

ARTICLE 7

SUPPLEMENTAL USE REGULATIONS

SECTION 700 PURPOSE

This article establishes additional standards, specific standards, exceptions to standards, or alternative standards (e.g., screening, landscaping, and/or design standards) for certain uses, structures, and facilities which may be permitted by a zoning district. To the extent that there is a conflict between a standard in another article of this ordinance and a standard in this article, the standard in this article governs unless otherwise indicated.

The purpose of this article is to provide supplemental standards for individual uses in order to protect surrounding property values and uses, to protect the public health, safety, and general welfare, and to implement the master plan.

SECTIONS 701 GENERAL

Unless specifically exempted, in addition to the supplemental standards of this Ordinance all signs, parking areas, landscaping, lighting and buffering shall comply with the provisions of this Zoning Ordinance.

SECTION 707 ADULT FOSTER CARE, FAMILY HOME (<7)

A. REGULATIONS AND CONDITIONS

- (1) State-licensed facilities serving less than seven (7) residents shall be considered a single family residential use of property and shall not be subject to a procedure difference from those required for other dwellings of a similar density in the same zone.
- (2) Facility shall maintain all valid state and local licenses.
- (3) Facility shall be operated within the primary residence of the caregiver.

SECTION 708 ADULT FOSTER CARE, SMALL GROUP HOME (<12)

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility shall be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

SECTION 709 ADULT FOSTER CARE, LARGE GROUP HOME (13-20)

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility need not be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

SECTION 710 ADULT CARE FACILITY (>21)

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses.
- (2) Facility need not be operated within the primary residence of the caregiver.
- (3) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

surrounding neighborhood.

- (4) Easily accessible open space areas to encourage outdoor interaction and opportunity shall be provided.

SECTION 712 AUTOMOBILE LAUNDRIES

A. REGULATIONS AND CONDITIONS

- (1) All such facilities shall be connected to a public water and sewer system.
- (2) All washing activities shall be carried out within a building.
- (3) No vacuum equipment shall be located closer than one hundred (100) feet to any property line which abuts a property zoned or used for residential purposes.
- (4) Noise generated on site from any source shall not exceed 40 decibels measured at any property line.

SECTION 714 BED AND BREAKFAST

A. REGULATIONS AND CONDITIONS

- (1) The minimum lot size shall be as pursuant to the District minimum for Single Family Dwellings.
- (2) Bed & Breakfast establishments shall not be allowed on lots or parcels, including legal non-conforming lots or parcels, which do not meet the established lot size, requirements for the district in which they are allowed.
- (3) No bed and breakfast establishment shall be located closer than one thousand three hundred sixty feet (1,360) from another bed and breakfast establishment within a residential or agricultural district.
- (4) One (1) parking space per rental sleeping room plus one (1) per owner occupant shall be provided.
- (5) One (1) non-illuminated wall sign identifying the establishment not to exceed three (3) square feet in area shall be allowed.
- (6) The establishment is located within a residence which is the principal dwelling unit on the property and shall be owner-occupied at all times.
- (7) The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- (8) No more than eight (8) occupants shall be accommodated in any single residence at any one time in the A Agriculture District and R-3 Multiple Family Districts and five (5) occupants in all other permitted Districts.
- (9) Use or rental of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- (10) Special land use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- (11) A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

SECTION 716 BOARDING RESIDENCES

A. REGULATIONS AND CONDITIONS

- (1) All residences shall meet all state and local health and safety codes.
- (2) No more than five (5) individuals shall be accommodated in any single residence.
- (3) Such uses shall be carried out in an inconspicuous manner so that the nature of activities related

to the residence do not differ significantly from activities related to normal residential uses in the district.

SECTION 717 CHICKENS, KEEPING OF

A. REGULATIONS AND CONDITIONS

- (1) A maximum of four (4) hens may be kept per parcel.
- (2) Roosters are prohibited.
- (3) The slaughtering of chickens outdoors shall be prohibited.
- (4) Chickens shall be kept and maintained within a fully enclosed shelter no larger than 100 sq. ft. in size.
- (5) Shelters shall be located within the rear of the property. However, properties fronting Silver Lake or Boardman River may locate a shelter along the front (roadside) provided they are located outside the front yard setback.
- (6) Such enclosure shall be located no closer than 20 feet to the rear or side yard property lines.
- (7) No chickens shall be kept on parcels with more than one dwelling.

SECTION 718 CHILD CARE, FAMILY HOME (<7)

A. REGULATIONS AND CONDITIONS

- (1) Child Care, Family Homes accommodating less than seven (7) children and operated within the primary residence of the caregiver shall be considered a residential use of property and not subject to a different procedure from those required for other dwellings of similar density in the same zone
- (2) Facility shall maintain all valid state and local licenses.

SECTION 719 CHILD CARE, SMALL GROUP HOME (7-12)

A. REGULATIONS AND CONDITIONS

- (1) A Planning Commission hearing is required.
- (2) Facility shall maintain all valid state and local licenses
- (3) Facility shall be operated within the primary residence of the caregiver
- (4) All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home of no less than 4 feet in height or in accordance with State regulations.
- (5) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (6) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
- (7) The Planning Commission shall determine that the facility will be safe to enter and exit via motor vehicle. This determination may rely upon the Planning Director's recommendation, following a site inspection and, if necessary, the Planning Director's discussions with the Grand Traverse County Road Commission and/or other professional traffic impact consultant.
- (8) The Planning Commission shall determine that the site is properly designed and capable of safely accommodating the proposed facility.
- (9) The Planning Commission may deny the request if any of the following facilities exist within 1,500 feet of the subject property:
 - (a) A licensed or pre-existing operating group day-care home.
 - (b) An adult care small group home (1-12 adults).

