
- d. Family child care homes
- e. Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises.
- f. Raising and keeping of small animals, such as poultry, rabbits and goats.
- g. Raising and keeping of livestock, such as cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area not less than ten acres.
- h. Cemeteries: public or private.
- i. Tenant house as part of farm property for full-time farm employees associated with the principal use and subject to the same height and setback requirements as the principal dwelling.
- j. Public areas and public parks such as recreation areas, forest preserves, game refuges, and similar public uses of low-intensity character.
- k. Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.
- l. Accessory uses: Customary accessory uses and buildings incidental to the permitted principal use of the premises.
- m. Farmer's Roadside Stands selling products grown by the owner of the property on which the stand is located, PROVIDED that contiguous space for the parking of customers' vehicles is furnished off the public right-of-way at a ratio of one parking space for each fifteen square feet of roadside stand floor area.

- n. Home Occupations in accord with the requirements of Section 7.7.
- o. Riding Horses: keeping of horses for the use of residents of the property PROVIDED the parcel of land shall contain not less than five acres
- p. Manufactured homes, subject to the following requirements:
 1. Each home shall bear a label required by Section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations.
 2. Each home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with any applicable requirements of the Michigan Mobile Home Commission.
 3. Within ten days following installation, all towing mechanisms shall be removed from each home. No home shall have any exposed undercarriage or chassis.
 4. Each home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
 5. Each home shall have a full concrete slab within the perimeter wall. This space may be used as a crawl space for storage purposes.
 6. All construction and all plumbing, electrical apparatus and insulation within and connected to each home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR Section 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 7. Exterior Finish; Light Reflection: Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, PROVIDED, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
 8. Each home shall be aesthetically compatible in design and appearance with other residences in the adjacent area, particularly with regard to foundation treatment, siding and roofing material and perimeter wall. Compatible materials such as siding, screen wall, etc. may be added to assure aesthetic compatibility with other structures.
 9. The compatibility of design and appearance shall be determined by the Acme Township Zoning Administrator. The Acme Township Zoning Administrator shall base his or her decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.

10. To the extent that any of these provisions conflicts with any provision of the Mobile Home Commission Act or its administrative rules as applied to a mobile home in a residential neighborhood, the Mobile Home Commission Act provision will control.

q. Agricultural Tourism: Subject to the following parking requirements; parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.

1. Seasonal U-Pick fruits and vegetables operations
2. Seasonal outdoors mazes of agricultural origin such as straw bales or corn
3. Agricultural Festivals
4. Agricultural or agriculturally-related uses permitted by right in the a-1 zoning district may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a. Value-added agricultural products of activities such as education tours or processing facilities, etc.
 - b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - d. Petting farms, animal display, and pony rides.
 - e. Wagon, sleigh, and hayrides.
 - f. Nature trails.
 - g. Open air or covered picnic area with restrooms.
 - h. Educational classes, lectures, seminars.
 - i. Historical agricultural exhibits.
 - j. Kitchen facilities, processing/cooking items for sale.
 - k. Gift shops for the sale of agricultural products and agriculturally related products.

1. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

SECTION 6.11.2.q ADDED BY AMENDMENT 018 ADOPTED 05/01/2012 EFFECTIVE 05/13/2012.

- r. Public Uses: Essential: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. **ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**

6.11.3 USES PERMITTED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

- a. Campgrounds: Subject also to the requirements of Section 9.4
- b. Institutional Uses: Subject also to the requirements of Section 9.5
- c. Greenhouses and nurseries selling at retail on the premises
- d. Riding Stables and livestock auction yards
- e. Raising of fur bearing animals for profit
- f. Game or hunting preserves operated for profit
- g. Veterinary hospitals, clinics and kennels
- h. Sawmills
- i. Public Uses: Critical, Supporting: **CHANGED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.**
- j. Airports and Airfields
- k. Planned Agricultural Units: Subject also to the requirements of Section 9.8.
- l. Special Open Space Uses: Subject also to the requirements of Section 9.16.
- m. Sand or Gravel Pits, Quarries: Subject also to the requirements of Section 9.17.
- n. Farmer's Roadside Market: Subject also to the requirements of Section 9.18.
- o. Food Processing Plants Including Cooling Stations in A-1 Districts: Subject also to the requirements of Section 9.19.
- p. Sewage Treatment and Disposal Installations: Subject also to the requirements of Section 9.15.
- q. Historic Parks: Subject also to the requirements of Section 9.23.

- r. Bed and Breakfast Establishments: Subject also to the requirements of Section 9.24.
- s. Wineries: Subject also to the requirements of Section 9.25
- t. Conversion of a Single-Family Dwelling to a Duplex: Conversion of existing single-family dwellings where such existing single-family dwelling is of sufficient size to meet minimum floor area requirements of a duplex, and such an expanded capacity is a clear necessity for satisfaction of this particular housing demand, and adequate off-street parking space can be provided.
- u. Single Family Dwelling on Less than Five Acres: A lot with a minimum size of one acre containing a single family dwelling may be created subject to the following requirements:
 1. The single family dwelling existed prior to the enactment of this Ordinance;
 2. The single family dwelling was part of an agricultural use and subsequently, through consolidation of farms or other actions, became no longer necessary as a farm-related residence;
 3. The lands that would otherwise be required to be part of the lot for the single family dwelling would be lost from production should the smaller minimum lot size not be allowed; and
 4. Continue to be actively farmed along with the balance of the farm.
- v. Conservation Development: Subject also to the requirements of Section 9.3.
- w. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.
- x. The following agricultural tourism uses are permitted by special use permit:
 1. Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 2. Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.

SECTION 6.11.3.x ADDED BY AMENDMENT 018 ADOPTED 05/01/2012 EFFECTIVE 05/13/2012.

6.11.4 RIGHT TO FARM: As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan

Department of Agriculture conflicts with any provision below, the GAAMP shall control.

6.12. SCHEDULE OF REGULATIONS

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

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

6.12.2 NOTES TO SCHEDULE OF REGULATIONS

- a. See Section 9.3, Conservation Development, for flexibility and lot reduction allowance.
- b. In the case where a curvilinear street pattern produces irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted, PROVIDED that the lot width at the building line is equal to the specified lot width for that District. Refer to Supplementary Area Regulations, Article VII, for permitted exceptions to lot widths.
- c. The number of multiple dwelling units is to be determined by maximum ground coverage, and parking requirements.
- d. Side and rear yards in the B-2 district shall be ten percent of the lot width and depth, respectively, but need not exceed 25 feet each; PROVIDED that no setback shall be less than ten feet.
- e. With the exception of structures fronting on M-72 which shall observe a front yard setback of 100 feet, all structures in the B-4 Material Processing and Warehousing District shall observe a setback of 20% of the depth of the lot, which setback shall not be less than 40 feet, but need not exceed 60 feet. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for storage, parking or necessary structures.
- f. Side and rear yards in the B-4 District shall be ten percent of the lot width and depth, respectively, but need not exceed 50 feet each; PROVIDED that no setback shall be less than ten feet.
- g. Structures for agricultural operations, such as barns and silos, may be permitted up to 100 feet in height.
- h. Height, bulk, density, area, and setback requirements for manufactured home subdivisions are the same as those for the R-3 district. Such requirements for manufactured housing communities are spelled out in Article XII.
AMENDED 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001
- i. Accessory structures shall be set back a minimum of 10 feet from any rear yard line.
- j. Lot widths shall be 70 feet per unit for the first two units, ten additional feet for the next six units and five additional feet for each additional unit to a maximum of 250 feet.
- k. No parcel of land to be used as a building site shall have less than 100 feet of shoreline frontage as measured parallel to the shore. The minimum lot width between sidelines of any parcel of land proposed to be used as a building site shall be 100 feet.

- l.** No building or portion thereof, including porches, breezeways and extensions, shall be erected within ten feet of one property side line and five feet of the other property side line, as measured at right angles from the side line to the closest projection portion of the structure. **PROVIDED** that the total side yard setback required shall not be less than 20% of the total lot width.
- m.** See Section 9.12 for standards, procedures and requirements for the B-3 Planned Shopping Center District.

6.12.3 APPLICATION:

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

ARTICLE VII: SUPPLEMENTARY REGULATIONS

7.1. MISCELLANEOUS REGULATIONS

7.1.1 SANITATION REQUIREMENTS:

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

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

7.1.2 SIDEWALKS/NON MOTORIZED WAYS:

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

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

Sidewalk construction shall meet the following requirements:

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

7.2. SUPPLEMENTARY USE AND AREA REGULATIONS:

7.2.1 ACCESSORY BUILDINGS:

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building under this Ordinance. An accessory building not attached and not made a part of the principal building shall:

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

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

7.2.2 MINING OR REMOVAL OF TOPSOIL:

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

7.2.3 OUTDOOR STORAGE:

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

7.2.4 LOT OF RECORD:

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

7.2.5 MINIMUM SIDE YARD SETBACK ON CORNER LOTS:

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

7.2.6 SUPPLEMENTARY REGULATIONS – M-72 CORRIDOR OVERLAY DISTRICT:

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

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

7.2.7 VENDING MACHINES:

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

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

7.2.8 SERVICE DRIVES:

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

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

7.2.9 RECREATIONAL PERMITS:

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

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

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

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

7.3. SUPPLEMENTARY HEIGHT REGULATIONS:

7.3.1 PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES:

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

7.3.2 FENCES:

No fence, wall or structural screen, other than plant materials, shall be erected in the Residential Zoning Districts greater than seven feet in height. No fence, wall or hedge plantings shall exceed a height of four feet within any front yard in these Districts. On any corner lot or parcel in any Zoning District, no fence or plant materials shall exceed a height of four feet so as not to interfere with traffic visibility across a corner. All such fences shall be entirely erected on owner's property and be maintained in good repair and safe condition, and shall be constructed of materials which will not be detrimental to the health, safety, and welfare of adjacent residents. Electric fences, barbed wire, or similar style fences shall be prohibited on any residential lot that is not involved in a qualified agricultural activity. **AMENDED BY AMENDMENT 009 ADOPTED 11/09/10 EFFECTIVE 02/11/11.**

7.4. SIGNS:

7.4.1 PREAMBLE

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

7.4.2 DEFINITIONS

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

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

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

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

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

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

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

Billboard - See Highway Advertising Sign.

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

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

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

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

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

Copy: The graphic content or message of a sign.

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

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

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

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

Fascia Sign: See Wall Sign

Flashing Sign: See Animated Sign, Electrically Activated.

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

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

Marquee Sign: See Canopy Sign. Definition is similar.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.4.2A. Illustrations of Sign Types and Area Calculations

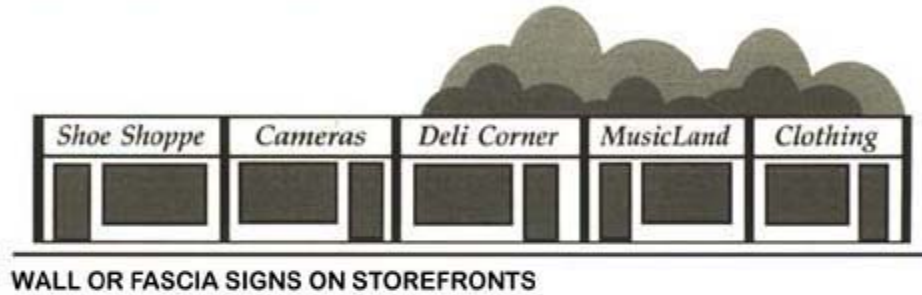
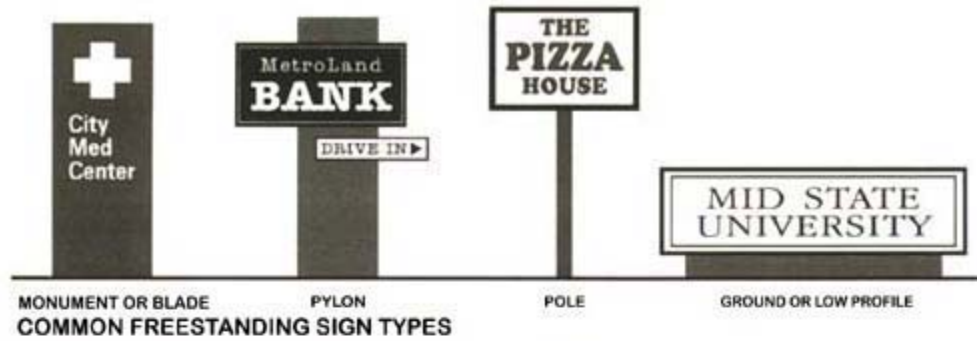


Figure 1003.1
General Sign Types

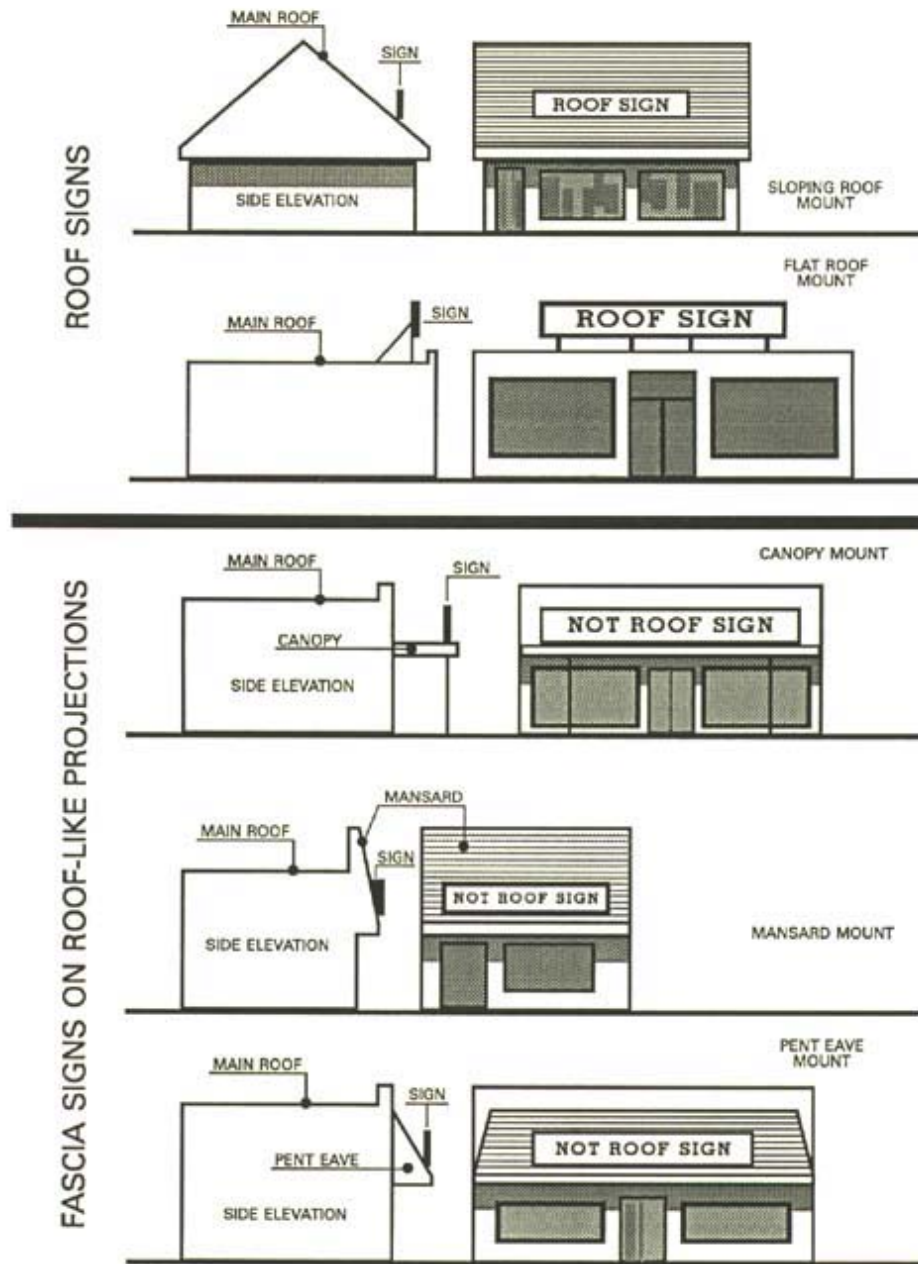


Figure 1003.2
Comparison - Roof and Wall or Fascia Signs

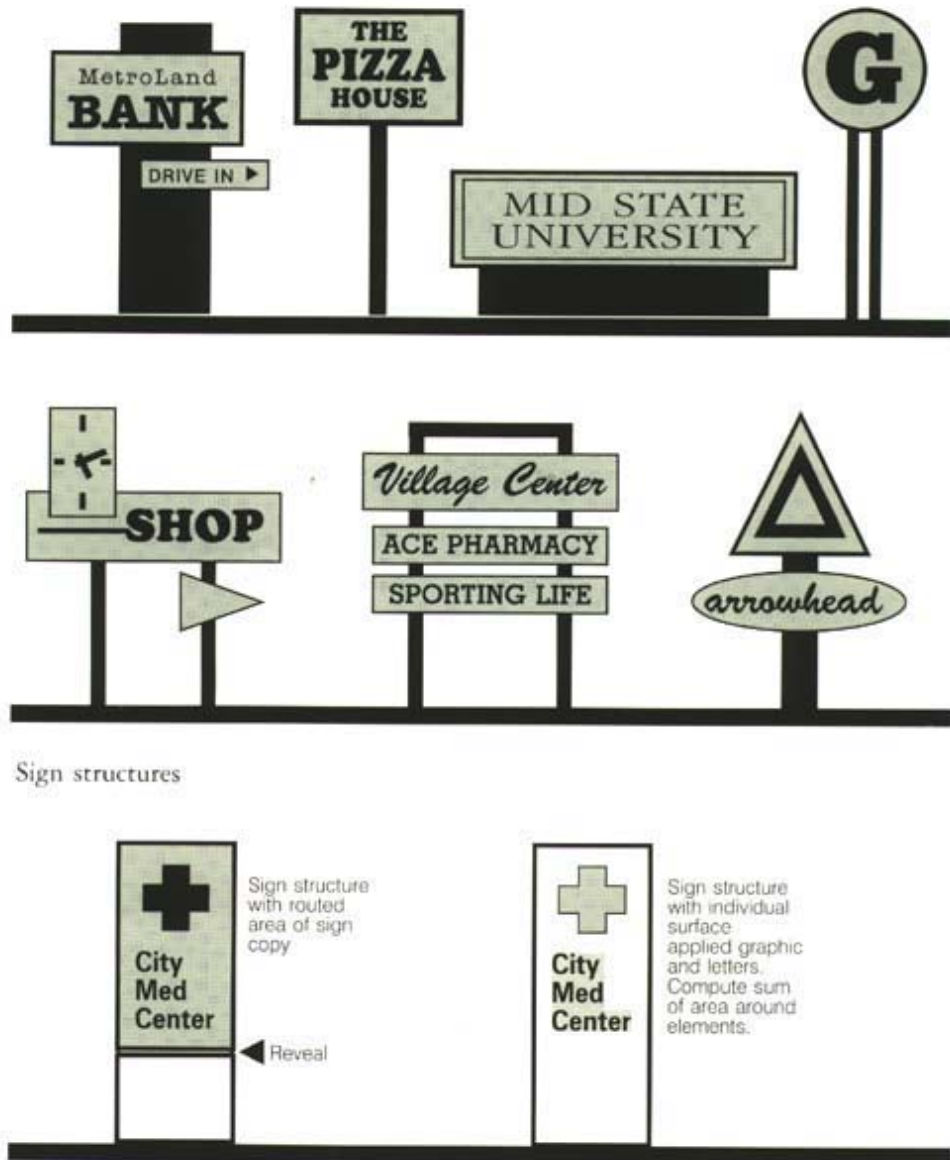


Figure 1003.3
SIGN AREA - COMPUTATION METHODOLOGY
 Sum of Shaded Areas Only Represent Sign Area
 Signs constructed with panels or cabinets



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

7.4.3 GENERAL PROVISIONS

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

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

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

7.4.4 PERMITS

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

7.4.5 AREA OF SIGNS

a. Permanent Signs

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

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

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

b. Temporary Signs

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

7.4.6 REGULATION BY ZONE

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

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

7. Memorial signs or historical signs or tablets, provided that the area of any such sign shall not exceed four (4) square feet.
8. Directional signs with maximum area of two (2) square feet.
9. Traffic control signs or other signs authorized by law or policy of the Michigan Department of Transportation or Grand Traverse County Road Commission, or signs required for traffic or parking control in planned developments and on private roads and private drives.
AMENDED BY AMENDMENT 008 ADOPTED 11/09/10 EFFECTIVE 02/11/11.
10. One non-illuminated sign per premises advertising a home occupation. Such signs are limited to two (2) square-feet in area.

b. Residential Zoning Districts, On-Premise Signs Permitted

1. Name plates and numbers identifying the occupant and locations of dwelling units provided that the area of any such sign shall not exceed two (2) square feet.
2. One sign displaying the name of a platted or condominium subdivision or apartment complex for each separate street entrance. Such signs may not exceed sixteen (16) square feet in area and must be set back at least ten (10) feet from any right-of-way. The sign and sign structure may not exceed twenty-four (24) square feet or have a height greater than six (6) feet. Signs shall not be placed within any designated traffic clear vision area. Illuminated residential development signs must comply with the following regulations:
 - a) Illumination shall be by an externally located steady, stationary light source only.
 - b) Light fixtures shall be limited to not more than one shielded light per 4 horizontal linear feet of sign face, shall be mounted at the top of the sign or sign structure, and shall be directed and/or employ shielding as required so as to direct light onto the sign and/or sign structure face only.
 - c) The light source within the fixture shall not be visible from any street right-of-way or cause glare that may be hazardous to pedestrians or vehicle drivers, or create a nuisance on adjacent properties.
 - d) Signs shall not have reflective backgrounds, but may have reflective lettering.
 - e) Colored lamps are not permitted.
 - f) In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls in compliance with the following requirements:

- i. The number of sign faces is limited to 2 per entrance, with one immediately on either side of the entrance.
- ii. Each sign face is limited to 16 sq. ft.
- iii. The distance between the closest points of the sign faces shall not exceed 100’.