- (c) An adult foster care large group home (13-20 adults).
- (d) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
- (e) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

B. PROCEDURE

- (1) Applications shall be submitted to the Planning Department for completeness review. All applications shall include sufficient site plans or site diagrams, and written information to adequately describe the application as it relates to the conditions of approval. Upon determination that the application is complete, the Planning Department shall forward the application to the Planning Commission for review.
- (2) The Planning Department shall notify the owners of all real property within 300-feet of the subject property that an application for a Child Care, Small Group Home has been received. This notice shall inform the recipient that an opportunity for public comment on the application is available, but shall not be considered a public hearing for the purposes of the Michigan Zoning Enabling Act. The notice shall include a description of the proposed application, the mailing address where written comment may be sent, and the date, time, and address where the Planning Commission hearing will occur.
- (3) The Planning Commission, in its review, shall consider the standards of § 719.A as well as any public comment made in writing or made verbally at the Planning Commission's hearing. After this consideration, the Planning Commission may approve, approve with conditions, or deny the request.

SECTION 720 CHILD CARE CENTER

A. REGULATIONS AND CONDITIONS

- (1) Facility shall maintain all valid state and local licenses
- (2) All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
- (3) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

SECTION 725 COMMERCIAL DISTRICT HOUSING DEVELOPMENTS

A. REGULATIONS AND CONDITIONS

- 1. Design.
 - a. Multiple-family residential uses built within commercial zoning districts shall be designed to cohesively integrate with the surrounding commercial uses. For the purpose of making this determination, the Planning Commission may rely on the site design requirements and general criteria as set forth in § 427, Planned Unit Residential Developments.
 - b. Multi-family structures shall be abutted by open space on at least one side per building.

- c. The baseline project density shall be as described in the R-3 Multiple Family Residential Zone. At its discretion, and based upon a determination that the project is designed to meet the intent of this Section, the Planning Commission may authorize increases in density over what is regularly allowable.
 - d. Parking requirements shall be as described in the R-3 Multiple Family District. Shared parking agreements as described in § 551 of this Ordinance are supported and encouraged. Parking areas shall not be located within any setback.
 - e. Landscaping shall be as required in Article 5, Table 531.1. In the event that the multi-family project does not sit on its own parcel, the application shall indicate a project boundary area which shall be used for the purpose of landscaping placement.
 - f. Pedestrian walkways shall be provided within the subject parcel or project boundary for the purpose of providing safe and convenient movement within the site and towards other walkable places of interest such as stores, restaurants, or entertainment.
 - g. The residential areas of an overall commercial development site shall be adequately, but not overly, lit at night. Applications shall demonstrate that commercial lighting in the vicinity meets the dark sky requirements of this Ordinance in order to minimize impact on the residential area. Where lighting is to be installed for a residential area, average illumination levels of 0.5 to 1.0 foot candle shall be maintained. Existing commercial lighting which illuminates the residential area of the site to this level may be used in lieu of installing additional residential lighting. Common entryways shall be adequately illuminated by wall-pack style lighting fixtures.
2. Open Space Requirements.
- a. A minimum of fifty square feet per unit of private outdoor space with a minimum dimension of four feet in any direction shall be provided. Private open space shall be accessible directly from the living area of the unit, in the form of a fenced yard, patio, deck, or balcony.
 - b. A minimum of three hundred square feet per unit of common outdoor open space shall be provided. Required open space shall be consolidated to the extent reasonably possible to provide areas for the residents and/or to help buffer the residential structures from adjacent commercial uses.
 - c. Open space shall be designed to provide a rear yard along the longest building length of a given structure.
 - d. Required setback areas shall not be included towards required open space areas; however, placing required open space areas adjacent to setbacks is supported.
3. Compatibility. Applications shall describe measures which will be taken to mitigate common commercial impacts such as noise, light, and nighttime operations on the multi-family project.

SECTION 730 DRIVE-IN AND DRIVE-THROUGH USES
REGULATIONS AND CONDITIONS

- A. Service and dining may be in automobiles or outdoors, but all other activities shall be carried on within a building.
- (1) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained.
 - (2) Ingress and egress points shall be located at least fifty (50) feet from the nearest edge of the traveled portion of any intersecting streets.
 - (3) Pedestrian areas shall be clearly marked and maintained.
 - (4) Only one (1) ingress-egress drive shall be allowed per major thoroughfare.

- (5) All parking requirements shall comply with Article 5 of this Ordinance.
- (6) Notwithstanding the dimensional standards of this Ordinance, lots used for drive-in businesses and drive-in or drive-through restaurants shall have a minimum width of one hundred (100) feet.
- (7) Queuing requirements, drive-in and drive-through businesses shall be designed to accommodate the maximum number of queuing vehicles that may be expected to seek service at any one time without queuing onto an adjacent thoroughfare, including service drives. The determination as to the required queuing spaces shall be established by the Planning Commission based upon the anticipated number of vehicles likely to queue while waiting for service. The Planning Commission may require more than twelve (12) queuing spaces based upon evidence presented to it, but in no event shall the required number of queuing spaces be reduced below twelve (12).
- (8) Snack and nonalcoholic beverage bars shall have a minimum queuing space in advance of order boards to accommodate six (6) motor vehicles at any time.
- (9) These requirements shall not apply to drive-in or drive-through businesses including restaurants, where queuing is accommodated entirely within the confines of a development exclusive of that development's access or service drives.
- (10) Notwithstanding the provisions of this section, the queuing of vehicles onto the traveled portion of a public roadway providing access to the business establishment such that queuing interferes to an extent with the free flow of traffic on the traveled portion of that roadway shall subject the Special Use Permit holder to enforcement action, including fines, injunctive relief and/or revocation of the Special Use Permit.
- (11) The site shall have been found to be a suitable site for a drive-in or drive-through establishment, with regard to traffic safety, by a registered engineer with an educational specialization in traffic engineering.

SECTION 736 DRIVE-IN THEATERS, RACE TRACKS, GOLF DRIVING RANGES, MINIATURE GOLF COURSES, AND TRANSIENT AMUSEMENT ENTERPRISES

A. REGULATIONS AND CONDITIONS

- (1) All sites shall be located on a major thoroughfare, as classified on the Master Plan of Garfield Township, and all ingress and egress to the site shall be from said thoroughfare.
- (2) All points of entrance and exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- (3) Acceleration and deceleration lanes should be provided, where possible, at points of ingress and egress to the site, and left turns at entrances and exits should be prohibited on the major thoroughfare where possible.
- (4) Whenever any use permitted herein abuts property within any residential district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant materials, grass and structural screens or fences of a type approved by the Planning Commission shall be placed within said transition strip.
- (5) A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
- (6) Drive-in theaters and race tracks shall be enclosed for their full periphery with a solid screen fence at least eight (8) feet in height.
- (7) 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 thirty percent (30%) of the vehicular capacity

of the theater.

- (8) 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) All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.

SECTION 737 ESSENTIAL SERVICE FACILITIES

This Section is intended to permit the installation of Essential Service Facilities in any zoning district subject to conformance with this zoning ordinance, township ordinance, and/or State law, and in such a manner that the health, safety and welfare of the Township will not be adversely affected. Essential services should also be installed in cognizance of existing and projected demands for such services.

A. MINOR ESSENTIAL SERVICES

- (1) Minor Essential services shall be permitted by right within the Township, subject to regulation as provided by law of the State of Michigan, and/or in any ordinance of the Township.
- (2) Except as otherwise restricted by this ordinance, the following are considered Minor Essential Service Facilities and are permitted in all zoning districts:
 - (a) Underground or aboveground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided that are designed to serve primarily Garfield Township and any adjacent community and provided the height above grade of any facility does not exceed fifty (50) feet.
 - (b) Any other facilities similar in scale and scope to the above, as determined by the Director of Planning, shall be considered a Minor Essential Service Facility.
 - (c) Essential Service Facilities other than those described above shall be considered Major Essential Service Facilities.

B. MAJOR ESSENTIAL SERVICES

- (1) Major Essential Service Facilities are public service facilities which, because of their size or nature, are more likely to have an adverse impact on surrounding properties or the community as a whole. Major Essential Service Facilities may be permitted by special use permit in any zoning district provided it is demonstrated that the requirements of this section and all other applicable sections of this ordinance are satisfied.
- (2) In considering applications for the placement of any Major Essential Service Facilities the Township shall consider the effects of the proposed project upon the health, safety and welfare of the Township, as existing and anticipated; and the effect of the proposed project upon the Master Plan. In addition, the following specific standards shall be reviewed as they may apply to the application:
 - (a) An applicant proposing a Major Essential Service Facility in a residential district shall demonstrate that there are no other feasible and prudent alternatives than to locate the Major Essential Service Facility in the proposed location. Furthermore, the applicant shall show that all reasonable efforts to locate the Major Essential Service Facility in an adjacent zoning jurisdiction have proven impracticable or an incompatible land use as determined by the Planning Commission.
 - (b) All above ground major essential service facilities shall be located in conformance with the yard, lot width and lot area standards of this ordinance.

- (c) With the exception of elevated water storage facilities and electrical transmission towers and poles, major essential service facilities shall not exceed the maximum height requirements of the zoning district in which they are located.
- (d) Major essential service facilities located out-of-doors shall to the extent possible be screened from view from adjoining properties and from road rights-of-way.
- (e) Equipment buildings intended to house major essential service facilities, such as well houses, pump buildings or equipment shelters, shall be constructed of face brick, decorative masonry, cement board or wood lap siding designed to resemble nearby structures. Provided, that a side of such equipment building that is not visible from a public right-of-way, may be constructed of common cement block or metal panels, if further screened with evergreen landscaping.
- (f) Any above ground Major Essential Service Facility shall be fully secured from unauthorized entry either by construction of the facility itself or through fencing which meets the requirements of this ordinance.
- (g) Compliance with the Township Non-Motorized Plan is required.
- (h) A Major Essential Service Facility located on a vacant parcel shall be considered the principal use of that parcel.
- (i) An above ground Major Essential Service Facility which is fenced or which is housed in an equipment building shall include a sign placard of not more than two square feet which shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities may include any required hazard warning signage.

SECTION 740 FARM EQUIPMENT DEALERS, CONTRACTORS MOTORIZED EQUIPMENT, AND TRUCK TRACTOR AND TRAILER SALES AND SERVICE

A. REGULATIONS AND CONDITIONS

- (1) Outdoor display of individual pieces of equipment may be permitted in areas so designed in the site plan as approved, PROVIDED, the display area has been designed and constructed as part of the overall site improvements.
- (2) Display areas shall be suitably landscaped. Such landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display.
- (3) Servicing and repairs shall be conducted only within a totally enclosed building.