SECTION 7.4.6.b.2 AMENDED 03/01/2011 EFFECTIVE 03/12/2011 AS ZONING ORDINANCE AMENDMENT 011.

- 3. One sign per premises for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed sixteen (16) square feet.
- 4. Temporary signs advertising garage sales or similar sale signs. Up to three (3) signs are allowed, provided they are on private property and are removed promptly after the sale is concluded.
- 5. Temporary signs advertising a temporary “open house” for the sale or lease of a house or building. Such signs are limited to two (2) square feet of area, must be located on private property, and must be removed after the “open house” has concluded.
- 6. On multiple-family dwellings, one (1) wall sign per elevation. Such signs may not exceed twelve (12) square feet in area.

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

- 1. All signs permitted in Residential Zoning Districts.
- 2. One free-standing per premises indicating businesses on said premises. Such signs may be up to thirty-two (32) square feet in area, up to twelve (12) feet tall, and set back at least ten (10) feet from any street right-of-way; signs no taller than eight (8) feet are allowed a size bonus of twenty (20) percent. For a planned shopping center, the free-standing sign may identify the center per se and not the individual occupants.
- 3. Temporary signs not previously specified. Such signs are limited to sixteen (16) square feet in area and may be displayed for no more than sixty (60) days in any calendar year.
- 4. Wall signs, provided the total area of said signs do not exceed twenty (20) percent of the area of the façade or one-hundred (100) square feet, whichever is less.
- 5. Canopy-, marquee-, or architectural-projection signs. Such signs’ copy area may not exceed twenty (20) percent of the area of the face of the canopy, marquee, or arch-projection.

6. Awning signs. The maximum copy area for awning signs is twenty (20) percent of the background/backlit area of the awning.
7. One (1) projecting sign for each building façade, up to four (4) square feet in area.
8. Window signs. Such signs are limited to twenty (20) percent of window area.
9. Signs displaying the price of gasoline at gasoline stations, not to exceed six (6) square feet in area.
10. One (1) directional signs and/or sign that consist only of words “washing,” “lubrication,” “repair,” or similar above each service bay of an automobile service station. Such signs may not exceed four (4) square feet in area.
11. Corporate logo or institutional flags. Such flags are limited to thirty-five (35) square feet in size.

d. Agricultural Zoning Districts, On-Premise Signs Permitted

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

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

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

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

7.5. OFF-STREET PARKING AND LOADING REGULATIONS:

7.5.1 OFF-STREET PARKING REQUIRED:

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

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

7.5.2 DEFINITIONS:

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

7.5.3 PARKING SPACE REQUIREMENTS:

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

SCHEDULE AMENDED 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001

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

	LAND USE	# OF PARKING SPACES PER UNIT OF MEASURE
a. Residential	1. Single-Family, Duplex, Manufactured Home Subdivision	Minimum: 1 per unit Maximum: 4 per unit
	2. Multiple-Family	Minimum: 1 per unit Maximum: 2.5 per unit
		Minimum: 0.5 spaces per each dwelling unit, plus 1 space for each 2 employees on maximum shift Maximum: 1.5 spaces for each dwelling unit, plus 1 space for each employee on maximum shift
	3. Housing for the Elderly	
b. Institutional	1. Church or Temple	Minimum: 1 per 8 seats or 250" of bench/pew Maximum: 1 per 1.5 seats or 50" of pew/bench
	2. Hospital	Minimum: 1 per 400 square feet of floor area Maximum: 1 per 100 square feet of floor area
	3. DELETED BY AMENDMENT 016	ADOPTED 10/04/11 EFFECTIVE 10/28/11
	4. Medical Urgent Care Facility	Minimum: 1 per 400 square feet of floor area Maximum: 1 per 100 square feet of floor area
	5. Elementary & Junior High Schools	Minimum: The lesser of 1 per classroom or the parking requirements for the school auditorium and/or sports arena Maximum: The greater of 2 per classroom or the parking requirements for school auditorium and/or sports arena
	6. Senior High School	Minimum: The lesser of 1 per classroom or the parking requirements for the school auditorium and/or sports arena Maximum: The greater of 2 per classroom or the parking requirements for school auditorium and/or sports arena
	7. Auditoriums and Theaters	Minimum: 1 per 6 seats or 1 per 50 square-feet if no permanent seating Maximum: 1 per 4 seats or 1 per 30 square feet if no permanent seating
	8. Private clubs, swimming pool clubs, or other similar uses	Minimum: 1 for each 4 families or individuals, plus spaces for each accessory use capable of simultaneous use, such as a restaurant or a bar, as determined by Planning Commission Maximum: 1 for each 2 families or individuals, otherwise same as minimum req.

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

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

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

7.5.4 OFF-STREET PARKING AREA CONSTRUCTION AND MAINTENANCE STANDARDS:

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

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

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

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

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

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

4. Each entrance and exit to and from an off-street parking area located in an area zoned for other than single-family dwellings shall be at least 25 feet distant from any adjacent parcel zoned for single-family dwellings.
5. Except for parcels zoned for single-family and duplex dwellings, all off-street parking areas shall be surfaced with seal coat, blacktop or equivalent material that shall provide a durable and dustless surface; and shall be graded and drained to dispose of all collected surface water. The Planning Commission may allow the installation of partially pervious parking areas provided such parking areas will be constructed so as to provide a durable and dustless surface.
6. Except for parcels zoned for single-family and duplex dwelling units, all off-street parking areas with a capacity of four or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. All lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lens and shall be installed as to be confined and directed into the parking area only.

c. Off-Street Parking Area Buffering, Landscaping and Screening: All off-street parking areas shall, in addition to any requirements contained in Section 7.5.6, meet the following requirements:

1. All off-street parking areas shall be landscaped with planting strips on all sides that are either visible from a surrounding property.
2. Off-street parking areas shall have the following buffering, landscaping and screening along all streets:
 - a) A buffer strip shall be established between the off-street parking area and the street of at least ten feet in width, which shall be used only for landscaping, screening or drainage, as provided herein.
 - b) One canopy or evergreen tree shall be planted in the buffer strip for every 24 lineal feet of street frontage of the off-street parking area. Arrangement of trees in clusters or groupings is encouraged, but in no case shall trees be more than 35 feet apart.
 - c) A hedge, berm, wall or combination thereof forming a continuous screen at least 36 inches in height above the grade of the off-street parking area, shall be established in the buffer strip. Walls and/or hedges shall be set back at least four feet from the property line. Gasoline service stations shall employ opaque walls between the off-street parking area and the street unless the buffer strip is 15 feet in width

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

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

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

- a) Off-street parking areas shall be planted with canopy trees at the ratio of one tree for every ten parking spaces or fraction thereof. The canopy trees shall be evenly dispersed throughout the off-street parking area in islands meeting the following requirements:
 - i. Islands shall be one hundred eighty square feet with a minimum dimension of nine feet in any direction. Islands shall be surrounded with a six inch high barrier curb.
 - ii. Islands shall not be used for snow storage.
 - iii. Small shrubs, flowers, groundcover or turf grass shall be planted in the islands. Wood and/or stone mulch are also permitted but shall not be used as the sole surface cover.
 - iv. Plant materials other than groundcover and turf grass in the islands shall be set back a minimum of three feet from the curb to avoid damage from overhanging car bumpers and doors.
 - v. Plant materials other than canopy trees shall be limited to a mature height of no more than two feet within ten feet of any curb at a point of ingress or egress from the off-street parking area.
- b) In addition to those required by the above, treed islands shall also be provided at the ends of each row of parking aisles. These islands shall be a minimum of seven feet in width and extend the full length of the parking stalls. They shall be

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

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

7.5.5 OFF-STREET LOADING AND UNLOADING REQUIREMENTS:

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such space shall be provided as follows:

- a. Unless otherwise indicated, all spaces shall be laid out in the dimensions of at least ten (10) feet by fifty-five (55) feet, with a clearance of at least 14 feet in height for uses in the B-2, B-3 and B-4.
- b. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent durable and dustless surface. Loading space may be enclosed.
- c. Access to a loading space shall be provided directly from a public street or service drive and shall be arranged so as to provide sufficient off-street maneuvering space, as well as adequate ingress to and from a street or service drive.
- d. Unless otherwise indicated, loading space is permitted in a rear yard only. In exceptional instances, loading space may be permitted in an interior side yard, with approval of the planning commission, when it can be shown that such location is necessitated by site conditions.
- e. Loading space shall be distinct from, and shall not interfere with, parking aisles or spaces.

- f. Loading and unloading spaces shall be effectively screened from view from any public street and from any office or residential zoning district.
- g. In the B-2, B-3 and B-4 districts, off-street loading and unloading shall be provided according to the following provisions:
 - 1. For office buildings of less than 20,000 square feet in gross floor area, at least one loading space with minimum dimensions of ten (10) feet by twenty (20) feet, separate from off-street parking, shall be provided and may be located in any yard except the front yard.
 - 2. For office buildings greater than 20,000 square feet, loading shall be provided at the ratio of one space for each 40,000 square feet above 20,000 square feet.
 - 3. For commercial uses, loading shall be provided as set forth in subsection (1) of this section, or at a ratio of ten square feet per front foot of building, whichever is the lesser amount.
 - 4. For automobile service stations, required loading space may be located in any yard except the front yard.
- h. Unless otherwise provided, within any zoning district, loading space shall be provided as follows for uses other than single-family or multiple-family dwellings:
 - 1. Funeral homes and mortuaries shall provide one loading space for each 5,000 square feet of gross floor area, plus one space for each additional 10,000 square feet.
 - 2. For hospitals and similar uses of less than 10,000 square feet in gross floor area, at least one loading space with minimum dimensions of ten (10) feet by twenty (20) feet, separate from off-street parking, shall be provided and may be located in any yard except the front yard.
 - 3. For hospitals and similar uses with a gross floor area of 10,000 square feet or greater, one loading space shall be provided, plus one space for each 50,000 square feet in excess of 10,000 square feet.
 - 4. For all other uses, one space shall be provided per building or use. The planning commission shall determine the appropriate size of such space.

**SECTION 7.5.5 AMENDED IN ENTIRETY BY ORDINANCE AMENDMENT 020
ADOPTED 08/14/12 EFFECTIVE 12/22/12.**

7.5.6 LANDSCAPING:

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

- a. Intent: This Section is intended to:

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

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

1. Plan scale of not less than 1" = 50' and north arrow.
2. Existing and proposed topography.
3. Location and type of all existing vegetation and wetlands.
4. Location and size of all proposed plant materials.
5. Zoning District classification of adjacent properties.
6. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities.

c. Standards and Criteria:

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

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

4. Caliper of trunk shall be measured six (6) inches above the ground.

5. All landscaping shall be sprinkled by an automatic sprinkling system.
 6. Earth mounds and berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet horizontal with at least two (2) foot flat on the top with adequate protection to prevent erosion.
- d. Landscaped Buffers:** All uses subject to the requirements of this Section that abut R-1, R-2, R-3, R-1MH and A-1 Zoning Districts shall provide a landscaped buffer on that abutting side. Said buffer shall meet the following minimum requirements:
1. The buffer shall be a minimum of 20 feet in width.
 2. The buffer shall be free of off-street parking and structures, other than structures placed there pursuant to this Section or Section 7.5.4c.
 3. Within the required buffer, a continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half feet in height and of such species as will produce, within three growing seasons, a screen at least six feet in height so as to continually restrict a clear view beyond said buffer strip.
 4. An opaque fence may be substituted in whole or in part for a continuous landscape screen if the Planning Commission determines that the landscape screen would be impractical or inappropriate. Such a fence shall be at least six feet in height.
 5. One canopy or evergreen tree shall be planted for every 20 feet or fraction thereof within the buffer area.
 6. An earth berm may be substituted for the required landscape screen or fence, provided the width of the buffer permits adequate space to allow the construction of a natural looking berm of at least six feet in height.
 7. Interconnectivity between zoning districts using pathways and sidewalks shall be encouraged when it is determined to enhance the quality of all developments affected.
- e. Right-of-Way Landscaping:** All uses subject to the requirements of this Section that abut rights-of-way shall provide the following landscaping on any abutting side:
1. Any required planting strip shall be a minimum of 10 feet in width, except as provided in Section 7.5.6d.
 2. One canopy or evergreen tree, and five small shrubs shall be planted adjacent to the public right-of-way for each twenty-four lineal feet of frontage. Arrangement of trees and shrubs in clusters or groupings is

encouraged, but in no case shall trees be more than thirty-five feet apart.

3. A landscape screen, opaque fence, berm or combination thereof shall be established adjacent to the public right-of-way, such that it forms a continuous screen at least three feet in height.

f. Maintenance: It shall be the landowner's responsibility that any landscaping required under this Section be maintained in a healthy growing condition, neat, clean, healthy and orderly in appearance. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants. Failure to maintain these landscape areas in such a manner, and to remove and replace dead and diseased plants shall constitute a violation of this Ordinance.

g. Existing Vegetation:

1. Credit: In instances where quality and healthy plant material exists on a parcel prior to its development, the Planning Commission, pursuant to Site Plan approval, may adjust the application of these landscape standards to allow credit for existing, healthy plant material if such existing vegetation is in keeping with and is consistent with the intent of this Section.
2. Removal: Existing vegetation may be removed within five feet of those areas under development, i.e., building footprint, vehicular use areas, sidewalks, outdoor storage, etc. No vegetation shall be removed outside these construction areas unless new canopy or evergreen trees are planted, the total caliper-inch of which shall equal the total caliper-inch of those trees removed. The Planning Commission may allow the removal of vegetation outside the five foot perimeter, if such removal is consistent with the intent of this Section.

h. Plant Substitutions: The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., canopy or evergreen trees) as the material being replaced.

i. Completion: A completion bond, a cash deposit, a letter of credit or certified check shall be provided by the applicant to cover the cost of the contemplated landscape and irrigation improvements as estimated by the Zoning Administrator.

j. Time Period: The required landscape and irrigation improvements are to be completed within one month of occupancy. The planting season shall be defined as April 1 through November 1, provided that no evergreen trees shall be planted later than September 15. If occupancy occurs in October

through April, the applicant shall have until the next May 1st to complete the required improvements.

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

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

7.6.1 PURPOSE:

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

7.6.2 SITE PLAN REVIEW:

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

7.6.3 GENERAL REQUIREMENTS:

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

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

7.6.4 PERMITTED USES IN FLOOD PLAINS:

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

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

7.6.5 RESTRICTED USES IN FLOOD PLAINS:

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

7.6.6 SECTION 7.6.6 FLOOD PLAIN REQUIRED CONDITIONS:

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

7.6.7 SETBACK FROM LAKES AND STREAMS:

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

7.6.8 PRIVATE EASEMENT TO WATER FRONT:

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

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

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

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

7.6.9 RETAINING WALL PERMIT:

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

7.6.10 REMOVAL OF SHORE COVER:

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

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

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

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

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

7.7. HOME OCCUPATIONS:

May be carried on in a dwelling or accessory building to that dwelling under the following conditions:

- 7.7.1** Customary home occupations such as instruction in a craft or fine art, cottage industries, specialty catering, professional offices, dress-making, bookkeeping, accounting, real estate, and insurance sales and similar gainful employment shall only be permitted.
- 7.7.2** Home occupations shall only be permitted when carried on by the occupant of the dwelling.
- 7.7.3** A home occupation shall not be allowed if the essential character of a lot or building within a Zoning District (in terms of use, traffic generation, noise, odor, vibration, electrical interference or appearance, including signage) is changed by the home occupation.,
- 7.7.4** A home occupation shall not be allowed that commonly has regularly scheduled appointments arriving on a frequent basis within an interval of two hours or less.
- 7.7.5** The area utilized for the home occupation shall not exceed one-fourth of the floor area of one story of the dwelling whether or not the dwelling or an accessory building is so utilized.
- 7.7.6** All activities involved in the home occupation (other than parking) shall take place within the dwelling or accessory building.
- 7.7.7** Professional offices shall be occupied by not more than one professional practitioner with no more than one full time equivalent employee unless all additional persons employed are members of the family occupying the principal structure.
- 7.7.8** No retail or other sales shall be permitted on the premises unless they are clearly incidental and directly related to the conduct of the home occupation.
- 7.7.9** The principal use of the parcel shall be a dwelling and the operator of a home occupation shall make the dwelling unit within which the home occupation is conducted his or her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
- 7.7.10** All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.
- 7.7.11** In addition to the above requirements found in 7.7.1 through 7.7.10, the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Medical Marihuana as allowed by the Medical Marihuana Act is subject to the following:
 - a.** Walk in trade or retail shall be prohibited.
 - b.** No permanent interior or exterior alteration of the structure or dwelling that would make it unsuitable for a residential use shall be allowed.

- c. The operator of a Medical Marihuana home occupation must be a resident of the property and must be a Qualifying Patient and/or a Primary Caregiver.
- d. No person, other than the operator of a Medical Marihuana home occupation, shall be allowed to transfer or deliver medical marihuana to any other patient or caregiver that visits the property.
- e. The operator of a Medical Marihuana home occupation may transfer Medical Marihuana to no more than five patients or caregivers, in any combination, within any given calendar week.
- f. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for a Medical Marihuana home occupation which includes Medical Marihuana Cultivation before any use may begin.
- g. All artificial light used for Medical Marihuana Cultivation shall be completely contained within the main building and shall not be allowed to spill, or be visible in any way, from outside of the building

SECTIONS 7.7.9 THROUGH 7.7.11 ADDED BY AMENDMENT 013 ADOPTED 08/02/11 EFFECTIVE 08/13/11.

7.8. EXTERIOR LIGHTING REGULATIONS:

7.8.1 DECLARATION OF POLICY AND INTENT:

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

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

7.8.2 LIGHTING-RELATED DEFINITIONS:

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

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

7.8.3 OUTDOOR LIGHTING STANDARDS:

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

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

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

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

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

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

7.8.4 APPROVED MATERIALS:

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

7.8.5 EXEMPTIONS:

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

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

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

7.8.6 CONFLICTS:

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

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

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

7.10. APPLICATION:

All land uses in all Zoning Districts, with the exception of Manufactured Housing Communities regulated under Article XII, shall be subject to all of the applicable provisions in this Article VII. **AMENDED 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001**

ARTICLE VIII: SITE PLANS

8.1. SITE PLAN REVIEW REQUIREMENT:

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

8.2. PROCEDURES:

8.2.1 SITE PLANS FOR SPECIAL USES:

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

8.2.2 SITE PLANS FOR USES OTHER THAN SPECIAL USES:

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

8.2.3 APPLICATION REQUIREMENTS:

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

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

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

8.2.4 STANDARDS FOR SITE PLAN REVIEW:

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

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

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

8.2.5 APPROVAL AND CONDITIONS:

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

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

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

ARTICLE IX: SPECIAL USES

9.1. GENERAL STANDARDS:

9.1.1 RULES GOVERNING ARTICLE IX:

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

9.1.2 PERMIT PROCEDURES:

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

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

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

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

9.1.3 BASIS FOR DETERMINATIONS:

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

a. General Standards:

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

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

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

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

9.1.4 AMENDMENTS AND MODIFICATIONS:

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

9.2. MOBILE HOME PARK DEVELOPMENTS:

SECTION 9.2 DELETED IN ENTIRETY 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE AMENDMENT 001. THIS SECTION IS RESERVED FOR FUTURE REGULATIONS SPECIFIC TO A LAND USE REQUIRING A SPECIAL USE PERMIT.