SECTION 741 FARM MARKET

A. REGULATIONS AND CONDITIONS.

- (1) Shall be located on the farm on which the farm produce is grown.
- (2) Shall comply with all state (GAAMP) requirements.
- (3) Maximum floor area of two thousand five hundred (2,500) square feet shall apply.

SECTION 744 FUEL / CHEMICAL / HAZARDOUS WASTE /OTHER FLAMMABLE SUBSTANCES

A. REGULATIONS AND CONDITIONS

- (1) The applicant shall demonstrate that proper design and measures established by State and federal agencies have been adhered to by providing sealed and signed drawings by a registered and licensed engineer or architect.

- (2) Any hazardous, flammable, or corrosive materials proposed to be used, stored, or handled on site shall be conducted in accordance with State and Federal guidelines including the incorporation of adequate secondary containment structures.
- (3) No discharge to groundwater, including direct or indirect discharge to groundwater shall be permitted.
- (4) Storm water measures shall be designed so that all storm water will be contained on site and measures taken so that no water can be directed away from the site in case of a spill.
 - (a) The Planning commission shall consider the location of environmentally sensitive areas when considering approval of the use.
- (5) All state and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.

SECTION 748 GASOLINE SERVICE STATIONS

A. REGULATIONS AND CONDITIONS

The following requirements for site development together with any other applicable requirements of this Ordinance shall be met:

- (1) All gasoline service facilities and accessory uses and services shall be conducted entirely within an enclosed building, including sales and storage of windshield washer fluids, landscape materials and similar items.
- (2) Within the C-H Highway Commercial District not more than ten (10) percent of the gross area of the district shall be utilized for gasoline service stations.
- (3) The minimum lot size shall be fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150) feet on the roadway(s).
- (4) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (5) Buildings shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.
- (6) No more than one (1) driveway approach shall be permitted directly from any public street.
- (7) Driveway approach widths shall not exceed thirty-five (35) feet measured at the property line.
- (8) Driveways shall be located in accordance with Grand Traverse County Road Commission standards and in no case shall be located less than fifty (50) feet from the edge of the intersecting road right of way.
- (9) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line.
- (10) The site used shall be paved and adequately maintained so as to provide a durable, smooth and dustless surface.
- (11) The site is so graded and provided with adequate drainage facilities to meet the requirements of the Stormwater Ordinance.
- (12) A raised curb of at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The area used for servicing vehicles within the service station property lines shall be paved with a permanent surface of concrete or asphalt.
- (13) A solid wall or fence at least four feet six inches (4'-6") in height shall be erected along all property lines abutting any lot within a residential district.

SECTION 749 GOLF COURSES AND COUNTRY CLUBS

A. REGULATIONS AND CONDITIONS

- (1) These regulations shall not include stand-alone golf-driving ranges and miniature golf courses.

- (2) The site area shall be a minimum of fifty (50) acres and have its main ingress and egress from a major thoroughfare, as classified on the Master Plan of Garfield Township.
- (3) Development features shall be so located as to minimize any possible adverse effects upon adjacent property. All principal and accessory buildings, structures, and parking areas shall not be less than two hundred (200) feet from any property line of abutting residentially zoned land.
- (4) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines and shall be enclosed with a protective fence six (6) feet in height, with entry limited by means of a controlled gate.

SECTION 752 HORSES, KEEPING OF FOR PERSONAL USE

A. REGULATIONS AND CONDITIONS.

- (1) The horse(s) shall be kept for the personal use of residents of the property
- (2) The parcel shall contain not less than five (5) acres of land
- (3) A maximum of three (3) horses may be allowed at any time
- (4) Structures used to house or board horses shall be located a minimum of 20 ft from adjacent properties.

SECTION 753 INSTITUTIONAL USE

A. REGULATIONS AND CONDITIONS.

- (1) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (2) Buildings and parking areas shall be set back at least forty (40) feet from all street right-of-way lines and thirty (30) feet from any property line in a residential or agricultural district.

SECTION 754 JUNK YARDS

A. REGULATIONS AND CONDITIONS

- (1) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- (2) The site shall be a minimum of five (5) acres in size and at least one (1) property line shall abut upon a railroad right-of-way.
- (3) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site.
- (4) All activities, equipment, or material shall be confined within the fenced in area, and there shall be no stocking of material above the height of the fence or wall.
- (5) All fenced in areas shall be set back at least one hundred (100) feet from the front street or highway right-of-way line. Such front yard setback shall be landscaped with plant materials as approved by the Planning Commission to minimize the appearance of the installation.
- (6) All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.
- (7) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (8) Whenever the installation abuts upon any property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.

SECTION 756 KENNELS

A. REGULATIONS AND CONDITIONS

- (1) The property shall meet the minimum standards for the Zoning Ordinance for lot area and frontage.
- (2) The applicant shall declare the maximum number of animals intended to be housed at the facility, measures for noise control, methods for exercise, waste disposal, location of outdoor structures, and fencing.
- (3) All structures that are used for animal occupancy shall be a minimum of thirty feet from property lines and located in the rear of the property.

SECTION 757 MEDICAL MARIHUANA CULTIVATION FACILITY

A. REGULATIONS AND CONDITIONS

- (1) All Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot;
- (3) Each Medical Marihuana Cultivation Facility has received and continues to hold a Certificate of Registration issued by the Township pursuant to the Charter Township of Garfield Ordinance No. 65, Medical Marihuana Ordinance, as amended or replaced from time to time;
- (4) No transfer of Medical Marijuana by the primary caregiver or qualifying patient cultivating the Medical Marihuana to any other person(s) shall take place at a Medical Marijuana Cultivation facility;
- (5) No Medical Marihuana Cultivation Facility shall be located within 1000 feet of any residentially zoned property, park, school, child care organization, place of worship (including, for example, churches, synagogues, temples, etc.) or any other Medical Marihuana Cultivation Facility. For the purposes of this provision, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the nearest property line of the parcel containing the Medical Marihuana Cultivation Facility to the nearest property line of such residentially zoned property, park, school, child care organization, place of worship, or other Medical Marihuana Cultivation Facility.

SECTION 758 MEDICAL MARIHUANA RESIDENTIAL CULTIVATION

A. REGULATIONS AND CONDITIONS

- (1) Permitted only as an accessory use to a dwelling unit
- (2) All Medical Marihuana Residential Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time
- (3) The principal use of the parcel shall be a dwelling and shall be in actual use as such by the primary caregiver or qualifying patient cultivating the Medical Marihuana
- (4) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible
- (5) No vehicles used in cultivation may be parked, kept or otherwise be present on the parcel, other than such as are customarily used for domestic or household purposes
- (6) No transfer of Medical Marihuana to qualifying patients other than qualifying patients residing on the parcel shall occur

- (7) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors or light spillage beyond the parcel and shall not be visible from an adjoining public way
- (8) No Medical Marihuana shall be cultivated outdoors
- (9) Not more than the maximum number of plants one (1) qualifying patient may cultivate under the Michigan Medical Marihuana Act shall be cultivated per dwelling unit

SECTION 760 MOBILE HOME PARK DEVELOPMENTS

A. REGULATIONS AND CONDITIONS

- (1) Any mobile home development may include any or all of the following uses, provided, that a plan of the proposed development is approved by the State of Michigan in accordance with PA 96 of 1987 as amended, and provided further that said development plan can meet the standards of this Section.
- (2) One permanent building for conducting the operation and maintenance of the mobile home park development and such other accessory buildings including a caretaker’s residence as may be necessary for the normal operation of the mobile home development.
- (3) Parking Requirements:
 - (a) Parking shall be prohibited on any street or access lane.
 - (b) No visitor vehicles shall be parked or stored within any required open space between mobile homes or any drive or street within the mobile home park.
 - (c) Space between mobile home units may be used for parking of motor vehicles provided that such space is surfaced with materials which provide a dustless, durable and smooth surface and meets the parking requirements of this Ordinance.
 - (d) Off-street group parking facilities shall be within three hundred (300) feet of all mobile home lots intended to be served.
- (4) Lighting:
 - (a) No spotlights or floodlights shall be used for lighting or advertising purposes.
 - (b) No lighting used for identification, advertising purposes or street lighting shall have a visible source of illumination and shall comply with the Lighting standards of this Ordinance.
- (5) Landscaping:
 - (a) Landscaping and buffering standards shall apply to all property boundaries.
- (6) Setbacks:
 - (a) Mobile Home Developments shall comply with Section 777 of this Ordinance.
- (7) Mobile Home Unit Sales:
 - (a) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited.
 - (b) New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker.
 - (c) This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development, provided the development permits the sale.

SECTION 764 MORTUARY, FUNERAL HOME

A. REGULATIONS AND CONDITIONS

- (1) In addition to any required off-street parking area, an off-street assembly area shall be provided to accommodate vehicles to be used in a funeral procession.
- (2) The site shall be so located as to have all ingress and egress, or a marginal access service drive, be directly onto a primary road.

- (3) Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- (4) No building shall be located closer than fifty (50) feet from a property line that abuts any residential district.
- (5) A caretaker's residence may be provided within the main building of the mortuary establishment.
- (6) Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height.
- (7) All required federal, state and local licensing and permits shall be maintained at all times.

SECTION 765 OUTDOOR SALES

A. REGULATIONS AND CONDITIONS

The sale of automobiles, trailers, boats, and similar large items may be permitted provided the following conditions can be met:

- (1) The property has at least one property line on a major thoroughfare.
- (2) Access is limited to one (1) driveway approach to any public street and shall comply with Grand Traverse County Road Commission or M-DOT requirements.
- (3) No driveway or curb cut shall be located closer than 10 feet to an adjoining property.
- (4) The property has an approved commercial retail business and structure located on the property that meets the standards of the Ordinance.
- (5) The sales area shall be paved and adequately maintained so as to provide a smooth dustless surface.
- (6) All development standards of Article 5 can be met.

SECTION 766 OUTDOOR SALES - TEMPORARY

A. REGULATIONS AND CONDITIONS

- (1) The property has at least one property line on a major thoroughfare.
- (2) A temporary outdoor sales event is an accessory use to the established on site business.
- (3) The goods offered for sale are an extension of the inventory within the established business, or as specifically identified by this Ordinance.
- (4) The event shall not exceed 30 days per calendar year.
- (5) The location of the event area shall not impede on site traffic circulation, or barrier free parking.