9.3. CONSERVATION DEVELOPMENT

9.3.1 STATEMENT OF INTENT:

The purpose of Conservation Development is to preserve large tracts of land in an undeveloped state, in order to maintain the rural landscape and environmental resources of Acme Township by allowing flexible development as an alternative to conventional development. Conservation Developments allow dwelling units to be sited on those portions of a property most suitable for development, while leaving substantial portions in an undeveloped state. Conservation Developments also may include a variety of lot sizes ranging from large farm or estate lots to small village lots. Conservation Developments result in the preservation of contiguous open space and important environmental resources, while allowing compact development, more walkable neighborhoods, and more flexibility than conventional developments. Where a Conservation Development involves non-contiguous parcels of land, it shall be considered to be a "density transfer" and shall be processed as a planned unit development under Section 9.3.9. Conservation Developments must satisfy the general standards in Section 9.1 and the specific requirements of Section 9.3.

9.3.2 REQUIREMENTS:

- a. Density Calculation: The maximum density allowed for residential dwelling units is calculated by a formula based upon the "includible" acreage of the property. This density may be increased only by using the procedures for density transfer in Section 9.3.9, which require a corresponding reduction in density on other land in the Township.
 1. If 30% or less of the parcel (or parcels) to be developed is wetlands, all of the acreage is includible in the density calculation. If more than 30% of the property is wetlands, 50% of the wetland acreage in excess of 30% shall be subtracted to determine includible acreage. For example, if a 100 acre parcel contains 40 acres of wetlands, the includible acreage would be 95 (30 acres of wetlands is included, but 50% of the additional 10 acres of wetlands is subtracted).
 2. To determine the gross number of allowable residential dwelling units on the site, divide the includible acreage by the applicable minimum lot area in the district. Fractional dwelling units shall be rounded up if .5 or greater and rounded down if less than .5. This shall be the basis for calculations in (3) below.
 3. The number of dwelling units allowed in (2) above shall automatically increase by 20% for Open Space Developments. The density may also increase by 5% for every 10% increment of land protected by conservation easement in excess of the 50% minimum established in Subsection (e) below. For example, if the result of the calculation in (2) is 10 dwelling units, an automatic 20% increase in density is earned, yielding a maximum of 12 dwelling units. If the landowner preserves 70% of the land, an additional dwelling unit would be allowed, with a total number of allowable dwelling units of 13. If the landowner preserves 90% of the land, 14 dwelling units would be allowed.

4. For parcels that are located within more than one district, calculations shall be made separately for the portion of the parcel in each district. This density may then be combined and distributed anywhere within the parcel, provided that the plan protects open space with conservation value (see Section 9.3.8a.)
- b. Uses: All uses otherwise permitted in the respective Zoning District(s) may be allowed in a Conservation Development. In the R-1, R-2 and R-3 zoning districts, the allowable dwelling units may be configured as single-family, duplex, or multi-family residences. In the A-1 zoning district, the allowable dwelling units may be configured as single-family or duplex dwellings. In addition, common facilities for recreation, meetings, social gatherings, dining, and accommodations for guests of the residents may be permitted. Child care facilities, recreation centers and community centers are also permitted in an approved Conservation Development.
 - c. Parcel Size Qualification: There shall be no minimum parcel size to qualify for a Conservation Development.
 - d. Minimum Lot Size: The minimum size for lots within a Conservation Development shall be as required by the Grand Traverse County Health Department.
 - e. Minimum Land Preserved in Undeveloped State: All Conservation Developments shall preserve at least 50% of the parcel(s) in their undeveloped state. The requirements for preserving such land are described in Section 9.3.8.
 - f. Arrangement of Lots or Sites: Lots or site shall be arranged in a manner that protects land of conservation value (see Conservation Analysis requirements in Section 9.3.8 below) and facilitates pedestrian and bicycle circulation.
 1. Side lot lines shall be essentially at right angles to straight roads and radial to curved roads.
 2. Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed 4 times the width as measured at the building line.
 3. Corner lots shall have extra width to permit appropriate building setbacks from both roads and orientation to both roads.
 4. Lots shall contain a landscaped easement at least twenty (20) feet wide along any public or private road to restrict access to the public or private road, to minimize noise, and protect outdoor living areas.
 5. Lots extending through a block and having frontage on two local roads shall be prohibited.
 - g. Minimum Yard Requirement: All lots shall maintain the following minimum yard sizes:
 1. **Front Yard:** 30 feet for all dwellings within the A-1 zoning district, 20 feet for all structures within the R-1, R-2 and R-3 zoning districts.

2. **Side Yard:** 10 feet for all structures within the A-1 zoning district, 5 feet for all structures within the R-1, R-2 and R-3 zoning districts.
3. **Rear Yard:** 25 feet for all structures within the A-1 zoning district, 15 feet for all structures within the R-1, R-2 and R-3 zoning districts.
4. In no event shall the setback standards in this subparagraph result in a setback requirement greater than the minimum yard setbacks required in Section 6.12.1 of this ordinance.

9.3.3 STREETS:

All public streets within a Conservation Development shall be constructed so as to meet the requirements of the Grand Traverse Metro Fire Department standards.

9.3.4 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS:

Water Supply and Sewage Disposal Systems shall comply with all the requirements of Acme Township. If required by the Grand Traverse Metro Fire Department, an underground water tank for fire suppression shall be installed according to their standards.

9.3.5 TREES:

1 street tree shall be planted adjacent to the road right-of-way for each 24 lineal feet of frontage, with a minimum of 2 trees per lot. At least 3 trees shall be provided for a corner lot. The tree species shall comply with Grand Traverse Conservation District recommendations for urban forest use.

9.3.6 WETLAND AND FLOODPLAIN RESTRICTIONS:

There shall be no development or modification of any kind within a wetland or floodplain area without there first having been issued an appropriate permit by the Michigan Department of Environmental Quality and/or an Earth Change Permit from the Grand Traverse County Soil Erosion Department as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Acme Township Planning Commission to be uninhabitable shall not be used for residential purposes or for uses that may in the judgment of the Acme Township Planning Commission increase the danger to health, life or property or increase the flood hazard. Such land within a conservation development shall be set aside for other uses, such as parks or other open space.

9.3.7 EROSION AND SEDIMENTATION:

All development under this Section shall minimize erosion and sedimentation to the maximum practical extent. In circumstances where soil erosion control comes under the jurisdiction of Part 91 of the Natural Resources and Environmental Protection Act, MCL 324.9101, *et seq.*, the developer shall submit a set of plans approved by the Soil Erosion Control Officer.

9.3.8 LAND PRESERVED IN AN UNDEVELOPED STATE:

The land preserved in an undeveloped state pursuant to this Section 9.3.8 must have "conservation value" within a proposed CD parcel, which may include recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. Such conservation value shall be determined through the conservation analysis process described below.

- a.** As part of an application for CD, an applicant shall prepare a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. The conservation analysis shall, at a minimum, show all wetlands, floodplains, watercourses, ridgelines, forests, shorelines, seeps, and buffer areas that may be appropriate for screening new development from public roads or adjoining parcels, and all lands exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples of lands with conservation value include land in active agricultural use, large areas of contiguous mature forest or recognized wildlife habitat, water bodies, public water supply watersheds or areas designated for aquifer protection, land identified for conservation in the Master Plan, and scenic areas including important vistas or viewsheds visible from public places. The conservation analysis shall describe the conservation functions and the current and potential future conservation value of all land on the site, and may make a tentative recommendation as to which land should be developed and which land should be permanently protected from future development by a conservation easement. In the course of application review, the Planning Commission shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.
- b.** The final determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Acme Township Board of Trustees, upon recommendation from the Planning Commission, which shall make written findings supporting its decision (the “conservation findings”). The outcome of the conservation analysis and the Township Board of Trustees’ determination shall be in the form of a map prepared by the applicant and approved by the Board of Trustees, upon recommendation from the Planning Commission, showing land to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management plans for such land. The map may also show preferred locations for intensive development as well as acceptable locations for less dense development. Applicants are encouraged to discuss and resolve this issue with the Planning Commission as early as possible in the application process. The Township Board, upon recommendation from the Planning Commission, may deny an application which does not include a complete conservation analysis sufficient for the Board of Trustees to make its conservation findings.
- c.** Where land preserved in an undeveloped state is owned by a private landowner as part of a buildable lot or site, the land may not include the landowner’s “homestead,” i.e. any land lying within 30 feet of the principal structure.
- d.** Land preserved in an undeveloped state shall be clearly delineated and labeled on the Plat or Site Plan as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of other lots in the development to such land. The Plat or Site Plan shall clearly show that the land preserved in an undeveloped state is permanently reserved for such purposes, and shall contain a notation describing recording information for any conservation easements or restrictive covenants required to be filed to implement such restrictions.

- e. A perpetual conservation easement restricting development of the land preserved in an undeveloped state and allowing use only for agriculture, forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to MCL 324.2140 - 2144, shall be granted to the Township, with the approval of the Township Board, or to a qualified not-for-profit conservation organization acceptable to the Township Board. Such conservation easement shall be approved by the Township Board and shall be required as a condition of municipal approval. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded in the office of the Register of Deeds prior to or simultaneously with the recording of any Plat or Master Deed in the office of the Register of Deeds. In the case of developments of less than five lots or sites, a recorded restrictive covenant enforceable by the Township Board may be substituted for a conservation easement.
- f. The conservation easement or restrictive covenant shall prohibit residential, industrial, or commercial use of the land preserved in an undeveloped state (except in connection with agriculture, forestry, and recreation). Access roads, driveways, water supply wells, septic waste disposal facilities, local utility distribution lines, trails, temporary structures for outdoor recreation, and agricultural structures shall be permitted on land preserved in an undeveloped state, provided that they do not impair the conservation value of the land. The conservation easement may allow dwellings to be constructed on portions of parcels that include land preserved in an undeveloped state, provided that the total number of dwellings permitted by the conservation easement in the entire development is consistent with applicable density limitations of this Ordinance.
- g. A development rights easement under MCL 324.36101 *et seq.* may be substituted for a conservation easement for purposes of this Section 9.3.8 only if its term is perpetual.
- h. Land preserved in an undeveloped state may be included as a portion of one or more large lots, or may be contained in a separate open space lot within the development. Such land preserved in an undeveloped state may be owned by a homeowners' association (HOA), private landowner(s), a non-profit organization, the Township, County, State, or Federal governments, or a non-profit organization acceptable to the Township as one adequate to properly manage the land and to protect its conservation value, as long as it is protected from development by a conservation easement.
- i. If the land preserved in an undeveloped state is owned in common by an HOA, such HOA shall be established in accordance with the following:
 - 1. The HOA must be established before final approval of the development, and must comply with all applicable provisions of state law.
 - 2. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes (if applicable), insurance, and maintenance of

common land preserved in an undeveloped state, private roads and other common facilities.

3. The restrictions on the land preserved in an undeveloped state must be in perpetuity.
4. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
5. Property owners must pay their pro rata share of the costs in Subsection d above, and the assessment levied by the HOA must be able to become a lien on the property.
6. The HOA must be able to adjust the assessment to meet changed needs.
7. The applicant shall make a conditional offer of dedication to the Township, binding upon the HOA, for all land preserved in an undeveloped state to be conveyed to the HOA. Such offer may be accepted by the Township, at the discretion of the Township Board, upon the failure of the HOA to take title to the land preserved in an undeveloped state from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
8. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the lands preserved in an undeveloped state by proceeding against individual owners in the HOA and the dwelling units they each own.
9. The attorney for the Township shall find that the HOA documents presented satisfy the conditions in Subsections a through i above, and such other conditions as the Township Board, upon recommendation from the Planning Commission, shall deem necessary.
- j. Ongoing maintenance standards shall be established, enforceable by the Township against an owner of land preserved in an undeveloped state as a condition of development approval, to ensure that the land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.
- k. If the Township Board finds that the provisions of Subsection i above are being violated such that the condition of the land preserved in an undeveloped state constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Township shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

9.3.9 DENSITY TRANSFER:

Acme Township encourages flexibility in the location and layout of development, within the overall density standards of this Ordinance. The Township therefore will

permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel") through the creation of land preserved in an undeveloped state on the sending parcel, as provided below. All sending parcel(s) and receiving parcel(s) for a particular project shall be considered together as one planned unit development.

- a. Requirements for density transfer. All density transfers require a Special Use Permit and a planned unit development approval from the Township Board, upon recommendation from the Planning Commission as part of a Conservation Development application. The procedures and requirements for the planned unit development approval of a Conservation Development with density transfer are coextensive with the procedures and requirements for special use permit approval in Section 9.1, plus the specific requirements for Conservation Developments and the procedures, requirements and approval standards of this section. A Special Use Permit application for a density transfer shall be signed by the owners (or their authorized representatives) of the sending and receiving parcels. The Special Use Permit application shall show a proposed development plan for the receiving parcel (subdivision and/or Site Plan) as well as density calculations for both the sending and receiving parcels, prepared according to the provisions of Subsection 9.3.2a. In reviewing an application for density transfer, the Township shall first determine the number of allowable dwelling units permitted on the receiving parcel. The Township shall then determine the number of dwelling units available to transfer from the sending parcel(s). The Township Board, upon recommendation from the Planning Commission, may then grant a Special Use Permit allowing the transfer to the receiving parcel of some or all of the allowable residential dwelling units from the sending parcel(s). The reduction in allowable density on the sending parcel shall be accomplished through the preservation of a proportionate amount of open space on the sending parcel through the procedures in Section 9.3.8 for preserving land in its undeveloped state. The sending parcel may not contain more than 10% wetlands.
- b. Conditions for eligibility and requirements for approval: The Township Board, upon recommendation from the Planning Commission shall not approve any residential density transfer unless it finds that:
 1. All requirements for the granting of a Special Use Permit have been satisfied.
 2. The addition of the transferred dwelling units to the receiving parcel will not increase the maximum allowable density under Section 9.3.2a by more than 50% and will not adversely affect the area surrounding the receiving parcel.
 3. The density transfer will benefit the Township by protecting developable land with conservation value on the sending parcel(s).
 4. The density transfer will be consistent with the Township Master Plan.
 5. As a condition of approval of the density transfer, a conservation easement on the sending parcel(s) satisfying the requirements of

Section 9.3.8e and 9.3.8g above shall be executed and recorded in the office of the Register of Deeds, creating open space in the form of land preserved in its undeveloped state that is equal in size to the total acreage of the number of buildable lots that were sent by the sending parcel to the receiving parcel. This reduction in density shall not prevent the owner of the sending parcel from developing the remaining portion of the sending parcel under either an open space or conventional development plan, provided that the open space created in the density transfer is preserved and all other zoning ordinance requirements are satisfied.

9.4. CAMPGROUNDS:

9.4.1 STATEMENT OF INTENT:

Because of Acme Township's proximity to scenic and natural features which attract resort and recreational facilities, it is the intent of this Section to provide for campgrounds under controlled conditions which will protect the public welfare.

9.4.2 REQUIREMENTS:

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

- a. No campgrounds shall be located except with direct access to a major thoroughfare, or with a minimum lot width of not less than 50 feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the campground through a residential district.
- b. The minimum lot area per campground shall be ten acres. **AMENDMENT 015 ADOPTED 08/02/11 EFFECTIVE 08/13/11.**
- c. Campsites in campgrounds may be rented by the day or week or for indefinite periods; or sold PROVIDED, however, that no site shall be occupied as a permanent or principal residence.
- d. Management headquarters, recreational facilities, toilets, showers, off-street parking areas, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses PROVIDED that:
 1. Such accessory uses shall not occupy more than ten percent of the area of the campground.
 2. Such accessory uses shall be restricted in their use to occupants of the campground and their guests.
 3. Such accessory uses shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground and their guests.
- e. No campsite shall be so located that any part intended for sleeping purposes is within one hundred feet of the right-of-way line of any public road or highway. Setback spaces shall be occupied by plant materials and appropriately landscaped. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the park from adjacent roads and properties. The plans, specifications and proposed arrangement of such plantings shall be prepared by a registered landscape architect.
- f. The campground site plan shall be subject to the review and approval of the Grand Traverse-Leelanau-Benzie County Health Department.
- g. Individual campsites are not subject to setback and accessory structure placement requirements that would otherwise be required under the zoning

ordinance. **AMENDMENT 015 ADOPTED 08/02/11 EFFECTIVE
08/13/11.**

9.5. INSTITUTIONAL USES IN THE RESIDENTIAL AND AGRICULTURAL DISTRICTS:

9.5.1 STATEMENT OF INTENT:

In recognition of many institutional uses that have been found to be reasonably compatible with residential uses, the Township may authorize the construction, maintenance and operation of certain institutional uses specified in this Section by the issuance of a special use permit.

9.5.2 REQUIREMENTS:

The following land uses, in the Residential or A-1 Zoning District must meet the following additional requirements:

- a. Religious Institutions: Churches or similar places of worship, including child care centers, convents, parsonages, parish houses, and other housing for clergy.
- b. Educational and Social Institutions: Public and private schools, including child care centers , auditoriums and other places of assembly, and centers for social activities.
 - 1. Such uses shall be duly licensed by the Michigan Department of Human Services.
 - 2. Fencing of outdoor play areas may be required should it be determined that conditions exist in the immediate vicinity which could be hazardous to the user children or the public hearing on the application for a special use permit indicates objectionable trespass could occur onto neighboring properties by the user children.
 - 3. When allowed in Zone Districts other than R-1 and A-1, the minimum lot size shall be one acre.
 - 4. A special use permit for this purpose shall be good for the period of one year provided that the Zoning Administrator may renew the permit annually unless in receipt of written complaints regarding the land use in which event the applicant must repeat the original procedure for approval.

9.6. GASOLINE SERVICE STATIONS:

9.6.1 STATEMENT OF INTENT:

It is the intent of this Section to exercise a measure of control over gasoline service stations and to establish a basic set of standards which will minimize traffic congestion and safety hazards which are inherent in service station activity.

9.6.2 REQUIREMENTS:

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

- a. Enclosed Building: All accessory uses and services shall be conducted within a completely enclosed building.
- b. Minimum Site Size: 15,000 square feet with a minimum lot width of 150 feet.
- c. Site Location: The proposed site shall have at least one property line on a major thoroughfare, provided that where Gasoline Service Station are proposed as part of a planned shopping center development as outlined in the B-3 Zoning District, the Gasoline Service Station site, or sites, shall be located at the boundary of the center where it can be away from patterns of pedestrian circulation and have direct unencumbered access to traffic arteries.
- d. Building Setback: Any buildings that are part of a Gasoline Service Station shall be set back 40 feet from all street right-of-way lines and shall not be located closer than 25 feet to any property line in the Residential Zoning Districts.
- e. Access Drives: No more than two driveway approaches shall be permitted directly from any other public street.
 1. Driveway approach widths shall not exceed 35 feet measured at the property line.
 2. Driveways shall be located as far from street intersections as practicable, but no less than fifty feet.
 3. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line.
 4. Any two driveways giving access to a single street shall be separated by an island with a minimum dimension of 20 feet.
- f. Curbing and Paving: A raised curb of at least six inches in height shall be erected along all of the street property lines, except at driveway approaches. The area used for servicing vehicles within the Gasoline Service Station property lines shall be paved with a permanent surface of concrete or asphalt.

9.7. DWELLING UNITS IN COMMERCIAL DISTRICTS:**9.7.1 STATEMENT OF INTENT:**

Modern commercial development is often of such a character that the inclusion of some limited residential units directly associated with the commercial use may be deemed as either desirable or in some cases necessary. Under these conditions, a special use permit may be issued for the construction and occupancy of such units, provided that the standards, procedures and requirements set forth in this Section are complied with.

9.7.2 REQUIREMENTS:

- a.** Floor space used for residential purposes shall be subtracted from allowable commercial space.
- b.** Dwelling units shall have off-street parking areas and entrances distinctly separate from commercial uses.
- c.** Dwelling units shall have separate utility services including water, sewer, electric, etc. from commercial uses.
- d.** Dwelling units shall be approved by the Grand Traverse County Environmental Health Department.
- e.** Dwelling units shall be designed for owner or tenant occupancy or the occupancy of owner or tenant employees.
- f.** Dwelling units shall be designed to be an integral part of the commercial development.

9.8. PLANNED AGRICULTURAL UNITS:

9.8.1 STATEMENT OF INTENT:

It is the purpose of this Section to set standards and requirements for Planned Agricultural Units. Reduction of residential lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex agricultural land use unit. Under these conditions, a special use permit may be issued for the construction and occupancy of a Planned Agricultural Unit, provided that the standards, procedures and requirements set forth in this Article can be complied with.

9.8.2 OBJECTIVE:

This Section acknowledges that agriculture is a specialized form characterized by the production through biological and botanical processes of saleable commodities as a result of the conjunction of raw materials (soils, seeds, plants, water and fertilizers), manpower (farm labor and machinery), and energy (solar and power equipment) to produce the product. In promoting the general purposes of this Ordinance, the specific objectives of this Section are:

- a. The preservation of a maximum amount of the limited supply of a unique agricultural land in the Township to the maintenance of the agricultural economy of the State, and for the assurance of adequate, healthful and nutritious food for future residents of this locale, state and nation.
- b. The discouragement of unnecessary conversion of unique agricultural land to urban uses.

9.8.3 REQUIREMENTS:

In addition to the other requirements of this Article, Planned Agricultural Units must meet the following requirements:

- a. The Planned agricultural Unit shall not be less than 60 acres in area, shall be under the control of the owner or group of owners, and shall be capable of being planned and developed as one integral unit.
- b. All uses permitted by right and by special use permit in the A-1 Zoning District shall be permitted in a Planned Agricultural Unit.
- c. Single-family dwelling for occupancy by the owner or one of the group of owners having a lot size of not less than one acre shall be permitted in a Planned Agricultural Unit, provided that the total number of dwelling units within the Planned Agricultural Unit does not exceed one unit per twenty acres.

9.9. INDEPENDENT HOUSING FACILITIES:

9.9.1 REQUIREMENTS FOR INDEPENDENT HOUSING FACILITIES:

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

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

- a. All relevant requirements of 9.9.1 are met.
- b. Minimum lot size shall be 2 acres.
- c. No facility shall be established on a lot or parcel having a width less than 150 feet, PROVIDED, however, that the average lot area per family or dwelling unit shall not be less than required for other residential development in the same zone.
- d. Total coverage of all buildings, including dwelling units and related buildings shall not exceed 35% of the total site.
- e. Yards and Other Open Space:
 - 1. Between Buildings: The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be 50 feet for buildings one story in height. The distance shall be increased by not less than five feet for every story added. The minimum distance between buildings may be decreased by as much as ten feet toward one end if it is increased by a similar distance at the other; and consistent modifications are permitted by the Township Board to accommodate plans which are not conventional in their outline or in their relations to other buildings.

2. Between Sides of Buildings: The horizontal distance between sides of buildings shall be 20 feet or more for one or two story buildings. These distances shall be increased by not less than five feet for every story added.
3. Yard Dimensions: For buildings up to 35 feet in height, no building shall be closer than 25 feet to any street; 35 feet to any rear property line; or 20 feet to an interior side property line. For each one foot of building height above 35 feet, one foot shall be added to required front, side, and rear yards.
4. Other Dimensions: No dwelling unit shall be closer to a street or private access drive than 25 feet; or shall be further from a street or private access drive than 150 feet.
- f. Useable Open Space: A minimum of 200 square feet of open space is required per dwelling unit. Open space shall not be occupied by principal buildings, accessory buildings, driveways, parking or loading space. Open space shall be available to all occupants of the development. Each open space area so provided shall have a minimum total area of 1,200 square feet and shall be used for recreational space and other leisure activity normally carried on outdoors.
- g. Maximum Building Height: The maximum height of buildings housing the principal use shall be governed by the requirements in the zoning district. Accessory buildings shall not exceed fifteen feet in height.
- h. Private Streets: Private streets or private access drives may be permitted within group housing developments, PROVIDED that the following minimum requirements are met.
 1. All streets, roadways, or private access drives meet all other private street requirements under the ordinance and shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Grand Traverse County Road Commission for private roads.
 2. Satisfactory arrangements have been made with the Planning Commission regarding the maintenance and repair of streets, roadways or access drives.

SECTION 9.9 ADDED BY AMENDMENT 016 ADOPTED 10/04/11 EFFECTIVE 10/28/11.

9.9A REQUIREMENTS FOR NURSING HOMES, CONVALESCENT HOMES AND ASSISTED LIVING GROUP FACILITIES

9.9A.1 REQUIREMENTS FOR NURSING HOMES, CONVALESCENT HOMES AND ASSISTED LIVING GROUP FACILITIES:

- a. Total coverage of all buildings, including dwelling units and related buildings shall not exceed 25% of the total site.
- b. A minimum of 200 square feet of open space or common area is required for each bed.
- c. The maximum allowable density shall be 45 beds or 45 per acre.
- d. One parking space for every 4 beds, plus 1 per employee on the maximum working shift.

9.9A.2 REQUIREMENTS FOR FACILITIES WITH MULTIPLE RESIDENTIAL BUILDINGS: Nursing Homes, Convalescent Homes, and Assisted Living Group Facilities may have two or more residential buildings of similar or differing character built upon one lot or parcel of land, when a site plan is submitted to and approved by the Township Board. When the following requirements have been complied with:

- a. All relevant requirements of 9.9A.1, whichever applicable, are met.
- b. Minimum lot size shall be 2 acres.
- c. No facility shall be established on a lot or parcel having a width less than 150 feet, PROVIDED, however, that the average lot area per family or dwelling unit shall not be less than required for other residential development in the same zone.
- d. Total coverage of all buildings, including dwelling units and related buildings shall not exceed 35% of the total site.
- e. Yards and Other Open Space:
 - 1. Between Buildings: The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be 50 feet for buildings one story in height. The distance shall be increased by not less than five feet for every story added. The minimum distance between buildings may be decreased by as much as ten feet toward one end if it is increased by a similar distance at the other; and consistent modifications are permitted by the Township Board to accommodate plans which are not conventional in their outline or in their relations to other buildings.
 - 2. Between Sides of Buildings: The horizontal distance between sides of buildings shall be 20 feet or more for one or two story buildings. These distances shall be increased by not less than five feet for every story added.

3. Yard Dimensions: For buildings up to 35 feet in height, no building shall be closer than 25 feet to any street; 35 feet to any rear property line; or 20 feet to an interior side property line. For each one foot of building height above 35 feet, one foot shall be added to required front, side, and rear yards.
 4. Other Dimensions: No dwelling unit shall be closer to a street or private access drive than 25 feet; or shall be further from a street or private access drive than 150 feet.
- f. Useable Open Space: A minimum of 200 square feet of open space is required per dwelling unit. Open space shall not be occupied by principal buildings, accessory buildings, driveways, parking or loading space. Open space shall be available to all occupants of the development. Each open space area so provided shall have a minimum total area of 1,200 square feet and shall be used for recreational space and other leisure activity normally carried on outdoors.
 - g. Maximum Building Height: The maximum height of buildings housing the principal use shall be governed by the requirements in the zoning district. Accessory Buildings shall not exceed fifteen feet in height.
 - h. Private Streets: Private streets or private access drives may be permitted within group housing developments, PROVIDED that the following minimum requirements are met.
 1. All streets, roadways, or private access drives meet all other private street requirements under the ordinance and shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Grand Traverse County Road Commission for private roads.
 2. Satisfactory arrangements have been made with the Planning Commission regarding the maintenance and repair of streets, roadways or access drives.

9.10. HOTEL, MOTEL, AND TRANSIENT LODGING FACILITIES:

9.10.1 REQUIREMENTS:

Hotel, motel and transient lodging facilities may be permitted subject to the following requirements:

- a. Minimum Floor Area: Each guest unit shall contain not less than 250 square feet of floor area.
- b. Minimum Lot Area: One acre lot within a minimum width of 150 feet, provided that there shall be no less than 800 square feet of lot area per guest unit.
- c. Maximum Lot Coverage: Buildings shall not occupy more than 25% of the lot area.
- d. Minimum Yard Dimensions: All buildings shall be set back no less than 100 feet from any street line, and no less than 40 feet from any side or rear property line.
- e. Maximum Building Height: 2 stories but not to exceed 25 feet.
- f. Site Screening: Shall follow the supplementary regulations on landscaping and buffering. Fences shall not exceed six feet in height. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. No screening shall be closer than 75 feet to any street line, except for headlight screening which shall not be closer than 30 feet.
- g. Swimming Pools and other outdoor recreational uses are permitted as accessory uses on the same lot.
- h. Accessory Uses, such as meeting rooms, tavern, bar, or similar uses are permitted, provided such uses are carried on within the same building as the principal use. A separate caretaker's or proprietor's residence shall be permitted as an accessory use.

9.11. MINIATURE GOLF, TRAMPOLINE, DRIVE-IN THEATERS:**9.11.1 REQUIREMENTS:**

- a.** Miniature golf, trampolines, and drive-in theaters may be permitted subject to the following requirements:
- b.** All sites shall be located on a major thoroughfare, and all ingress and egress to the site shall be from said thoroughfare.
- c.** All points of entrance and exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.
- d.** Acceleration and deceleration lanes shall be provided, where possible, at points of ingress and egress to the site, and left turns at entrances and exits shall be prohibited on the major thoroughfare where possible.
- e.** Whenever any use permitted herein abuts property within a Residential Zoning Districts, the landscaped buffer required by Section 7.5.6d of this Ordinance shall be 200 feet in width.
- f.** The landscaped buffer required by Section 7.5.6e of this Ordinance shall be 100 feet in width where any use permitted herein abuts a public street or highway used for access or exit purposes.
- g.** Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least eight feet in height.
- h.** For drive-in theaters, vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least 30% of the vehicular capacity of the theater.
- i.** Drive-in theater picture screens shall not be permitted to face any public street and shall be out of view from any major thoroughfare or adjacent residential district.

9.12. PLANNED SHOPPING CENTERS:

9.12.1 APPLICATION

An application for a special use permit for a Planned Shopping Center shall also be accompanied by the following evidence and supporting data:

- a. A market analysis by a recognized, reputable market analyst setting forth conclusively economic justifications and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited, to such factors as the trade area of the community and travel time from various parts thereof, to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities; and other data and analysis which relate to the need for and feasible success and stability of the proposed center.

The purpose of this requirement is to protect the Township from the over-development of retail sales and service establishments which could prove highly injurious to the community welfare.

- b. A traffic survey prepared by qualified experts indicating the effects of the proposed shopping center and adjacent streets and also indicating the anticipated points of origin, direction, and amount of traffic flow to and from the proposed center
- c. A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space
- d. A statement of financial responsibility to assure construction of the planned shopping center in accordance with the site plan and the requirements of this Section

9.12.2 REQUIREMENTS:

Planned Shopping Centers may be permitted subject to the following requirements:

- a. Minimum Lot Area: The minimum lot area for a Planned Shopping Center shall be five acres.
- b. Types of Structures: All permitted activities shall be conducted entirely within wholly enclosed permanent buildings, except as noted in the following:
 1. The parking of customers' and employees' automobiles
 2. The loading and unloading of commercial vehicles, which must take place directly into or out of a building
 3. Temporary exhibitions and special quasi-civic events, PROVIDED they are conducted in spaces designated for such possible purposes on the final plans submitted with the application for a building

permit, and PROVIDED FURTHER that they may not be operated for a profit.

4. Recreational facilities incidental to the center's principal operations of a nature normally conducted out-of-doors
 5. Gasoline service stations, subject to the requirements of Section 9.6
 6. Outdoor eating or other supplemental sales areas PROVIDED they are approved by the Township as being consistent with the promotion of the public health, safety and welfare
- c. Off-Street Parking Areas and Circulation: All off-street parking areas shall be designed in accordance with the following requirements, in addition to the requirements of Section 7.5:
1. All parking spaces shall be accessible by clearly demarcated walks from the shopping area.
 2. Automobile, pedestrian, and truck traffic shall be separated to the fullest possible extent.
 3. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up to traffic into any external street under conditions of anticipated maximum center-destined traffic.
 4. All areas accessible to vehicles or pedestrians shall be illuminated.
- d. External Access: Access to the shopping center shall be provided by at least one direct access from a major thoroughfare. Further, all access points to an external street or streets shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the street or streets.
- e. Structure Location: No structure, with the exception of permitted signs, fences, walls and light standards, shall be located closer to any property line of the planned shopping center than a distance equal to twice its height.
- f. Transition Strips: All planned shopping centers located in or adjacent to the Residential or A-1 Zoning Districts, or adjacent to a school, hospital, or other public institution shall include as an integral part of the site development a strip of land 200 feet or more in width on all sides of the site except on the side fronting on a major thoroughfare. No part of such land may be used for any shopping center functions, except that up to 100 feet of the strip width on the interior side may be used as part of the off-street parking area. The part of the strip not used for parking shall be maintained as specified in Section 7.5.6 of this Ordinance.

9.13. GOLF COURSES AND COUNTRY CLUBS:**9.13.1 REQUIREMENTS:**

Golf courses and country clubs are allowed in designated Zoning Districts by special use permit, subject to the following requirements:

- a.** The site area shall be 50 acres or more and shall have its main ingress and egress from a major thoroughfare.
- b.** All structures and off-street parking areas shall not be less than 200 feet from any abutting property in the Residential Zoning Districts.
- c.** Whenever a swimming pool is to be provided, said pool shall be located at least 100 feet from abutting property in the Residential Zoning Districts and shall be enclosed with a protective fence six feet in height, with entry limited by means of a controlled gate.

9.14. PRIVATE NON-COMMERCIAL RECREATION AREAS:**9.14.1 REQUIREMENTS:**

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

- a.** Facilities are to be constructed, maintained, and operated by an incorporated, non-profit club or organization with a specified limitation of members and their guests.
- b.** The minimum site size shall be five acres with a minimum width of 200 feet.
- c.** In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be from said thoroughfare.
- d.** A front yard setback of 50 feet shall be provided.
- e.** Off-street parking may be located in a side or rear yard PROVIDED that it is not located closer than 50 feet to any adjacent property in the Residential Zoning Districts.
- f.** An outdoor swimming pool shall be permitted in the rear yard only, shall be located at least 100 feet from any adjoining property in the Residential Zoning Districts , and shall be enclosed with a protective fence 6 feet in height with entry provided by means of as controlled gate.

9.15. SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS:**9.15.1 REQUIREMENTS:**

Sewage treatment and disposal installations shall be allowed in designated Zoning Districts subject to the following requirements:

- a.** The use shall be established and maintained in accordance with all applicable State of Michigan statutes.
- b.** All operations related to the use shall be completely enclosed by a wire link fence not less than six feet high.
- c.** A 200 foot wide landscaped buffer shall surround the entire use. The buffer shall be provided as described in Section 7.5.6d.
- d.** All operations and structures shall conform to the performance requirements of the B-4 Material Processing and Warehousing District.

9.16. SPECIAL OPEN SPACE USES:**9.16.1 REQUIREMENTS:**

Uses such as public beaches, bath houses, private resorts, recreational camps, and other open space uses operated for profit are authorized by special use permit in designated Zoning Districts subject to the following requirements:

- a.** The proposed site shall be at least two acres in area.
- b.** The proposed site shall have at least one property line abutting a major thoroughfare.
- c.** All structures shall be set back at least 200 feet from any property or street line.
- d.** Whenever any use permitted herein abuts property within the Residential or A-1 Zoning Districts, the landscaped buffer required by Section 7.5.6d of this Ordinance shall be 200 feet in width.
- e.** No more than 25% of the site shall be covered by buildings.

9.17. SAND OR GRAVEL PITS, QUARRIES:

9.17.1 REQUIREMENTS:

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

- a.** All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- b.** The Township Board may require the applicant to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by item k of this Section.
- c.** No fixed machinery shall be erected or maintained within 100 feet of any property or street line.
- d.** The use shall be enclosed by a fence or suitable plantings six feet or more in height for the entire periphery of the property.
- e.** No slope shall exceed an angle with the horizontal of 45 degrees.
- f.** At all stages of operations, pits or quarries shall be completely and continually drained of water when not in use or supervised by a watchman. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
- g.** No building shall be erected on the premises except as temporary shelter for machinery or field office.
- h.** The Township Board shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the Township. That portion of access roads within the area of operation shall be provided with a dustless surface.
- i.** All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Township in general.
- j.** Proper measures, as determined by the Township Board, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavating materials on the site.
- k.** When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three to one in horizontal-vertical gradient. A layer of gravel topsoil shall be spread over the excavated areas to minimum depth of four inches in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial rye grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.

9.18. FARMER'S ROADSIDE MARKETS:**9.18.1 REQUIREMENTS:**

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

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

9.19. FOOD PROCESSING PLANTS INCLUDING COOLING STATIONS:

9.19.1 REQUIREMENTS:

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

- a.** Required information: The following additional information shall be submitted as a basis for judging the suitability of the proposed operation:
 - 1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening, fences, or walls, and other construction features which shall be proposed.
 - 2. A description of the operations proposed in sufficient detail to indicate 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.

9.20. MATERIAL PROCESSING AND WAREHOUSING:

9.20.1 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

9.20.2 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.
 - 1. Such fence or wall shall be at least six feet in height, but in no case shall the required fence be higher than eight feet. Such storage shall not be deemed to include the parking of licensed motor vehicles. The Township may approve a screening of plant materials and berming, provided the approved screening will have the immediate effect of screening the proposed use. Plans and specifications for such screening shall be a part of plans required under Section 9.1.2.
- b. Noise emanating from this use shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise.
- c. This use shall conform to the following additional requirements:
 - 1. Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.
 - 2. Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.

3. Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.
4. Produce no heat or glare humanly perceptible at or beyond the lot boundaries.
5. Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
6. Discharge no radiation or radioactive materials that exceed quantities established by the U.S. Bureau of Standards.
7. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, or in the use of any such material in production.

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

1. Except for landscaping and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, or accessory structures. Side and rear yards, except for a strip along the lot boundary 10 feet in width, may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at that edge of the lot.
2. When the side or rear yard areas abut land within the Residential Zoning Districts and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least four feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity to be screened. The height and intent of such wall or fence shall be determined by the Township on the basis of proposed side or rear yard usage.

9.20.3 SUPPLEMENTAL LANDSCAPE REGULATIONS M-72 CORRIDOR:

In addition to the other landscaping requirements of this Ordinance the required yard setback adjacent to M-72 shall be landscaped with clusters of trees and shrubs which will enhance the appearance of the highway corridor, mitigate the impact of allowed development on adjacent properties and promote the protection of natural resources. A minimum of 20% percent of the yard area shall be landscaped as described.

9.21. MIXED USE PLANNED DEVELOPMENT:

9.21.1 STATEMENT OF INTENT:

It is the purpose of this Section to permit the Township flexibility in the regulation of land development and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are separated so as to not impact adversely on other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares, and will not have any adverse economic, social, or environmental impact on surrounding land uses.

9.21.2 SUPPLEMENTAL APPROVAL STANDARDS:

In addition to the approval standards set forth in Section 9.1.3 the following approval standards shall be considered in reviewing any application for a special use permit for a Mixed Use Planned Development:

- a. To permit flexibility in the regulation of land development;
- b. To encourage innovation in land use and variety in design layout, and type of structures constructed;
- c. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;
- d. To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region
- e. To encourage the innovative use of land in close proximity to U.S. 31 North and M-72

9.21.3 DIMENSIONAL & USE RESTRICTIONS:

In acting upon an application for a Mixed Use Planned Development, the Township may alter and establish lot size limits, required facilities, buffers, open space areas, density limits, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations where changes are consistent with the intent of this Section and the standards set forth herein.

The Township may also authorize other land uses not permitted in the Zoning District where the land is located, provided that such uses are consistent with the intent of this Section and the standards set forth herein. Dimensional and off-street parking area provisions of the underlying Zoning District shall not apply to the area within an approved Mixed Use Planned Development unless expressly retained in the special use permit.

9.21.4 QUALIFYING CONDITIONS:

A Mixed Use Planned Development is intended to accommodate developments: (a) with mixed or varied uses, (b) sites with unusual topography or unique settings within the community, and (c) land which provides a unique opportunity to develop with an atmosphere which can accommodate a variety of civic functions as well as mixed land uses which add interest and flavor to the living and working environment

while protecting fragile areas having high natural values. Approval will not be granted when the Mixed Use Planned Development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this Section. Additionally, no Mixed Use Planned Development shall be approved unless the development meets in addition to the standards set forth in Section 9.1 the following standards:

- a. The development will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and such use is consistent with the public health, safety and welfare of the Township residents, and the benefits of the development are not achievable under any single zoning classification.
- b. The site shall contain no less than 40 acres.
- c. The development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.
- d. The development consolidates and maximizes usable open space.
- e. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
- f. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and access to the development shall be provided.
- g. Existing important natural, historical and architectural features within the development shall be preserved.