SECTION 768 PASSENGER TERMINAL

A. REGULATIONS AND CONDITIONS

- (1) Passenger terminals shall be located to minimize adverse effects on neighboring properties.
- (2) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (3) No more than one (1) driveway approach shall be permitted directly from any public street.
- (4) Passenger terminals shall be designed to emphasize a multimodal approach to service patrons as they access the site and internally (bike, walk, drive).
- (5) All repairs of vehicles shall be off site or in an enclosed building.
- (6) No vehicle fueling is permitted to occur on site

SECTION 770 PERSONAL WIND ENERGY CONVERSION SYSTEM (PWECS)

A. REGULATIONS AND CONDITIONS

Personal Wind Energy Conversion Systems for the production of electricity may be considered to be an accessory use in the districts listed below provided they are kept in accord with this section.

- (1) In the Agricultural District the following shall apply:
 - (a) The property has a minimum lot size of 1 acre in size.
 - (b) Freestanding PWECS in the agricultural district may be approved administratively provided the height does not exceed forty (40) feet.
 - (i) PWECS in the agricultural district may be permitted by SUP up to 60 feet in height provided all standards can be met.
 - (ii) Height is measured from the native grade below the PWECS to the highest part of the combined height of the tower and blade.
 - (iii) Due to airport restrictions, FAA approval is required for any structure exceeding 35' in height. A letter of approval shall be submitted at the time of application for land use.
 - (c) Structure-mounted PWECS are permitted provided the structure is in conformance with all district standards and can meet the setbacks measured in the same manner as freestanding PWECS.
 - (d) Structure-mounted PWECS shall only be mounted on the structure in which the owners reside or it is intended to serve.
 - (e) The applicant shall provide the Zoning Administrator with evidence that the PWECS noise level as measured at any property line will not exceed 45db.
- (2) In any Residential District the following shall apply:
 - (a) Personal Wind Energy Conversion Systems for the production of electricity are subject to Special Use Permit standards and approval.
 - (b) Personal Wind Energy Conversion Systems shall comply with the standards listed above.

SECTION 772 RECREATIONAL FIELD COMPLEX

A. REGULATIONS AND CONDITIONS

- (1) The complex is to be designed, constructed, maintained, and operated to be compatible with properties in the vicinity and the district.
- (2) The minimum site size shall be five (5) acres with a minimum width of two hundred (200) feet
- (3) The site shall be located on a major thoroughfare as classified in the Garfield Township Master Plan and all ingress and egress for the site shall be from said thoroughfare.
- (4) A minimum setback of fifty (50) feet shall be provided on all property lines and adjacent to roadways.

SECTION 773 PRIVATE SWIMMING POOLS

A. REGULATIONS AND CONDITIONS

- (1) Permitted as an accessory use.
- (2) There shall be a minimum distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
- (3) There shall be a distance of not less than six (6) feet between the outside pool wall and any building located on the same lot.

SECTION 774 SAND OR GRAVEL PITS, QUARRIES

A. REGULATIONS AND CONDITIONS.

All uses shall be established and maintained in accordance with all applicable Federal and State laws and regulations. Garfield Township has determined that extraction of natural resources by mining in

zoning districts other than IL and A will result in very serious consequences under the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), and as further codified at MCL 125.3205. Therefore, the Township has only allowed mining in these two zoning districts subject to a property owner obtaining a special use permit and also subject to the following supplemental use regulations. However, to the extent that there is a determination under MCL 125.3205 by a court of competent jurisdiction that the Township must allow mining of natural resources to occur in a zoning district that is not IL or A, these supplemental use regulations shall still apply to the mining activity regardless of location.

- (1) The Planning Commission may require the applicant to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by his Ordinance.
- (2) No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line.
- (3) All uses shall be enclosed by a fence or suitable plantings six (6) feet or more in height for the entire periphery of the property.
- (4) No slope shall exceed an angle with the horizontal of forty-five degrees (45*).
- (5) 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.
- (6) No building shall be erected on the premises except as temporary shelter for machinery or field office.
- (7) The Planning Commission 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.
- (8) All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Township in general.
- (9) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavated materials on the site.
- (10) 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 (3) to one (1) in horizontal-vertical gradient. A layer of arable top soil shall be spread over the excavated area to a minimum depth of four (4) 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 materials, and maintained by the applicant until the area is stabilized.

SECTION 776 SECOND HAND STORES

A. REGULATIONS AND CONDITIONS

All second hand stores and pawn shop uses shall be established and maintained in accordance with all applicable State of Michigan Statutes and standards for this ordinance.

- (1) All second hand stores or pawn shops, including those operated as a non-profit, charitable, or religious activity, or as an ancillary service of a non-profit, charitable or religious activity, shall comply with the requirements of this section.
 - (a) No merchandise may be stored outdoors unless screened in accordance with the outdoor storage section of the district in which it is located.
 - (b) The Planning Commission may allow a designated area to be used for outdoor display by

way of special use permit review.

- (2) A copy of all licensing associated with the use and required by the State of Michigan shall be provided to the township.

SECTION 777 SUPPLEMENTAL SETBACKS FOR PUD'S AND MOBILE HOME DEVELOPMENTS

A. REGULATIONS AND CONDITIONS.

It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the Township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. Inasmuch as planned unit developments and mobile home parks may involve higher densities of land use or building types which distinctly differ from the single family conventionally built dwellings which predominate through the Township, periphery setbacks for such developments are established as follows.

All buildings, including single family homes within a planned unit development or mobile homes within a mobile home park development shall be placed at least fifty (50) feet from any public right of way line for existing roadways bordering a site and at least thirty (30) feet from a development boundary line which is not a public road right of way. Setback spaces shall be occupied by plant materials and appropriately landscaped.