9.21.5 APPLICATION:

In addition to the requirements of Section 9.1, the following requirements shall apply. All land for which application is made must be owned or under control of the applicant and the parcel must be capable of being planned and developed as one integral land use unit. Non-contiguous parcels that are separated by a public or private road or public utility right-of-way may be considered. The application must be signed by all applicants and must contain:

- a. Vicinity map showing vehicular and pedestrian circulation, existing land use and zoning for the entire site and surrounding areas.
- b. A certified boundary survey and legal description of the property.
- c. A conceptual site plan showing the development boundaries, proposed structure locations, existing and proposed utilities, pedestrian and vehicular circulation, landscape development, areas of tree removal, earth shaping and grading, open spaces and their intended use, recreation facilities, and such other features as might be requested.
- d. A description of the type, character and proposed use of land and structures within the planned development

- e. Statement of present ownership of all land contained in the planned development
- f. Computation of total property area, open space, parking and building or structure areas.
- g. A written impact assessment in accord with Section 8.2.3d

9.21.6 PROCEDURE:

- a. A Mixed Use Planned Development application shall be submitted to the Planning Commission and Township Board for review and approval following the procedures set forth in Sections 9.1.2c and d.
- b. Upon issuance of a special use permit for a Mixed Use Planned Development, the developer shall request site plan approval for all or any portion of the proposed development prior to the issuance of a Land Use Permit for any construction.

9.21.7 SITE PLAN APPROVAL - ADDITIONAL REQUIRED INFORMATION: Upon request for site plan approval of all or a portion of a Mixed Use Planned Development, the applicant shall provide the following information, in addition to that required by Article VIII:

- a. Descriptive site and elevation plans in accord with Article VIII and showing the type, character and proposed use of land and structures within the area of the Mixed Use Planned Development including square feet per unit, floor area for each use type, height of all structures, whether for rent or sale and any other information as required to describe the character of the proposed use or activity.
- b. A plan identifying the location and type of individual trees of 10 inch diameter one foot off ground or larger, clusters and types of smaller vegetation clusters and types of smaller vegetation.
- c. A description of all exterior building materials
- d. Population profile for the development
- e. Proposed financing
- f. Impact of development on local streets, natural features, schools and utilities
- g. Market and economic feasibility
- h. Such other information pertinent to the development or use
- i. Failure of the applicant to provide such requested information in a timely manner may be grounds for denial of the application.

9.21.8 MIXED USE PLANNED DEVELOPMENT EFFECT:

After approval of a Mixed Use Planned Development site plan, the land to which it pertains shall be used only as authorized in the special use permit for the Mixed Use

Planned Development or as authorized by the provisions of this Ordinance which would apply if the special use permit had not been issued.

9.21.9 AMENDMENT:

A special use permit for a Mixed Use Planned Development may be amended in accord with Section 9.1.4.

9.21.10 EXTENSION, CANCELLATION OR REVOCATION:

Notwithstanding Section 9.1.2e, a special use permit for a Mixed Use Planned Development shall expire one year from date of final approval if the applicant has not commenced substantial construction. The Township Board shall have the right to extend the special use permit for one additional year. A special use permit may be canceled by written agreement executed by the owner of the land to which it pertains and the Zoning Administrator at any time when the use of the land is in conformance with all provisions of this ordinance would apply if such special use permit had not been issued. The special use permit for a Mixed Use Planned Development may be revoked pursuant to Section 9.1.2f. Upon cancellation the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

9.21.11 ORDINANCE AMENDMENT:

The approval of a special use permit for a Mixed Use Planned Development shall not be considered an amendment of this Ordinance.

9.22. REGULATION OF BILLBOARDS:

9.22.1 STATEMENT OF INTENT:

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

9.22.2 REQUIRED STANDARDS:

- a.** Not more than two billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of the Township where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection b below.
- b.** No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
- c.** No billboard shall be located within 200 feet of Residential Zoning Districts and/or an existing dwelling. If the billboard is illuminated, this required distance shall be 300 feet.
- d.** No billboard shall be located closer than the required front yard width from a property line adjoining a public right-of-way or a side yard width from any interior boundary lines of the premises on which the billboard is located.
- e.** The surface display area of any side of a billboard may not exceed 300 square feet. If a billboard abuts a portion of a two-lane road with a posted speed limit of 45 m.p.h. or less, the surface display area limits set forth above shall be 75 square feet instead of 300 square feet.
- f.** The height of a billboard shall not exceed 20 feet above the natural grade of the ground on which the billboard sits.
- g.** No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- h.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises.

In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- i.** A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment or structure, continued structural soundness, and continued readability of message.
- j.** A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.
- k.** No person, firm or corporation shall erect a billboard within Acme Township without first obtaining a special use permit, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance, payment of a fee therefore, and the contractual agreement allowing for the installation of said billboard. Permits shall be issued for a period of one (1) year, but shall; be renewable annually upon inspection of the billboard by the Acme Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Acme Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

9.23. HISTORIC PARKS

9.23.1 STATEMENT OF INTENT:

It is the purpose of this section to permit the Township flexibility in regulation of land development and structures designed to preserve, creatively display and make available for public use and enjoyment items and activities of historic significance and cultural merit. Surrounding land uses will not experience adverse economic, social or environmental impact.

9.23.2 OBJECTIVES:

In addition to the objectives set forth in Section 9.1, the following objectives shall be considered in reviewing any application for a special use permit for a Historic Park.

- a. To assist the community in preservation and presentation of local and regional history
- b. To assist the community by providing educational experiences for public and personal improvement
- c. To encourage construction and operation of facilities which assist the community in preservation and appreciation of technology, music and the arts
- d. To encourage useful open space

9.23.3 USES THAT MAY BE PERMITTED:

The following uses of land and structures may be permitted within an historic park:

- a. Museums including galleries for display of artifacts
- b. Ancillary functions including sale of food, beverage and gift items and facilities for the comfort and convenience of patrons and staff. These functions shall act as secondary uses to the primary Historic Park use and shall not be a main attraction for visitors to the site.
- c. Historic village buildings or replicas thereof, used to house artifacts, displays and demonstrations consistent with their original use
- d. Staff housing
- e. Parks, ponds, fountains, garden structures and wooded buffers

9.23.4 REQUIREMENTS:

Any application for a special use permit shall meet the following requirements to qualify for consideration as an historic park:

- a. The historic park site shall be not less than fifteen acres in area, shall be under the control of one owner or group of owners, and shall be capable of being developed as an integral unit or in functional phases.
- b. A site plan of the proposed development and a narrative of the program for development shall be submitted for approval.

- c.** Water and sewage treatment facilities shall be approved by the Grand Traverse County Environmental Health Department and/or the Grand Traverse County Department of Public Works. Joint ventures with contiguous landowners and hookup to the Regional Sewage Treatment System shall be required where feasible when fully developed.
- d.** Not more than 25% of the total site area may be covered by buildings and paved parking.
- e.** Minimum yard setback requirements shall be as is in the A-1, Agricultural Zoning District.
- f.** The required number of off-street parking and loading spaces as required by Section 7.5 shall be determined by combining the number of spaces required for each use of the land or buildings.
- g.** The museum and/or the historic buildings shall be the primary attraction to the historic park. All other uses: assembly spaces for recitals, receptions, and lectures, and any rides included in the historic park shall be secondary uses to these uses, shall compliment the theme of the park, and shall not be for amusement purposes only.
- h.** If necessary, the Township may limit the hours of operation in order to protect neighboring property owners from noise, traffic or other disturbances.

9.24. BED AND BREAKFAST ESTABLISHMENTS

9.24.1 STATEMENT OF INTENT:

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

9.24.2 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.

9.24.3 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.
- d. The establishment shall be owner-occupied at all times. In the case a Bed and Breakfast Home or Inn has multiple owners, at least one owner shall occupy the establishment at all times. Any other arrangement shall require the approval of the Township.
- e. The rental sleeping rooms shall have a minimum size of 100 square feet for each two occupants with an additional 30 square feet for each occupant to a maximum of four occupants per room.
- f. In the event the Township determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township may require that fencing and/or a planting buffer be constructed and maintained.
- g. Use of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- h. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use.
- i. All Bed and Breakfast Homes or Inns shall be an active member in the State of Michigan's Bed and Breakfast Association. A copy of all reviews, as part of the association review process, shall be provided to the township upon completion.
- j. All Bed and Breakfast Homes or Inns shall meet all local and state regulations for construction code and fire safety.
- k. When proposing to use a structure for a Bed and Breakfast Home or Inn, it shall be demonstrated, with the burden of proof provided by the applicant, that such structure possesses some historical or architectural significance which would make it a unique location for such an establishment.
- l. All rooms for rent in any Bed and Breakfast Home or Inn shall be rented for temporary periods of time. No room shall be used as the primary residence of any non-family renter.

9.25. WINERIES

9.25.1 STATEMENT OF INTENT:

It is the intent of this section to promote local agriculture production by allowing construction of a winery with tasting room and retail sale of winery products in the agricultural district subject to this Ordinance. It is also the intent of this Section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Acme Township, and to maintain the viability of fruit farming through value added processing and direct sales of wine and wine related beverages made from locally grown fruit. This section is intended to allow for additional value-added agricultural business in an attempt to further the Township's goals of preserving the rural character by protecting open spaces, reducing the residential density in the agricultural district and maintaining large contiguous parcels in active agricultural use.

9.25.2 OBJECTIVES:

The following objectives shall be considered in reviewing any application for a Winery as defined in this ordinance:

- a. To implement the goals stated in the Acme Township Master Plan
- b. To encourage the continued active agricultural use of large parcels within the rural areas of the township
- c. To reduce the residential density on wineries surrounding existing active farms
- d. To increase the viability of farming by allowing additional value-added opportunities for farmers
- e. To reduce the potential negative impact such a development might have on neighboring residents and farms

9.25.3 DEFINITIONS:

- a. Winery parcel: A parcel of land within Acme Township not less than 20 acres in size on which a winery is located.
- b. Wine: The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit or agricultural product with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes, honey, rhubarb etc., and mixed wine drinks in accordance with 27CFR part 4 as amended.
- c. Wine Related Beverages: Fortified wines, wine brandy, and mixed wine drinks.
- d. Mixed Wine Drink: A drink or similar product containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, carbonated water, and containing any one or more of the following:
 1. Non-alcoholic beverages
 2. Flavoring

3. Coloring materials
 4. Fruit juices
 5. Fruit adjuncts
 6. Sugar
 7. Carbon dioxide
 8. Preservatives
- e. Wine-"Brandy": An alcoholic liquor as defined in 27CFR 5.22(D) as amended.
 - f. Wine-"Fortified": Wine with brandy or wine spirits added as permitted by law.
 - g. Wine Fruit: Any product used to make wine, including but not limited to, grapes, honey and rhubarb.
 - h. Winery: A state licensed facility where agricultural fruit production is maintained, juice and agricultural products are processed into wine, stored in bulk, packaged, and sold at retail or wholesale to the public with or without the use of a wine tasting facility. The site and buildings are used principally for the production of wine and wine related beverages.
 - i. Tasting Room: A room in conjunction with a winery where a) tasting of wine, fruit wines, agricultural wines, and nonalcoholic fruit juices takes place at a charge or no charge to the individual; and b) the retail sales of winery products, incidental retail sales of non-food items, products by the bottle for off-premise consumption, and packaged food items are allowed as provided herein.
 - j. ~~Special Events: Activities not directly related to agricultural or wine production and storage of a type frequently associated with wineries, including but not limited to: wine appreciation/education seminars, non-profit benefit functions, weddings, wine and catered food events, seasonal natural events (i.e. mushroom hunts), vineyard harvest festivals and agricultural research.~~ **DELETED BY ORDINANCE AMENDMENT 022 ADOPTED 10/02/12 EFFECTIVE 11/01/12.**

9.25.4 LICENSING:

All Wineries shall be licensed by the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau and the Michigan Liquor Control Commission, and shall be in compliance with the regulations of the Michigan Liquor Control Commission, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality or their successors.

9.25.5 PARCEL REQUIREMENTS:

- a. Operation of a winery requires ownership and/or recorded lease of land within Acme Township of 40 acres, whether contiguous or non-contiguous, or contiguous land comprising a quarter-quarter section containing not less

than 30 acres or a government lot containing not less than 30 acres. These minimum requirements shall be exclusive of access easements. If any portion of the winery or winery parcel is leased, the lease must:

1. Be for a term of at least five years
 2. Provide that in the event of any default that Acme Township must also receive notice of the default, and
 3. Be approved by Acme Township's attorney.
 4. In addition, if any such lease is terminated or lapses for any reason, the operation of the winery must immediately cease unless Acme Township approves a subsequent application for a winery.
- b.** The winery may include property used for growing wine fruit or other agricultural products.
 - c.** The winery parcel may contain one single family dwelling for the exclusive private residential use of the vintner and family. Such use shall not require special use permit approval. If freestanding, the private single family dwelling may utilize a private driveway in addition to and distinct from the winery entrances provided for in Section 9.26.5j below.
 - d.** The winery parcel shall maintain a minimum 10% of its acreage in planted crops, with a minimum of two acres producing wine fruit associated with the wine processing facility, maintained pursuant to generally accepted management practices.
 - e.** The total land area covered by buildings and structures used for wine processing, storage and sales shall not exceed two percent of the contiguous winery parcel area, provided no individual building shall be larger than 20,000 square feet.
 - f.** All winery buildings used for processing, tasting or other public use shall be set back at least 100 feet from any lot line. Accessory farm buildings may be located in compliance with the standards set forth in Section 6.12.1. Existing buildings that do not meet these standards may only be used if approved by the Township Board after consideration by the Planning Commission. Preservation and use of pre-existing buildings possessing historic significance shall be encouraged. Standard parking lot setback requirements must still be met.
 - g.** Tasting rooms may be located on a parcel of land other than the winery parcel. Tasting rooms are permitted in Business Zoning Districts, subject to separate special use permit/ approval under Section 9.1 and the requirements of the specific Zoning District in which the tasting room is proposed to be located.
 - h.** The winery parcel shall not qualify as land preserved in an undeveloped state for purposes of Section 9.3, Conservation Development, however, the development rights may be sold in accordance with Acme Township or Michigan regulations.

- i. Wineries shall be permitted EITHER one freestanding sign not to exceed sixteen square feet in size OR two freestanding signs not to exceed nine square feet each in size. Such signage shall not be lit. The number of signs shall be limited to one per winery entrance.
- j. Winery parcels shall be permitted no more than two winery entrances from a public right-of-way. Entrances shall be spaced at least 500 feet apart. Necessary permits shall be acquired from the County Road Commission or MDOT for all driveways.

9.25.6 ADDITIONAL ALLOWABLE USES:

Other land uses by right per Section 6.11.2 and by special use per Section 6.11.3 may be permitted subject to applicable standards and requirements. **ORDINANCE AMENDMENT 022 ADOPTED 10/02/12 EFFECTIVE 11/01/12.**

9.26. MEDICAL MARIHUANA DISPENSARY

9.26.1 STATEMENT OF INTENT:

The purpose of a Medical Marihuana Dispensary is to allow an establishment or place of business to undertake the following “Medical uses” of Medical Marihuana on the property: acquisition, possession, delivery or transfer of marihuana or paraphernalia relating to the administration of 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 Dispensary must satisfy the general standards in Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

9.26.2 REQUIRED STANDARDS:

- a. The acquisition, possession, delivery or transfer of marihuana or paraphernalia shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- b. The transfer of Medical Marihuana shall be only allowed to a Qualifying Patient by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- c. A Medical Marihuana Dispensary shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- d. No Medical Marihuana Cultivation shall occur on the parcel.
- e. Except for parents or guardians of a Qualifying Patient and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall not be permitted within the facility when Medical Marihuana is being transferred.
- f. A Medical Marihuana Dispensary 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 Dispensary.
- h. No person under the age of 18 shall be permitted into a Medical Marihuana Dispensary at any time unless that person is a Qualifying Patient and is accompanied by that person’s parent or guardian.
- i. Medical Marihuana Dispensaries shall be considered a Retail store for purposes of determining Off-Street Parking and Loading requirements under the Zoning Ordinance.

- j. A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of another existing Medical Marihuana Dispensary.
 - 1. For purposes of measuring the 1,000 foot radius in this section, the measurement shall be taken from the nearest point on the building where the existing Medical Marihuana Dispensary exists to the nearest point on the building where the proposed Medical Marihuana Dispensary is proposed.

- k. A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of any existing public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a library, or a playground or park.
 - 1. For purposes of this section the term “library” means a library that is established by the state; a county, city , township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.
 - 2. For purposes of this section the term “playground” means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swingsets, and teeterboards.
 - 3. For purposes of this section the term “park” means any land or facility of any size or shape, including but not limited to linear ways, road ends, and submerged lands, that are open to the public and used for recreation or held for future recreational use.
 - 4. For purposes of measuring the 1,000 foot radius in this section, the measurement shall be taken from the nearest property line of the existing public or private elementary, vocational, or secondary school, or public or private college, junior college, or university, or library, or playground or park to the nearest point on the building where the proposed Medical Marihuana Dispensary is proposed.

SECTION 9.26 ADDED BY AMENDMENT 013 ADOPTED 08/02/11 EFFECTIVE 08/13/11.

ARTICLE X: CONDOMINIUM SUBDIVISIONS

10.1. **INTENT:**

Michigan statutes provide for developments consisting of residential dwelling units and sites through procedures other than those authorized by the Land Division Act. The intent of this Article X is to provide procedures and regulations for residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions and promote the orderly development of the adjacent areas. Non-residential condominium projects shall not be subject to the provisions of this Section of the Ordinance.

10.2. **GENERAL PROVISIONS:**

For the purpose of this Section, a “Condominium Subdivision” is defined as a residential development proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended) consisting of two or more dwellings on a single parcel

10.3. **REQUIRED PLANS AND CONDITIONS:**

10.3.1 **CONDOMINIUM LOTS:**

The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this Section and to assure compliance with the provisions herein, these parcels shall be referred to as “condominium lots.”

10.3.2 **AREA AND BULK REQUIREMENTS:**

The description, size, location and arrangement of condominium lots shall conform to the requirements of this Ordinance that would otherwise be imposed on a conventional platted subdivision, including as follows:

- a. Each condominium dwelling unit shall be located within a condominium lot.
- b. The maximum size condominium lot per dwelling unit, the maximum dwelling unit height, the minimum yard setbacks, the minimum elevation, width of principal structure and the maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which the Condominium dwelling unit is located.
- c. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.
- d. Side condominium lots lines shall be essentially at right angles to straight roads and radial to curved roads.
- e. Narrow deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed 2.5 times the width as measured at the building line.
- f. Corner condominium lots shall have extra width to permit appropriate building setback from both roads and orientation to both roads.

- g. Condominium lots shall contain a landscaped buffer at least 20 feet wide along any public or private road to restrict access to the public or private road, to minimize noise, and protect outdoor living areas.
- h. Condominium lots extending through a block and having frontage on two local roads shall be prohibited.
- i. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along US 31 and M-72, and other Grand Traverse County Primary Roads shall not front but shall back up to such roads.
- j. All condominium lots in developments other than a Conservation Subdivision or OSPD shall front upon a public road, private road or frontage road.

10.3.3 STREETS:

If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Grand Traverse County Road Commission for private roads. All public streets within a condominium subdivision shall be constructed as required by the Grand Traverse County Road Commission.

10.3.4 TREES:

Street trees shall be provided for as required by the Township's Subdivision Control Ordinance.

10.3.5 PLAN APPLICATION - DATE AND INFORMATION REQUIRED:

The condominium subdivision developer shall submit a written application to the Zoning Administrator for approval of the condominium subdivision plan and also the fee established by the Acme Township Board for review of such plans.

- a. Condominium Plan, Protective Covenants and Deed Restrictions: The condominium subdivision developer shall submit to the Zoning Administrator eleven copies of the condominium subdivision plan and any proposed protective covenants and deed restrictions.
 - 1. Size and Scale: The condominium subdivision plan may be on paper and shall be not less than 24 inches by 36 inches, at a scale of at least 1 inch to 100 feet showing the date and north arrow.
 - 2. Information Required: The following shall be shown on the condominium subdivision plan or submitted with it:
 - a) The name of the proposed condominium subdivision.
 - b) Names, addresses and telephone numbers of the proprietor and the surveyor preparing the plan.
 - c) Legal description of the property.

- d) The names of property owners, zoning, and use of abutting lands.
- e) Statement of intended use of the proposed condominium, such as, residential single family, duplex and multiple-family housing.
- f) A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
- g) A location map showing the relationship of the proposed plan to the surrounding area.
- h) The land use and existing zoning of the proposed condominium subdivision.
- i) Location, type, dimensions, and proposed use of all existing structures.
- j) Condominium lot lines and the total number of condominium lots by block.
- k) Contours shall be shown on the condominium subdivision plan at 5 foot intervals where slope is greater than 10%, and 2 foot intervals where slope is 10% or less.
- l) A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.
- m) Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
- n) Right-of-way easements, showing location, width, and purpose.
- o) The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.
- p) In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department of Natural Resources as to the existence of any wetlands on the property.
- q) A statement of deed restrictions and by-laws as applicable.

b. Preliminary Engineering Plans: The proprietor shall submit to the Zoning Administrator, ten sets of preliminary engineering plans for streets, water,

Acme Township Zoning Ordinance adopted 11/18/08, effective 12/01/08, as amended through 05/13/2012

sewers, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make a determination as to the conformance of the proposed improvements to the applicable regulations and standards of this Ordinance.

10.3.6 REVIEW PROCEDURES:

- a. Distribution to Authorities: The Zoning Administrator shall deliver the proposed condominium subdivision plan to the Planning Commission and the Board of Trustees for review. The Zoning Administrator shall retain one copy and send one copy to the Grand Traverse County Fire Marshal.
- b. Planning Commission Review:
 1. The Planning Commission shall review the condominium subdivision plan and the reports of the Grand Traverse County Road Commission, the Grand Traverse County Drain Commissioner/Soil Erosion Officer, the Grand Traverse County Health Department, and the Acme Township Zoning Administrator.
 2. The Planning Commission shall hold a public hearing on the proposed condominium plan. Notice for the hearing shall be provided as specified in the Michigan Zoning Enabling Act.
 3. If following the review and the public hearing prescribed above the Planning Commission determines that the proposed plan meets all requirements of this Ordinance, the Planning Commission shall send notice of action taken with comments to the Township Board.
 4. If the condominium subdivision plan does not meet all requirements, the Planning Commission shall recommend disapproval of the plan by the Board of Trustees. The Planning Commission shall state its reason in its official minutes and forward same to the Board of Trustees, and recommend that the Board of Trustees disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.
- c. Board of Trustees Review:
 1. The Board of Trustees shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
 2. The Board of Trustees may consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Planning Commission.
 3. The Board of Trustees shall approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Board of Trustees.

10.3.7 CONDITIONS AND DURATION OF APPROVAL:

- a. Conditions: The approval of the Board of Trustees will indicate that the proposed condominium subdivision plan meets the ordinances and regulations of Acme Township, but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium subdivision plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.
- b. Duration: Approval of the condominium subdivision by the Board of Trustees shall be for a period of one year from the date of its approval by the Board of Trustees. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within one year of approval, such approval shall be considered null and void. The Board of Trustees may extend the one year period if applied for and granted in writing, prior to the end of the one year period.
- c. Condominium Subdivision Plan Approval Contract:
 - 1. If the Board of Trustees approves the condominium subdivision plan, it shall instruct the Township's attorney to prepare a contract setting forth the conditions upon which such approval is based; such contract, after approval by the Board of Trustees, shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved condominium subdivision plan. All reasonable costs, as established by the Board of Trustees, related to the preparation of said contract shall be paid by the petitioner to the Township Treasurer prior to issuance of any Land Use Permits.
 - 2. As a condition of any approval of a condominium subdivision plan the Board of Trustees shall require the applicant to furnish a surety bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost of the proposed improvements to the common elements of the condominium, as approved by the Zoning Administrator, guaranteeing the completion of such improvement within a time to be set by the Board of Trustees. "Improvements," as used here, includes roadways, lighting, utilities, sidewalks, screening, and drainage.

ARTICLE XI: OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)**11.1. INTENT:**

The purpose of an Open Space Preservation Development (OSPD) is to allow property zoned for residential uses to be developed with the same number of dwelling units but on smaller parcels than would otherwise be required by this Zoning Ordinance, in return for the preservation of part of the property in an undeveloped state.

11.2. STANDARDS:**11.2.1 DENSITY CALCULATION:**

The number of permitted dwelling units in an OSPD shall be no greater than if the subject property were subdivided based upon the minimum parcel size per dwelling unit as specified in Section 6.12 for the respective residential use in its respective Zoning District.

11.2.2 REDUCTION OF MINIMUM PARCEL SIZE:

Minimum parcel size per dwelling unit in an OSPD shall be reduced to half that as specified in Section 6.12 for the respective use in its respective Zoning District. If a subject lot of this reduced minimum parcel size is unbuildable, then the otherwise required setbacks for that lot shall be reduced by half.

11.2.3 REQUIRED OPEN SPACE:

At least half of the subject property in an OSPD, as designated by the landowner, shall remain perpetually in an undeveloped state, as that phrase is defined in this Ordinance, by means of a conservation easement. Otherwise unbuildable areas such as wetlands shall not qualify as land in an undeveloped state for purposes of meeting this standard.

11.2.4 CONSERVATION EASEMENT:

The conservation easement shall be granted by the landowner to the Township or to a non-profit conservation organization approved by the Township Board. The conservation easement must be approved by the Township Board in order to fulfill the requirements of this Ordinance. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded by the landowner at the Register of Deeds.

11.3. PROCEDURE:

The determination that the above standards have been satisfied by an OSPD shall be made by the Township as part of its review for the proposed land division, platted subdivision, or condominium subdivision.

ARTICLE XII: MANUFACTURED HOUSING COMMUNITIES

12.1. PREAMBLE:

This Article is established to allow the development of state-licensed manufactured housing communities that comply with the requirements of this Article. The preliminary plans, construction and management of a manufactured housing community, or mobile home park, as defined in Public Act 96 of 1987, as amended (the Mobile Home Commission Act (the “Act”), shall comply with the standards established and referenced in the Act and the administrative rules and the Article.

Manufactured housing community development standards include the anchoring and manufactured home installation specifications; plan review, distance, setback and space requirements; paving and width criteria for internal roads and sidewalks; parking provisions; screening features; safety, lighting and utility regulations established in this Article. A manufactured housing community shall, at minimum, be maintained to the construction standards established under the acts in effect when it was built and legally licensed.

12.2. DEFINITION, MANUFACTURED HOME:

12.2.1 CONSTRUCTION CODES:

Minimum specifications for manufactured home construction (including the home plumbing, heating, and electrical systems) shall be those established in the United States Department of Housing and Urban Development’s (HUD) Manufactured Home Construction and Safety Standards (24 CFR 3280), if the home was built on or after June 15, 1976, the effective date of these Standards, per 24 CFR 3282.1(a). Section A119.1 of the ANSI (American National Standards Institute) code shall be the minimum construction standard for manufactured homes built before June 15, 1976. A manufactured home whose construction is altered may be required to comply with codes established under 1972 PA 230, the Stille-De-Rossett-Hale Single State Construction Code Act.

12.2.2 DEFINITION:

“Manufactured home” means a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Section 2(g) of the Act; Rule R125.1101(n))

12.3. DEFINITION, MANUFACTURED HOUSING COMMUNITY

12.3.1 DEFINITION:

“Manufactured housing community” means a parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. A person, as used in this definition, means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities. (Sections 2(I) and 2(k) of the Act, Rule R125.1101(h))

12.3.2 OPERATION OF A COMMUNITY:

A manufactured housing community owner shall operate the community according to the standards established and referenced in this Article, the Act and the Manufactured Housing Commission Rules.

12.4. DESIGN & LAYOUT

The design, layout, construction and use of a manufactured housing community shall comply with the regulations set forth in this Article, pursuant to the Manufactured Housing Commission Rules. (Rule R125.1942)

12.5. EMERGENCY & SAFETY**12.5.1 DISASTER, SEVERE WEATHER:**

A manufactured housing community shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and the nearest shelter location. (Rule R125.1706)

12.5.2 FIRE:

Act No. 133 of the Public Acts of 1974, being §125.771 et seq. of the Michigan Compiled Laws, which provides for home fire protection, requires that all manufactured homes built, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a manufactured home brought into this state for use as a dwelling shall have 90 days to comply with this requirement, under 1974 PA 133, as amended. The manufactured housing community shall provide its residents with written notification of this requirement, which may be published in the community rules. (Rule R125.1702a)

12.5.3 FLOOD AREAS:

A manufactured home shall not be placed in a designated floodway, as determined by the Michigan Department of Environmental Quality (MDEQ), per Rule R125.1602(4).

12.5.4 GENERAL, SAFETY AND MAINTENANCE:

The operator of a manufactured housing community shall maintain community equipment and facilities in a safe, sanitary condition, as required under MDEQ Rules R325.3371 and R325.3374.

12.5.5 PEST AND ANIMAL CONTROL:

A manufactured housing community operator shall maintain the community in a condition reasonably free of health and safety hazards resulting from insects, rodents and other animals in the care of residents. Accordingly, the manufactured housing community shall comply with the provisions of MDEQ Rules R325.3361 to R325.3363 and R325.3372.

12.5.6 SWIMMING POOLS:

Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 et seq., 1978 PA 368, as amended, and Rule R125.1941(1)(f).

12.6. GARBAGE & RUBBISH DISPOSAL

Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environmental Quality Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

12.7. IN-COMMUNITY HOME SALES

New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed retailer or broker, provided that the manufactured housing community management permits the sale, as established in Section 28a of the Act, and Rules R125.2001a, R125. 2005, R125.2006 and R125.2009(e).

12.8. INSPECTIONS

Municipal inspections of manufactured housing communities shall comply with Section 17(2) of the Mobile Home Commission Act. The municipality shall present any evidence of an alleged violation of this Act or standards promulgated under this Act to the Michigan Bureau of Construction Codes, which may refer the available evidence concerning violations of the Act to the Attorney General or the proper prosecuting attorney who, with or without a reference, may take appropriate action, as further provided in Sections 17 and 36 of the Act.

12.9. INSTALLATION & ANCHORING

The installation of manufactured housing on each site within the community shall conform to the requirements of Rules R125.1602 and R125.1602a. All utility connections to homes within the community shall comply with the requirements of Rule R125.1603. Manufactured homes shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code Commission, pursuant to Rules R125.1605 and R125.1607.

12.10. LICENSES & PERMITS

12.10.1 No manufactured housing community shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.

12.10.2 No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary. Occupancy shall not occur until after local inspections, permit and certificate of occupancy approvals, pursuant to 1972 PA 230, the Stille-DeRossett-Hale Single State Construction Code Act.

12.10.3 Site-constructed buildings erected within the community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to 1972 PA 230, the Stille-DeRossett-Hale Single State Construction Code Act.

12.10.4 Site plan review shall not be required for individual manufactured homes in a manufactured housing community.

12.11. LIGHTING

Except in a seasonal manufactured housing community, all internal street and sidewalk systems within a manufactured housing community shall be lighted as follows:

- 12.11.1** Access points shall be lighted. If the public thoroughfare is lighted, the illumination level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
- 12.11.2** At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candles.
- 12.11.3** Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candles. (Rule R125.1929)
- 12.11.4** Lighting fixtures for site-built buildings and structures shall comply with the state electrical code.
- 12.11.5** All outdoor light fixtures shall have cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage subject to the following exceptions:
 - a.** Gas lighting;
 - b.** Glass tubes filled with Neon, Argon or Krypton; and
 - c.** Small decorative fixtures such as residential porch lights.
- 12.11.6** Broad-Spectrum lighting, such as quartz and mercury vapor lighting, is prohibited due to the broad spectrum of visible light these light sources emit and because of the diffusive and reflective characteristics of such light.
- 12.11.7** Residential security lighting shall be energized by motion detectors unless otherwise permitted as a condition of site plan or land use permit approval. Security lighting shall be shielded from view by vehicular traffic and adjacent properties.
- 12.11.8** Residential yard light fixtures shall employ a sodium light source with full cut-off shielding.

12.12. LOT SIZE, ACREAGE & DENSITY

- 12.12.1** Home Site Area. A manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The 5,500 square feet average may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under Rules R125.1946, R125.1941 and R125.1944, and this Article.
- 12.12.2** The distance and setback requirements shall at least comply with those established in Rules R125.1941 and R125.1944.

12.13. OPEN & RECREATIONAL SPACE AND FACILITIES

12.13.1 A manufactured housing community that contains 50 or more sites constructed under a permit to construct shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. (Rule R125.1946)

12.13.2 Required property boundary setbacks may not be used in the calculation of open space area.

12.13.3 Optional improvements shall comply with state codes and applicable laws and ordinances pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built. (Rule R125.1947)

12.13.4 If provided, recreational or athletic areas shall comply with the safety and setback standards of Rules R125.1705 and 125.1941(1), respectively.

12.14. PARKING

A minimum of 2 hard-surfaced parking spaces shall be provided for each manufactured home site. Additional parking equal to 1 space for 3 manufactured homes shall be provided for visitor parking. Parking may be on-site or off-site. (Rules R125.1925 and 1926)

12.14.1 If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet. (Rules R125.1925 and 1926)

12.14.2 If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet. (Rule R125.1926(2))

12.14.3 Any parking space constructed shall be of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel, and supported by a suitable subgrade compliant with the standards of AASHTO. (Higher standard adaptation of Rule R125.1922).

12.14.4 The parking spaces may be either in tandem or side-by-side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side-by-side, then the combined width of the two parking spaces shall not be less than 20 feet and the length shall be not less than 20 feet. (Rule R125.1925) A minimum of one parking space for every three home sites shall be provided for visitor parking.

12.14.5 Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk. If parking is provided for visitor parking, it shall contain individual space that have a clear parking width of 10 feet and a clear length of 20 feet. (Rule R125.1926)

12.15. SCREENING, FENCING & LANDSCAPING

Manufactured housing communities shall be landscaped as follows:

12.15.1 If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.

12.15.2 If the community abuts a non-residential development, it need not provide screening.

12.15.3 In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.

12.15.4 The landscaping shall consist of evergreen trees or shrubs at least three feet in height at time of planting which are spaced so that they provide a continuous screen at maturity. Alternative screening devices may be utilized if they buffer the manufactured housing community as effectively as the required landscaping described above.

12.15.5 Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner. (This section is a higher standard than Rule R125.1945)

12.16. SETBACKS & DISTANCES

12.16.1 Manufactured home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

- a. 10 feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year. (Rule R125.1941(1)(c))
- b. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or intersecting internal road. (Rule R125.1941(1)(b))
- c. 50 feet from permanent community-owned structures, such as either of the following:
 1. Club houses.
 2. Maintenance and storage facilities. (R125.1941(1)(d))
- d. 100 feet from a baseball or softball field. (R125.1941(1)(e))
- e. 25 feet from the fence of a swimming pool. (R125.1941(1)(f))

12.16.2 Attached or detached structures or accessories that may not be used for living purposes for the year shall be a minimum of 10 feet from an adjacent home or its adjacent attached or detached structures. (Rule R125.1941(1)(g))

12.16.3 Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:

- a. 7 feet from the edge of an internal road. (Rule R125.1941(2)(a))

- b. 7 feet from a parking space on an adjoining home site or parking bay off a home site. (Rule R125.1941(2)(b))
- c. 7 feet from a common sidewalk. (Rule R125.1941(2)(c)) 25 feet from a natural or man-made lake or waterway. (Rule R125.1941(2)(d))

12.16.4 A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

- a. Support pillars that are installed adjacent to the edge of an internal road shall be set back at least 4 feet from the edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided. (Rule R125.1941(3)(a))
- b. Roof overhangs shall be set back 2 feet from the edge of an internal road. (Rule R125.1941(3)(b))

12.16.5 Steps and their attachments shall not encroach more than 3 ½ feet into parking areas. (Rule R125.1941(4))

12.16.6 Manufactured homes, permanent buildings and other structures shall not be located closer than 20 feet from the property boundary line of the community.

12.16.7 If homes, permanent buildings and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. This section does not apply to internal roads dedicated for public use. (Rule R125.1944(2))

12.17. SIDEWALKS

12.17.1 Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas.

12.17.2 Common sidewalks shall be constructed in compliance with all of the following requirements:

- a. Sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act that regulates sidewalk access to the handicapped. (Rule R125.1928(a))
- b. All common sidewalks shall meet the standards established in Rule R125.1928. (Rule R125.1928(b))An individual site sidewalk with a minimum width of 3 feet shall be constructed to connect at least one entrance to the home, patio, porch, or deck, and the parking spaces serving the home or a common sidewalk. These sidewalks shall meet the standards established in Rule R125.1928.

12.18. SKIRTING

Skirting to conceal the underbody of the home shall be installed around all manufactured homes, prior to issuance of a certificate of occupancy, and shall be installed within 60 days of the placement of the home on its site, unless weather prevents compliance with this schedule. Skirting shall be vented as required by Rule R125.1604. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained

by the resident. Skirting shall be aesthetically compatible with the appearance of the manufactured home. All skirting shall meet the requirements established in the Manufactured Housing Commission Rules.

12.19. STORAGE

12.19.1 A manufactured home site shall be kept free of fire hazards, including combustible materials under the home. (Rule R125.1702a(a))

12.19.2 One (1) storage shed that complies with the Michigan Residential Code may be placed upon any individual manufactured home site for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance.

- a.** Storage sheds that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.
- b.** A detached storage shed shall be at least 10 feet from all adjacent homes. (Rule R125.1941(1)(c))
- c.** All storage sheds shall be securely anchored, in accordance with the Michigan Residential Code

12.19.3 Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

12.19.4 If recreational vehicle storage is provided within the manufactured housing community, it should include, but not be limited to: class A, B, and C motor homes; fifth wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historic vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with Rule R125.1922.

12.19.5 The storage area shall be limited to use by the residents and management of the manufactured housing community.

12.20. STREETS, DRIVEWAYS & PARKING AREAS

All manufactured housing communities shall comply with the following design requirements:

12.20.1 Access

- a.** The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. (Rule R125.1920(1)(b))
- b.** An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.

12.20.2 Composition & surfacing

All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), pursuant to Rule R125.1922. Roads shall be maintained in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b).

12.20.3 Curbing

If provided, internal road curbing shall be constructed of concrete or asphalt. Access to curbed sidewalks connecting to internal roads shall comply with Rule R125.1928 (a). (Rule R125.1923)

12.20.4 Parking spaces; streets

All internal roads shall be two-way and have driving surfaces that are not less than the following widths:

- a. Two-way, no parking 21 feet
- b. Two-way, parallel parking, 1 side 31 feet
- c. Two-way, parallel parking, 2 sides 41 feet. (Rule R125.1920(1))

12.20.5 Road configurations

An internal road that has no exit at one end shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections or intersections of more than two internal roads are prohibited. (Rule R125.1920(1))

12.20.6 Road widths, street names, addresses & traffic control

- a. All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections b through d.
- b. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
- c. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
- d. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners. (Rule R125.1920(2), a to d above)
- e. Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided. (Rule R125.1701)

- f. School bus stops, if provided, shall be located in an area that is approved by the school district.
- g. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress. (Rule R125.1924)

12.21. UTILITIES

The following utility standards shall apply to all manufactured housing communities:

12.21.1 Connections & lines

All electric utilities shall be underground and installed and serviced by a licensed electrician. All local distribution lines for utilities (telephones, electric service, cable television) shall be placed entirely underground throughout the manufactured housing community. Main lines and perimeter feed lines existing on a Section or Quarter Section Line may be above ground if they are configured or installed within the state codes.

12.21.2 Drainage

All drainage outlet connections shall be subject to review and approval by the Drain Commissioner. (Section 11(3) of the Act) Drainage systems shall be reviewed and approved by the Michigan Department of Environmental Quality, in accordance with MDEQ Rules R325.3341 to R325.3349, pursuant to the Act. Drain utility connections shall comply with Rule R125.1603(c).

12.21.3 Electricity

Electrical systems shall be installed, maintained, operated and serviced according to the standards established in Rules R125.1603(d), R125.1603(e), R125.1603(f); R125.1708; R125.1710(2); R125.1932; R125.1933; and MDEQ Rule R325.3373(2)(c).

12.21.4 Fuel & gas heating service

The installation, maintenance, operation and service of manufactured housing community fuel and gas heating systems and connections shall comply with the standards contained and referenced in Rules R125.1603(b), R125.1710(1), R125.1934 through R125.1938, R125.1940(3) and MDEQ Rule R325.3373(2)(d).