SECTION 778 TRAVEL TRAILER PARKS, CAMPGROUNDS, AND RECREATIONAL VEHICLE PARKS

A. REGULATIONS AND CONDITIONS

Site design and development shall comply with the provisions of Act 171 of the Public Acts of 1970, as amended, and with the following requirements:

- (1) All state requirements regarding travel trailer parks shall be met.
- (2) No travel trailer park shall be located except with direct access to a major thoroughfare, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit.
- (3) No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- (4) The minimum lot area per park shall be ten (10) acres with a maximum of one hundred (100) acres.
- (5) Spaces in travel parks used by travel trailers and tents shall be rented by the day or week only. Under no circumstance shall an occupant remain in the same trailer park for a period of thirty (30) days or more in a calendar year.
- (6) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park may be permitted as accessory uses provided the following conditions can be met:
 - (a) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - (b) Such establishments shall be restricted in their use to occupants of the park.
 - (c) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
 - (d) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any public road highway.

- (e) Setback spaces shall be occupied by plant materials and appropriately landscaped.
- (f) The travel trailer site plan shall be subject to the review and approval of the Grand Traverse County Health Department and other applicable agencies

SECTION 779 WATERFRONT STAIRWAYS AND LANDINGS

A. REGULATIONS AND CONDITIONS

Waterfront stairways and landings may be constructed within the waterfront setback subject to the following conditions:

- (1) Only one stairway per property may be placed between the high water mark and the structure setback requirement of the district or water body.
- (2) Stairways shall comply with the required side yard setback.
- (3) The walking surface of such structures shall not be less than 3 feet and not more than five (5) feet in width measured generally perpendicular to the path of travel.
- (4) Stairway landings shall not exceed a size equal to the stairway width measured in any direction.
- (5) Stairways and landings shall not have a glossy or reflective surface.
- (6) Stairways shall be constructed in accordance with the general stairway requirements of the Michigan Residential Building Code for treads, risers, guardrails, handrails and landings as described under MRC 311.7, as amended.

SECTION 780 WIND ENERGY CONVERSION SYSTEMS

A. REGULATIONS AND CONDITIONS

The following specific standards shall be satisfied prior to the issuance of a special use permit for a Wind Energy Conversion System (WECS).

- (1) WECS shall be allowed only in the following districts: A, C-L, C-G, I-G, and I-L provided they meet the requirements of this Ordinance.
- (2) In addition to the requirements of Section 423, Special Use Permits, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied dwelling units within 300 feet of the WECS.
- (3) Each Special Use Permit Application shall be accompanied by a complete set of (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - (a) A standard foundation and anchor design or specifications for normal soil conditions;
 - (b) A detailed parts list;
 - (c) Clearly written detailed instructions for the assembly, installation, checkout, operation and maintenance of the WECS on site;
 - (d) The list of warning documents required by § 780 (A)(8).
 - (e) Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters);
 - (f) Underwriters label;
 - (g) Proof of insurance
- (4) Electromagnetic Interference. The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR Parts 15 (including

- subparts A and F) and 18 (including subparts A, D and H).
- (5) Noise. The maximum level of noise permitted to be generated by any WECS shall be sixty (60) decibels, as measured on the dBA scale, measured at the property line nearest the WECS.
 - (6) Setbacks. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines, property lines than the total distance equal to the height of the tower and rotor combined.
 - (7) Height. The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be seventy-five (75) feet, unless otherwise prohibited by State or Federal statutes or regulations.
 - (8) Labeling:
 - (a) The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 - (i) Equipment weight of the tower subsystem;
 - (ii) Manufacturer's name and address;
 - (iii) Model number;
 - (iv) Serial number;
 - (v) The following tower warning label or equivalent warning: Installation and Maintenance of This Product Near Power Lines is a Danger. For Your Safety Follow the Installation and Maintenance Instructions.
 - (vi) The survival wind speed in miles per hour and meters per second.
 - (9) The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location:
 - (a) Maximum power input (KW); rated voltage (volts) and rated current output (amperes); of the generator alternator, etc;
 - (b) Manufacturer's name and address;
 - (c) Model number;
 - (d) Serial number;
 - (e) Emergency and normal shutdown procedure
 - (f) Underwriters label.
 - (10) Ground Clearance. For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is equal to the average height of structures surrounding the WECS.
 - (11) Insurance - Liability. Owners of a WECS shall carry one of the following forms of insurance:
 - (a) Property Owner
 - (i) Homeowners' policy;
 - (ii) Extension to homeowner's policy,
 - (iii) Comprehensive personal liability policy;
 - (iv) Farm Owner's policy with comprehensive personal liability to cover WECS;
 - (v) Commercial liability policy.
 - (b) Tenant.
 - (i) Non-owner occupied dwelling policy;
 - (ii) Commercial policy.
 - (c) Proof of insurance shall be supplied to the Township annually as a condition of renewal of the Special Use Permit. Minimum limit of liability shall be three hundred thousand dollars (\$300,000.00). Insurance policies are to remain in effect during the terms of the Special Use Permit. The Code Enforcement Officer may require proof of insurance at various intervals during the term of the Special Use Permit.

- (12) Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder.
- (13) Interconnected WECS. In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback), and the customer will be required to install a disconnecting device adjacent to the electric meter(s).