12.21.5 Telephone communication lines

All telephone systems shall be installed in accordance with standards approved by the Michigan Public Service Commission or utility provider, pursuant to Rule R125.1940(2), as applicable.

12.21.6 Television

Television service installation shall comply with requirements of Rule R125.1940(1).

12.21.7 Water & sewage

All lots shall be provided with public water and sanitary sewer service, or water and sanitary services that shall be approved by the Michigan Department of Environmental

Quality, pursuant to MDEQ Rules R325.3321 and R325.3331 through R325.3335. Water line connections shall meet the specifications contained in Rule R125.1603(a) and MDEQ Rule R325.3373. Water system meters shall comply with MDEQ Rule R325.3321 and Rule R125.1940a.

12.22. MISCELLANEOUS REGULATIONS

12.22.1 SANITATION REQUIREMENTS:

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

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

12.22.2 MINING OR REMOVAL OF TOPSOIL:

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

12.22.3 M-72 CORRIDOR OVERLAY DISTRICT:

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

- a. Structure Setback: No structure other than signs, and utility structures, that are not buildings, transfer stations or sub stations, shall be permitted within 100 feet of the right-of-way of M-72.
- b. Limited Development Zone: The maximum width of any building within 300 feet of the right-of-way of M-72 shall not exceed 40% of the lot's width measured along the right-of-way.

- c. Minimum Lot Width: All new lots shall be at least 400 feet in width.
- d. Vehicular Access: One vehicle access shall be allowed for each four hundred (400) feet of lot frontage on M-72.

12.22.4 VENDING MACHINES:

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

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

12.22.5 RECREATIONAL PERMITS:

Lots in all may be used for recreational purposes such as organized soccer, baseball, basketball, football, ice skating and hockey events if a permit is obtained. An application for such use shall be made to the Zoning Administrator stating:

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

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

12.22.6 SUPPLEMENTARY HEIGHT REGULATIONS:

- a. PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES:
The following kinds of ornamental structural appurtenances shall be permitted to exceed the height limitations for authorized uses: appurtenances

such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles, PROVIDED that such structural elements do not exceed 20% of the gross roof area. Such appurtenances shall not be used for human occupancy.

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

12.22.7 SIGNS:

- a. **INTENT AND PURPOSE**: The following signs for identification of premises and for providing information relative to the functions of the premises shall be permitted, pursuant to the following:

1. The following signs shall not be allowed:
 - a) Signs that do not relate to an operating business or existing product.
 - b) Signs which are illegal under State laws or regulations and applicable local ordinance or regulations.
 - c) Signs that are not in good repair.
 - d) Signs that are not securely affixed to a substantial structure.
 - e) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with or resemble any official traffic sign, signal or device.
 - f) Signs, except those belonging to a unit of government, that are located in, projecting into, or overhead within a public right-of-way or dedicated public easement, unless such sign has been issued a permit by the unit of government having jurisdiction over that right of way.
 - g) Signs that project above the maximum height limitations of the Zoning District in which the sign is located.
 - h) Free-standing signs in excess of twenty (20) feet in height.
 - i) Revolving, moving, animated, or flashing signs.
 - j) Banners, advertising flags, pennants, and airborne devices attached to the ground or buildings, excepting temporary signs approved by the Zoning Administrator as consistent with the public health, safety and welfare.
 - k) Signs attached to or made part of the roof of a structure.

- l) Flags on flag poles greater than 35 feet in height.
 - m) Off-site "For Sale" or "For Rent" signs.
2. The following signs shall be permitted:
- a) One non-illuminated sign advertising the sale or lease of the lot or building, not to exceed nine square feet in area.
 - b) One non-illuminated sign announcing a home occupation not to exceed four square feet.
 - c) One on-site non-illuminated sign advertising a platted or condominium subdivision not to exceed sixteen square feet and placed no closer to any street right of way line than five feet. Such sign and supporting structure shall not encompass a total area greater than twenty-four square feet or have a height greater than six feet.
 - d) Signs containing the words "NO HUNTING" or "NO TRESPASSING".
 - e) Traffic control signs placed pursuant to law by any governmental agency or as may be required for traffic or parking control in planned developments.
 - f) Name plates and numbers identifying the occupant and locations of dwelling units.
 - g) Historical markers and public notice signs placed by public agencies.
 - h) Political signs: Such signs will be allowed two months prior to an election and must be removed immediately following said election.
 - i) Temporary sale signs such as garage and similar sale signs PROVIDED they are located on private property, are limited to three in number and are removed promptly after the sale is concluded. In no event shall such signs be posted on public utility poles, street signs, highway signs, or be in place for a period exceeding ten days.
 - j) Signs advertising a temporary "open house" for the sale or lease of a house or building PROVIDED they are no larger than two square feet in size, are located on private property and are removed promptly after the open house is concluded or after two days, whichever is the lesser time. In no event shall such signs be posted on public utility poles, street signs or highway signs.
3. Sign Permit Procedures and Requirements: All signs other than those specified in the following areas of this section: 2(i), 2(iv), 2(v), 2(vi),

2(vii), and 2(viii) shall require a permit from the Township Zoning Administrator. The fee for such permit shall be as established by the Township Board pursuant to its fee ordinance.

4. Lighting: External sign lighting shall be from an overhead position only shining downward onto the sign face in such a way that there results 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.

12.22.8 SUPPLEMENTARY WATERFRONT, LAKE, STREAM, FLOOD PLAIN AND WETLANDS REGULATIONS:

- a. **PURPOSE:** The Township Board finds that protecting water quality, lakes and streams, wetlands, and other sensitive environmental features is good land use planning and protects the public health, safety and welfare.
- b. **SITE PLAN REVIEW:** Each application for a land use permit for a use or structure on a waterfront parcel, floodplain, or parcel containing wetlands shall require site plan review, if not already required by other provisions of this Ordinance, and shall meet these requirements in addition to any other applicable provisions of this Ordinance. A single family dwelling or an accessory use or structure to a single family dwelling are exempt from the site plan review requirement, but are subject to the other requirements of this chapter. The Zoning Administrator shall review the uses in the previous sentence to ensure compliance with the requirements of this chapter.
- c. **GENERAL REQUIREMENTS:** The following requirements shall apply to all uses and structures regulated by these provisions:
 1. Compliance with the Acme Township Storm Water Control Ordinance and Design Standards is a zoning requirement and a condition of approval of any and all land uses or structures.
 2. As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any provision of this chapter, the GAAMP shall control.
- d. **PERMITTED USES IN FLOOD PLAINS:** Notwithstanding any other provisions of this Ordinance, no uses shall be permitted to occur within a flood plain except the following:
 1. Open space uses, such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, preserves, bridle paths, or other similar uses.
 2. Yard and setback areas or other open space portions required for any District
 3. Off-street parking uses, PROVIDED that all parking areas meet the requirements of Article VII, Section 7.5.

4. Roads, service drives, utility uses, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.
- e. RESTRICTED USES IN FLOOD PLAINS:** Any structure located in a flood plain shall meet Michigan Department of Environmental Quality requirements as a condition of site plan approval, as well as all applicable requirements of this chapter.
- f. FLOOD PLAIN REQUIRED CONDITIONS:**
1. Any construction within the flood plain shall be so designed, constructed, and placed on the lot or parcel so as to offer no added obstruction to the flow of water or reduce the holding capacity of the flood plain and be so fixed to the site as to withstand the force of the expected velocity of flood water. The Township may require professional engineering review of any such construction.
 2. Where topographic data, engineering studies, or other studies are needed to determine the effects of flooding on proposed construction or the effect of construction of the flow of water, the applicant shall submit such data or studies, prepared by a registered professional engineer, to the Township
- g. SETBACK FROM LAKES AND STREAMS:** Notwithstanding other provisions of this Ordinance, every building and off-street parking area constructed on a shoreline parcel shall be set back at least 50 feet from the water mark or normal stream bank of the lake or stream. The natural vegetation shall be maintained within these set-back areas, and trees shall only be removed as per below. Every off-street parking area shall be constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said water body.
- h. PRIVATE EASEMENT TO WATER FRONT:** The purpose of this section is to ensure that use and development along water frontages is compatible with the natural and residential character of the Zoning District in which it is located. In instances where this Section specifically imposes a greater restriction than other ordinances, the provisions of this section shall govern.

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

1. The parcel must be located adjacent to or within the parcel proposed for residential development for which common access is proposed.
2. The parcel shall meet the minimum parcel size and setback requirements as required for the Zoning District in which such use is proposed. For each parcel in excess of two having shoreline privileges, the minimum area of such parcel shall increase by 3,500 square feet.

3. The parcel shall have a minimum frontage on the water of not less than 100 feet, measured at the water mark, and shall contain an additional 50 feet for each family unit, in excess of one family, having easement or use privileges.
 4. No dwelling units or clubhouses shall be permitted on any such shared waterfront parcel.
 5. Individual docks, boat hoists and related installations shall not exceed one per 50 feet of water frontage, measured at the water mark, and shall be located as near as possible to the center of such parcel.
 6. One off-street parking space shall be required for each family having waterfront parcel privileges if the residences having shoreline parcel privileges are not in close proximity to the shared shoreline parcel, as determined by the Planning Commission.
 7. All common use shoreline parcels providing that provide access privileges to more than four families must be approved by site plan review by the Planning Commission.
 8. If the waterfront parcel serves ten families or more, sanitary facilities must be provided. Such facilities shall be tied into public utilities, including public sewer and water, if or when these utilities become available. All sanitary facilities shall require approval from the Grand Traverse County Health Department, shall meet all applicable setbacks for the zoning district in which it is located, and shall be screened from view from surrounding land uses with natural vegetation and/or new landscaping consistent with the requirements of Section 7.5.6d.
 9. For waterfront parcels adjacent to residentially used property, a 20 foot landscaped buffer area shall be provided consistent with the requirements of Section 7.5.6d, Buffers and Screening.
- i. **RETAINING WALL PERMIT:** Any shoreline retaining wall shall require site plan approval, which shall only be granted if the standards are met and all applicable federal and state approvals have been secured. All such structures shall be designed and placed so as to minimize any adverse hydrological effects to adjacent property owners.
 - j. **REMOVAL OF SHORE COVER:** Regulation of tree cutting along the shoreline or normal stream bank of any water body in the Township is necessary to protect scenic beauty, ensure good land use, protect surrounding property values, dampen noise, control erosion, and reduce effluent and nutrient flow from the shore land. Those provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester. Tree cutting in a strip paralleling the shoreline and extending 35 feet inland from all points along the water mark of the shoreline or normal stream bank shall be limited in accordance with the following provisions:

1. No more than 30% of the length of this strip shall be clear cut to the depth of the strip.
2. The cutting of this 30% shall not create a clear cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline or normal stream bank.
3. In the remaining 70% length of this strip cutting shall leave sufficient cover to screen cars, dwellings, and accessory structures, except boathouses, as seen from the water.
4. Natural shrubbery, trees, or other vegetation shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
5. Paths - any paths, roads or passages within the strip shall be so constructed or surfaced as to be effective in controlling erosion.
6. In addition to general variance process, any application to the Zoning Board of Appeals must also include a sketch of the lot with the following information: location of all structures, location of parking, gradient of the land, existing vegetation, proposed cutting and proposed replanting. In addition to the general variance standards, the Zoning Board of Appeals may grant a variance to the requirements of this section if it finds that the following additional standards are met:
 - a) Will not cause undue erosion or destruction of scenic beauty, and
 - b) Will provide substantial shielding from the water of dwellings, accessory structures and parking areas.

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

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

12.22.9 HOME OCCUPATIONS: May be carried on in a dwelling or accessory building to that dwelling under the following conditions:

- a. Customary home occupations such as instruction in a craft or fine art, cottage industries, specialty catering, professional offices, dress-making, bookkeeping, accounting, real estate, and insurance sales and similar gainful employment shall only be permitted.
- b. Home occupations shall only be permitted when carried on by the occupant of the dwelling.
- c. A home occupation shall not be allowed if the essential character of a lot or building (in terms of use, traffic generation, noise, odor, vibration, electrical

interference or appearance, including signage) is changed by the home occupation.,

- d. A home occupation shall not be allowed that commonly has regularly scheduled appointments arriving on a frequent basis within an interval of two hours or less.
- e. The area utilized for the home occupation shall not exceed one-fourth of the floor area of one story of the dwelling whether or not the dwelling or an accessory building is so utilized.
- f. All activities involved in the home occupation (other than parking) shall take place within the dwelling or accessory building.
- g. Professional offices shall be occupied by not more than one professional practitioner with no more than one full time equivalent employee unless all additional persons employed are members of the family occupying the principal structure.
- h. No retail or other sales shall be permitted on the premises unless they are clearly incidental and directly related to the conduct of the home occupation.

12.23. PLAN REVIEW: PRELIMINARY PLANS

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Zoning Administrator for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

12.23.1 Application content

All plans submitted to the Planning Commission for review under this Section shall contain the following information:

- a. The date, north arrow direction and project scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.
- b. All site and/or property lines are to be shown in scale dimension. (MDEQ Rule R325.3381(1)(c))
- c. The typical location and height of all existing and proposed structures on and within the subject property, and existing within one hundred feet of the subject property.
- d. The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.

- e. The typical location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- f. The name and address of the professional civil engineering, registered landscape architect, or architectural firms responsible for the preparation of the site plan.
- g. The name and address of the property owner and developer. (MDEQ Rule R325.3381(1)(a))
- h. The typical location of all community garbage/rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- i. Typical location of all fire hydrants, if applicable.
- j. The number of manufactured housing sites proposed.
- k. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
- l. Existing utility and other easements.
- m. Existing wetlands.
- n. Proposed entrance sign locations.
- o. Demonstration that all required setbacks and separation distances will be met. Provided, however, that detailed construction plans shall not be required to be submitted to the municipality.

12.23.2 Charges/reasonable fees

Reasonable fees for reviewing a manufactured housing community plan shall be established by the municipality.

12.23.3 Decision on approval

- a. The Planning Commission shall review the plan for compliance with the design standards for manufactured housing communities contained in this Article. If it is determined that the manufactured housing community complies with the regulations established in this Article, it shall be approved.
- b. The plan shall be approved, approved with conditions, or denied within 60 days of receipt by the Township, unless the applicant consents to a longer period of review. (Section 11(5) of the Act)

12.23.4 Review: Construction plan

A person shall not construct a manufactured housing community without first obtaining a Construction Permit from the Bureau of Construction Codes and Fire Safety, pursuant to Sections 12 and 13 of the Act. This process is outlined in Rules R125.1905 through R125.1918.

12.23.5 Standards: Construction

A manufactured housing community shall be built and maintained to the construction standards for which it was licensed under Section 16 of the Act by the State of Michigan, as detailed in Manufactured Housing Commission Rule R125.1947a.

**ARTICLE XII ADDED 04/07/09 EFFECTIVE 04/19/09 AS ZONING ORDINANCE
AMENDMENT 001**

ARTICLE XIII: PERSONAL WIRELESS SERVICE FACILITIES

13.1. INTENT AND PURPOSE

The Telecommunications Act of 1996 sets forth provisions concerning siting and construction of Personal Wireless Services Facilities. Without coming into conflict with this federal law, it is the purpose of this Article to otherwise regulate the siting and construction of such Facilities within the Township.

13.2. DEFINITIONS.

As used in this Article, the following terms shall have the meanings set forth below:

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, as part of a Personal Wireless Service Facility.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Co-location means the location by two or more Personal Wireless Service providers of Personal Wireless Service Facilities on a common structure, tower or building, with the goal of reducing the overall number of towers in the Township.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a Personal Wireless Service Facility, the distance measured from the finished grade of the parcel to the highest point on the Facility.

Personal Wireless Services means "personal wireless services" as defined in the Telecommunication Act of 1996 at 47 U.S.C. 332(c)(7)(C)(i).

Personal Wireless Service Facilities means "personal wireless service facilities" as defined in the Telecommunication Act of 1996 at 47 U.S.C. 332(c)(7)(C)(ii).

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas as part of a Personal Wireless Service Facility, including alternative tower structures.

Township-designated area means the hotel tower at the Grand Traverse Resort.

13.3. GENERAL REQUIREMENTS.

All Personal Wireless Service Facilities shall be subject to the following general requirements:

13.3.1 Multiple Antenna/Tower Plan.

The Township encourages the submission of a single application for approval of multiple tower and/or antenna sites simultaneously. Applications for approval of multiple sites shall be given priority.

13.3.2 Inventory of Existing Sites.

All applicants for a permit for a new tower shall provide to the Zoning Administrator an inventory of their existing towers that are either within the Township or within two miles of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants for permits under this Article or other organizations seeking to locate towers within the jurisdiction of the Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available.

13.3.3 Placement in Road Right-of-Ways Prohibited.

Personal Wireless Service Facilities shall not be placed in any road right-of-way or in any easement for road purposes.

13.3.4 Lot Size.

The minimum lot size for a Personal Wireless Service Facility shall be as per this Ordinance for a dwelling unit the Zoning District in which the Facility is located. The Zoning Board of Appeals shall not reduce this minimum lot size.

13.3.5 Setbacks.

The Personal Wireless Service Facility shall not be within any setbacks for the Zoning District where the Facility is located. Also, no tower shall be placed closer than 100% of its height from any lot line or from any dwelling unit.

13.3.6 Airport and FAA Approval.

Any approval required by either the Cherry Capital Airport Commission and/or the FAA shall be sought and obtained prior to any approval by the Township under this Article.

13.3.7 State and Federal Requirements

All Personal Wireless Service Facilities must meet or exceed current regulations of the FAA, the FCC, and any other agency of the state or federal government with regulatory authority. If such regulations are changed then the owners of the Personal Wireless Service Facilities governed by this Ordinance shall bring such Facilities into compliance with such revised regulations within six months of the effective date of such regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

13.3.8 Building Codes; Safety Standards.

Personal Wireless Service Facilities shall be maintained in compliance with standards contained in the applicable state or local building codes and any applicable standards for such Facilities that are published by the Electronic Industries Association.

13.3.9 Construction.

Personal Wireless Service Facilities shall be constructed so as to be as compatible with their surroundings as possible, and shall thereby meet the following requirements:

- a. A service building associated with Personal Wireless Service Facilities shall be constructed using materials, colors, textures, screening, and landscaping that will blend such facilities into the natural setting. In the alternative, such

a building may be designed to architecturally match the exterior of buildings within three hundred feet of the property on which they are located, in which case the building shall be constructed of compatible materials such as wood, brick, or stucco. Metal exteriors shall not be allowed for a building associated with Personal Wireless Service Facilities.

- b. Personal Wireless Service Facilities shall be landscaped and fenced as follows:
 - 1. Landscaping shall consist of a five foot wide buffer of plant materials that effectively screens the view of the tower compound from adjacent parcels. This buffer shall be located outside the perimeter of the compound.
 - 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - 3. Existing vegetation and natural land forms on the site shall be preserved to the maximum extent possible.
- c. All connecting wires from towers to service buildings shall be underground, to the extent possible.
- d. All electrical and other service wires to the Personal Wireless Service Facility shall be underground, to the extent possible.
- e. Service buildings shall be no larger than necessary to house equipment, and shall meet all setback requirements of this Ordinance for such structures.
- f. If, at the time of initial construction, the proposed tower layout is a co-location site, which provides service to other use providers, then the building shall be designed to accommodate all use providers at that time. Co-location shall not be cause for additional buildings on site.
- g. The Planning Commission may, at its sole discretion, require that the Tower be camouflaged to resemble a tree, or otherwise be made to be less obtrusive, if doing so would be consistent with promoting the public's health, safety and welfare.

13.3.10 Tower Construction.

To minimize visual impact, monopole towers are required. Towers shall be finished in a single, non-reflective matte finished color.

13.3.11 Antenna Types.

Singular tube antenna types, such as omnidirectional antennas or arrangements that use compact-type platforms, instead of broad designed-type sectorized antenna arrays, shall be preferred for all applications.

13.3.12 Lighting.

Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All light sources shall be located and designed so

as to prevent light from being directed outside the boundaries of the property. Light poles and fixtures shall be located as low as practical; a greater number of low area lights are favored over higher lights. Strobe lights shall not be allowed except as required by the FAA. All exterior lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lenses.

13.3.13 Signs.

No signs, advertisements or identification of any kind intended to be visible from the ground or other structures shall be allowed on an antenna or tower, except as required for emergency purposes.

13.3.14 Safety.

All personal wireless service towers shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. A sign shall be posted near the tower or operations and maintenance building that will contain emergency contact information.

13.3.15 Tower Heights/Co-Location.

Towers may exceed height limits in the Zoning District, providing they comply with the following additional standards:

- a. In order to maximize the efficiency of the provision of telecommunication services, while minimizing the impact of such services on the Township, co-location shall be required by the Township.
 1. The applicant shall be required to provide information regarding the feasibility of co-location of antennas at proposed sites. Factors to be considered in determining feasibility of co-location include available space on existing towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, and any FCC limitations on sharing towers.
 2. The applicant shall be required to send a certified mail announcement to all other tower users in the area, stating their siting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied or deny space on a tower unless the applicant demonstrates, to the satisfaction of the Township, that mechanical, structural or regulatory factors prevent them from sharing.
 3. The applicant may be required to provide a letter of intent to lease excess space on a tower and commit itself to:

- a) Respond to any requests for information from another potential shared use applicant;
 - b) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is practicable; and
 - c) Make no more than a reasonable charge for a shared use lease.
- 4. Once a co-location-type tower has received a special land use approval, the Zoning Administrator may approve such co-location antennas without review by the Planning Commission.
- b. Tower height may be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the Township determined by the Township Board to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of the maximum height in that Zoning District. Where the independent evaluation shows that service can be provided by a lower tower, no tower in excess of the maximum height in that Zoning District shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

13.3.16 Separation From Residential Areas.

Towers shall be set back at least 200 feet from all existing residential structures and all Residential Zoning Districts.

13.3.17 Separation Between Towers.

Tower separation distances between proposed and pre-existing monopoles over 35 feet in height shall be 1,500 feet. Separation distances between lattice and guyed towers shall be 5,000 feet.

13.4. ADMINISTRATIVELY APPROVED USES.

13.4.1 General.

The Zoning Administrator may administratively approve the uses listed in this Section, subject to the following:

- a. Each applicant for administrative approval shall apply to the Zoning Administrator, providing all information required by this Ordinance and a nonrefundable fee as established by resolution of the Township, to reimburse the Township for the costs of reviewing the application.
- b. The Zoning Administrator shall review and either approve or deny the application in writing within sixty days after the application is complete. If the Zoning Administrator fails to reach a decision within sixty days, then the application shall be deemed to be approved.
- c. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

- d. If an administrative approval is denied, the applicant shall be required to file an application for a special use permit pursuant to this Article prior to filing any appeal that may be available under this Ordinance or otherwise.

13.4.2 List of Administratively Approved Uses.

The following uses may be approved by the Zoning Administrator:

- a. Personal Wireless Service Facilities in Township-designated areas. Personal Wireless Service Facilities which are to be placed in a Township-designated area may be administratively approved, with the exception that, in Township-designated areas in which one or more towers already exist, co-location shall be required.
- b. Antennas on existing structures. Compact platform-type, omnidirectional, or singular-type antennas which are not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 1. The antenna does not extend more than 15 feet above the highest point of the structure;
 2. The antenna complies with all applicable FCC and FAA resolutions; and
 3. The antenna complies with all applicable building codes.
- c. Co-location. An antenna which is to be attached to an existing tower may be approved by the Zoning Administrator, and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing Towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
 1. *Reconstruction.* A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 2. *Height.* An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the co-location of an additional antenna. This height change may only occur one time per tower. The additional height shall not be permitted if it requires an additional distance separation or setback, as provided elsewhere in this Ordinance.
 3. *Onsite location.*
 - a) A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty feet of its existing location, provided, however, that the tower may not be moved nearer to a lot line than any required setback.

- b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
 - c) A relocated onsite tower shall continue to be measured from the original tower for purposes of calculating separation distances between towers as provided elsewhere in this Ordinance. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this Ordinance.
 - d) The onsite relocation of a tower which comes within the separation distances to residential units or Residential Zoning Districts shall only be permitted when approved by the Zoning Administrator.
- d. Microcell networks. Installation of a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of Towers.

13.5. USES APPROVED BY SPECIAL USE PERMIT

13.5.1 General:

- a. A special use permit shall be required for a Personal Wireless Service Facility that is not otherwise a permitted use under this Ordinance.
- b. Applications for special use permits under this Section shall be subject to the procedures and requirements of this Ordinance for special use permits, except as modified in this Section.
- c. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
- d. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Township to reimburse the Township for the costs of reviewing the application.

13.5.2 Information required.

In addition to any information required for applications for special use permits pursuant to the Ordinance and the general requirements set forth in Section 3 of this Article, applicants for a special use permit for Personal Wireless Service Facilities will be required to provide additional information as follows:

- a. Evidence of ownership of the property on which the Personal Wireless Service Facility is to be placed.
- b. Name and address of the proposed owner and/or operator of the site.
- c. Engineering requirements for the service to be provided at the site.

- d. Name and address, including the phone number of the person responsible for determining the feasibility of location on a Township-designated area and/or co-location as provided in this Article.
- e. Preliminary design of all proposed structures.
- f. Registered engineer's certification of the design and safety of the proposed tower to withstand winds of 100 miles per hour.
- g. A landscape plan showing specific landscape materials.
- h. Method of fencing, and finished color and, if applicable, the method of camouflage and illuminations.
- i. For a tower, a notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- j. For a tower, the separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- k. For a tower, identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- l. For a tower, a description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- m. For a tower, a description of the feasible location(s) of future towers or antennas within the Township or within two miles of the borders of the Township, based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

13.5.3 Factors Considered in Granting Special Use Permits for Towers.

In addition to any standards for consideration of special use permit applications under this Ordinance, the Township shall consider the following factors in determining whether to issue a special use permit for a tower:

- a. Height of the proposed tower.
- b. Proximity of the tower to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.

- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- i. Aesthetic effect on views.

13.5.4 Availability of Suitable Township-Designated Areas or Existing Towers, Other Structures, or Alternative Technology.

No tower shall be permitted by special use permit unless the applicant demonstrates to the reasonable satisfaction of the Township that no Township-designated area or existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Township related to the availability of suitable Township-designated areas or existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no Township-designated area or existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the applicants proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- f. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

13.6. REMOVAL OF ABANDONED PERSONAL WIRELESS SERVICE FACILITIES.

Any Personal Wireless Service Facility that is not operated for a continuous period of twelve months shall be considered abandoned. The owner of such Facility shall remove same within ninety days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned Facility within ninety days shall be grounds to remove the Facility at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

13.7. BONDS.

The owner of a Personal Wireless Service Facility shall post a bond with the Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the Facility in the event that the Facility is abandoned, and the owner fails to dismantle and/or remove the same within ninety days of notice from the Township. The required bond shall be with a reputable insurance or guaranty company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and/or removing the Personal Wireless Service Facility.

ARTICLE XIII, PERSONAL WIRELESS SERVICES ADOPTED 03/02/2010 EFFECTIVE 04/20/2010.

ARTICLE XIV: WIND ENERGY GENERATION SYSTEMS

14.1. **INTENT AND PURPOSE:**

The intent and purpose of this Article is to regulate the siting, construction, and operation of wind energy systems in Acme Township.

14.2. **DEFINITIONS:**

As used in this Article, the following terms and phrases shall have the meanings set forth below:

Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ANSI: American National Standards Institute.

dB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

Leased Property: The property leased by the wind energy system developer for purposes of constructing a wind energy system and meeting all other requirements.

Meteorological Tower: A tower used during a wind site assessment and to which equipment designed to assess wind resource is attached. Such equipment generally includes anemometers, wind direction vanes, temperature and pressure sensors, and other measurement devices attached at various levels above the ground.

On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the owner of the property where the system is located.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

14.3. ON SITE USE WIND ENERGY SYSTEMS:

An On Site Use wind energy system is intended to primarily serve the needs of the owner of the property where the system is located.

14.3.1 On Site Use Wind Energy System Requirements:

All On Site Use wind energy systems and Met towers must meet the following requirements:

- a. **Property Set-back:** The distance between an On Site Use wind energy system and the owner's property lines shall be at least one time the height of the wind energy system tower including the top of the blade in its vertical position. The distance between a meteorological tower and the owner's property lines shall be at least one time the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- b. **Sound Pressure Level:** On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- c. **Construction Codes, Towers, & Interconnection Standards:** On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid wind energy systems are exempt from this requirement.
- d. **Safety:** An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing horizontal axis rotor.

14.3.2 On Site Use Wind Energy Systems Subject to a Special Use Permit:

An On Site Use wind energy system with a tower higher than 66 feet shall be a use permitted by Special Use Permit (Article IX) in all Zoning Districts and meet all requirements of 14.3. Meteorological towers more than 66 feet in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a use by Special Use Permit (Article IX) in all Zoning Districts and meet all requirements of 14.3.

- a. **On Site Use Wind Energy System Requirements:** In addition to the requirements of Article IX and the rest of the Zoning Ordinance, an application for a Special Use Permit for an On Site Use wind energy system with a tower higher than 66 feet shall provide proof that the 14.3.1.4 Safety requirements have been met, and proof of the applicant's public liability insurance.
- b. **Meteorological Tower Requirements:** In addition to the requirements of Article IX and the rest of the Zoning Ordinance, an application for a Special Use Permit for a Met tower more than 66 feet in height shall provide proof of the following: a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower (if applicable) and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment; and proof of the applicant's public liability insurance.

14.3.3 On Site Use Wind Energy Systems By Right:

On Site Use wind energy systems with no towers or towers of 66 feet or less shall be a Use by Right in all Zoning Districts where structures of any sort are allowed, subject to the requirements of 14.3.1 and the Zoning Ordinance.

14.4. UTILITY GRID WIND ENERGY SYSTEMS:

A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a use by Special Use Permit in all Zoning Districts. In addition to the other information required by Article IX and the rest of the Zoning Ordinance, an application for a Special Use Permit for Utility Grid wind energy system shall include proof of the applicant's ownership and/or leases, and public liability insurance.

14.4.1 Wind Site Assessment for Utility Grid Wind Energy Systems:

Installation of any Met towers to assess wind speeds and feasibility shall be considered a use permitted by Special Use Permit in all Zoning Districts as set out in 14.3.2.

14.4.2 Utility Grid Wind Energy System Requirements:

All Utility Grid wind energy systems must meet the following requirements. The Planning Commission or Township Board may require proof of one or more of these requirements at its discretion.

- a. **Property Set-Back:** The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of

way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

Any SCADA (supervisory control and data acquisition) tower shall also comply with this property set-back requirement. The set-back shall be at least the height of the SCADA tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall be permitted as accessory uses but shall comply with any property set-back requirement that may be applicable to that type of building or equipment in that Zoning District. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

- b. Sound Pressure Level:** The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant may be required to provide modeling and analysis that will confirm that the Utility Grid wind energy system is not expected to exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, the Township may require sound pressure level measurements to be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

- c. Construction Codes, Towers, and Interconnection Standards:** Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and any local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- d. Safety:** All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of

falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- e. **Visual Impact:** Utility Grid wind energy system projects shall use monopole towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
- f. **Avian and Wildlife Impact:** Measures to prevent and mitigate avian and wildlife impacts shall be taken in the location, design and construction of a Utility Grid wind energy system.
- g. **Shadow Flicker:** Measures to prevent and mitigate shadow flicker shall be taken in the location, design and construction of a Utility Grid wind energy system.

14.4.3 Decommissioning:

All applications for a Utility Grid wind energy system shall include a decommissioning plan as follows. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

ARTICLE XIV ADDED BY AMENDMENT 006 APPROVED 03/02/10 AND EFFECTIVE 04/20/10

ARTICLE XV: NON-CONFORMING USES

15.1. **INTENT AND PURPOSE:**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same Zoning Districts unless the conditions and requirements of this Section are met. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the enactment of a provision of this Ordinance which made those plans, construction, or use unlawful.

15.2. **SUBSTITUTION OF USE:**

Whenever the nonconforming use of any structure or land is changed in whole or in part to a conforming use, such use shall not thereafter be reverted to any non-conforming use. If the nonconforming use of any structure or land is discontinued through vacancy, lack of operation or otherwise for a continuous period of 90 days, then any future use of said building, structure or land shall conform, in its entirety, to the provisions of this Ordinance; PROVIDED, that the Zoning Board of Appeals may, upon application within 6 months of the termination of said period, permit the resumption of such nonconforming use. If no structural alterations are made, the Zoning Board of Appeals may authorize the substitution of one nonconforming use for another nonconforming use, PROVIDED the substituted use would be more suitable to the Zoning District in which it is located than the nonconforming use which is being replaced.

15.3. **RECONSTRUCTION OF DAMAGED NONCONFORMING STRUCTURES:**

The reconstruction and continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or act of the public enemy may be allowed, upon prior application to and permission granted by the Zoning Board of Appeals. Permission shall be granted if the Zoning Board of Appeals finds that the reconstruction and continued use is substantially the same as the previous nonconforming use, and that the continued use will not be detrimental to the health, safety and welfare of the public or surrounding property owners.

15.4. **REPAIR OR RESTORATION OF NONCONFORMING STRUCTURES:**

Nothing in this Ordinance shall prevent the repair or restoration of a nonconforming structure or part of it; PROVIDED that such repair or restoration does not change the use of said structure or part of it.

15.5. **EXTENSION OF NONCONFORMING USE OF STRUCTURE:**

The extension of any nonconforming use or structure throughout all or a portion of a given lot or parcel may be allowed, upon prior application to and permission granted by the Zoning Board of Appeals. Permission shall be granted by the Zoning Board of Appeals if it finds that said extension is consistent with the public health, safety or welfare, particularly with regard to surrounding property owners.

ARTICLE XVI: AMENDMENTS

16.1. REQUEST:

The Township Board shall grant a hearing on a proposed Ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk.

16.2. PROCEDURE:

Except as set forth in this Section, the procedure for the amendment of this Ordinance shall be as provided for by the Michigan Zoning Enabling Act.

ARTICLE XVII: SEVERABILITY

17.1. VALIDITY:

If any part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder thereof, but shall be confined in its operation to the part thereof directly involved in the controversy in which said judgment shall have been rendered.

17.2. NUISANCE PER SE:

Any land, dwellings, buildings or structures; including tents, used, erected, altered razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted; adopted or issued pursuant to this ordinance are hereby declared to be a nuisance per se.

ARTICLE XVIII: VIOLATIONS

18.1. PENALTIES:

Any person who shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed \$100.00 or may be imprisoned not to exceed 90 days, or may be both fined and imprisoned in the discretion of the Court, and each day such violation continues shall be deemed a separate offense.

18.2. NUISANCE PER SE:

Any land, dwellings, buildings, or structures; including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted; adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

18.3. MUNICIPAL CIVIL INFRACTION:

Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

18.4. ZONING ADMINISTRATOR:

The Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this' Ordinance to appear in court.

18.5. NUISANCE ABATEMENT:

In addition to enforcing this Ordinance as a municipal civil infraction the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

APPENDIX I - ZONING ORDINANCE AMENDMENTS

AMENDMENT NUMBER	DATE APPROVED	DATE EFFECTIVE	SECTION(S) AMENDED	SUMMARY OF AMENDMENT(S)
001	04/07/2009	04/19/2009	Definitions, 6.5, 9.2, Article XII	Updated various definitions; renamed Section 6.5 to “Manufactured Home Residential District” and made all uses in this district by right; Eliminated the former Section 9.2 “Mobile Home Parks; added Article XII, Manufactured Housing Communities
002	06/02/2009	06/15/2009	Zoning Map	Parcel 28-01-002-002-00, southern 93 acres south of railroad tracks rezoned from 93 acres of R-1MH to 23 acres R-1MH and 70 acres R-2
003	07/07/2009	07/20/2009	6.6.2.k, 6.6.3.k, 6.8.2.m, 6.8.3.b, 6.9.2.1, 6.9.3.i, 7.5.3,	Updated the schedule of parking spaces required for various land uses. Updated SUP provisions to allow for 1-year extension of SUP. Allows dwelling units above or below the first floor in the B-1S, B-2 and B-3 districts rather than just above the first floor.
004	01/05/2010	01/18/2010	Definitions, 7.2.1	Allows accessory buildings in the front yard of waterfront parcels without variance, updates definition of “lot, front of”
005	03/02/2010	04/20/2010	Article XIII	Added Article XIII, Personal Wireless Services. Renumbered all subsequent portions of the ordinance.
006	03/02/2010	04/20/2010	Article XIV, 6.1.4	Added Article XIV, Wind Energy Systems. Amends 6.1.4 to allow wind energy systems in all zoning districts subject to Article XIV. Renumbers all subsequent portions of the ordinance.
007	05/11/10	06/04/10	7.4	Update Section 7.4, Signs, in entirety
008	11/09/10	02/11/11	7.4.6.a.9	Add phrase to end of paragraph that allows traffic and parking control signs on private roads and private drives.
009	11/09/10	02/11/11	7.3.2	Amend Section 7.3.2 to allow fences up to 4’ tall in front yard or on corner lots, and to explicitly prohibit electric, barbed wire and similar fencing on residential properties not involved in qualified agricultural activities.

AMENDMENT NUMBER	DATE APPROVED	DATE EFFECTIVE	SECTION(S) AMENDED	SUMMARY OF AMENDMENT(S)
010	PENDING	PENDING	4.5	Add Section 4.5 requiring that Township Treasurer certify that an applicant for any permit under the Zoning Ordinance has paid all financial obligations to the township to date before an application shall be processed.
011	03/01/11	03/12/11	7.4.6.b.2	Amends regulations to permit illumination of residential development identification signs under certain conditions.
012	03/01/11	03/12/11	Article XVI	Added a temporary Article XVI creating a 6-month moratorium on permitting, licensing or approval of land uses related to the sale, dispensation or use of medical marihuana.
013	08/02/11	08/13/11	3.2, 6.8.3.bb, 7.7, 9.26	Added definitions for land uses related to the sale, dispensation and use of medical marihuana, allow medical marihuana dispensaries in the B-2 district subject to SUP and the provision of Section 9.26, add the provisions in Section 9.26. Addresses medical marihuana-related home occupations. Adoption caused Article XVI, the temporary moratorium on medical marihuana uses created by Amendment 012 to expire.
014	DENIED	DENIED	ZONING MAP	Request to rezone property north of K-Mart on east west side of US 31 N. south of Dock Road from B-1P and R-3 to B-3. Request was denied on 10/04/11.
015	08/02/11	08/13/11	9.4	Amend SUP requirements specific to campgrounds to remove maximum land area and clarify that individual campsites are not subject to customary zoning setback and accessory building placement requirements.
016	10/04/11	10/28/11	3.2, 6.2.3, 6.4.3, 6.6.3, 6.7.3, 6.8.3, 6.12, 7.5.3, 9.9	Add definitions and more detailed regulations for a variety of adult assisted living options. Return hotels and motels to the list of allowable land uses in the B-2 district. Correct typographical errors in the Schedule of Regulations.

AMENDMENT NUMBER	DATE APPROVED	DATE EFFECTIVE	SECTION(S) AMENDED	SUMMARY OF AMENDMENT(S)
017	07/03/12	07/18/12	3.2, 6.2.2, 6.2.3, 6.5.2, 6.5.3, 6.6.2, 6.6.3, 6.7.2, 6.7.3, 6.8.2, 6.8.3, 6.9.2, 6.9.3, 6.10.2, 6.11.2, 6.11.3	Adds definitions for Public Uses and 3 subcategories: Critical, Essential, Supporting. Provides for whether each of these three types of public uses is allowed by right or by special use permit in all zoning districts.
018	05/01/12	05/13/12	3.2, 6.11.2.q,, 6.11.3.x	Adds definition for agricultural tourism/agritourism. Describes various agritourism activities and whether they are allowed by right or by special use permit in the A-1 Agricultural Zoning District.
019	06/05/12	06/21/12	Zoning Map	Rezoned 1.38 acre “Andres” parcel 28-01-102-003-00, 4946 M-72 East, at the southwest corner of the M-72 E. and Lautner Road intersection from R-3 Urban Residential to B-2 General Business.
020	08/14/12	12/22/12	7.5.5	Update parking and unloading space requirements.
021	08/14/12	12/22/12	6.6.3.c, 6.6.3.n, 6.6.3.o, 6.8.3.gg, 6.9.3.v	Remove auditoriums, churches, Sunday schools, parochial schools, colleges, hospitals and private/semi-private club activity buildings (including lodges and fraternities) as allowable uses by SUP in the B-1S district. Add churches, Sunday schools, parochial schools, colleges, hospital and similar land uses as uses by SUP in the B-2 and B-3 districts.
022	10/02/12	11/01/12	9.25.3.j, 9.25.6	In the Wineries section of the ordinance, delete the definition of special events, and remove all of the conditions placed on special events at wineries contained in Section 9.25.6. This was amended to conform the requirements for agritourism at wineries with the provisions inserted into the ordinance in Amendment 018.

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