SECTION 792 WIRELESS COMMUNICATIONS FACILITIES AND ANTENNAE

Purpose and findings: The purpose and intent of this section is to:

- (1) Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- (2) Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility;
- (3) Encourage the location and collocation of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- (4) Accommodate the growing need and demand for wireless communications services;
- (5) Encourage coordination between providers of wireless communications services in the township;
- (6) Protect the character, scale, stability, and aesthetic quality of the residential districts of the township by imposing certain reasonable restrictions on the placement of residential communication facilities;
- (7) Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- (8) Provide for the removal of discontinued antenna supporting structures; and
- (9) Provide for the replacement or removal of nonconforming antenna supporting structures.

A. Applicability

- (1) Except as provided in subsection (2) below, this division shall apply to the installation, construction, or modification of all wireless communications facilities and antennae.
- (2) The following items are exempt from the provisions of this section:
 - (a) Regular maintenance of any existing wireless communications facility that does not include the placement of a new wireless communications facility or antenna;
 - (b) Any existing or proposed antenna supporting structure with an overall height of thirty-five (35) feet or less;
 - (c) Any wireless communications facility that is not visible from the exterior of the building or structure in which it is mounted; and
 - (d) Wireless communications facilities erected for, or upon the declaration of a state of emergency by, a federal, state, or local unit of government.
 - (e) Collocations provided they comply with the terms and conditions of any previous approval and:
 - (i) Does not increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original approved height, whichever is greater.
 - (ii) Does not increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

(iii) Does not increase the area of the existing equipment compound to greater than 2,500 square feet.

B. Development Review and Permitted Uses

- (1) Except as provided in subsection (2), below, no wireless communications facility or antenna is permitted except in accordance with the development review process as indicated in Table 7-14, based on the applicable zoning district and height of the proposed facility or antenna. Regardless of the development review process required, the applicant must comply with all applicable submission, procedural, and substantive provisions of this ordinance.
- (2) All collocations and roof- and surface-mounted facilities are subject to administrative approval as set forth in § 792.C. Development Review Process of this article, unless exempted by § 792 A.2.

**Table 7-14
Telecommunication Facility Height and Procedures**

Type of Facility or Antenna	Approval Procedure
Wireless Communication Facility	Permitted subject to SUP Review
Roof- or Surface-Mounted Antenna	Permitted subject to Administrative Review
Collocation of Wireless Communication Antenna	Permitted subject to Administrative Review
Residential Facilities	Permitted subject to Administrative Review and FAA approval if less than 50 feet in height, otherwise prohibited

C. Development Review Process

(1) Administrative Approval

Where, pursuant to § 792.B. Development Review and Permitted Uses of this article, administrative review is required, the application will be reviewed for compliance with this article by the Zoning Administrator, who will render a final decision of approval, denial, or approval with conditions. Within thirty (30) days of the Zoning Administrator’s decision, appeal may be made to the Zoning Board of Appeals pursuant to Article 4, Procedures, of this ordinance.

(2) Special Use Permit (SUP)

Where, pursuant to § 792.B. Development Review and Permitted Uses of this article, a SUP is required, the application will be reviewed as provided in Article 4, Procedures, of this ordinance and this section.

D. Submission Requirements

- (1) The requirements as indicated in Table 7-15 (see page 7-21) must be provided with an application for any wireless communications facility or antennae. The application must be signed by the property owner, the applicant, and a provider who will be placing antennae on the proposed wireless communications facility.

- (2) The Zoning Administrator in the case of an administrative approval, or the Planning Commission in the case of a SUP application, may modify the submission requirements where it is determined that certain information is not required or useful in determining compliance with the provisions of this ordinance. A decision to modify certain submission requirements must be in writing and made a part of the application file.
- (3) If the property owner is not a provider, the application must include a copy of an executed lease agreement between the applicant or property owner and a provider, or, where no lease agreement has been executed, an affidavit signed by a carrier attesting to an intent to place antennae on the wireless communications facility if the application is approved.

E. Standards

The standards for the establishment of all proposed wireless communications facilities and antennae are as indicated by type of facility in § 792.F.(1) Number of Facilities to be Minimized through § 792.F.(10) Signs of this article. Where overall height requirements set forth in § 792 Wireless Communications Facilities of this article conflict with those set forth in the applicable zoning district, those set forth in § 792 Wireless Communications Facilities of this article govern.

F. Standards Applicable to All Wireless Communication Facilities and Antennae

(1) Number of Facilities to be Minimized

- (a) **Generally:** Antenna supporting structures must be located in a manner that is consistent with township's interest in land-use compatibility. No antenna supporting structure will be permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing antenna supporting structure.
- (b) **Letters of coordination:** The applicant must provide documentation that a notice was mailed, via certified mail, to all providers or, where applicable, to owners of existing antenna supporting structures, and that the applicant was unable to secure a lease agreement with a provider to allow the placement of the proposed antennae on an existing structure or building within the geographic search area.
- (c) **Additional evidence:** As appropriate, the following evidence may also be submitted to demonstrate compliance with this section:
 - (i) That no existing wireless communications facility within the geographic search area meets the applicant's radio frequency engineering or height requirements;
 - (ii) That no building or structure within the geographic search area has sufficient structural strength to support the applicant's proposed antennae; or
 - (iii) That there are other limiting factors that render collocated, surface-mounted, or roof-mounted facilities unsuitable or unreasonable.

Table 7-15

Telecommunications Facility

Submittal Requirements

Antenna Supporting	Collocations	Roof-Mounted	Surface-Mounted	Required Submissions
✓	✓	✓	✓	A complete application on a form provided by the department
✓	✓	—	—	The name, address, and telephone contact information for the owner of any proposed or existing antenna supporting structure, and a statement that such information will be updated annually or upon a change of ownership after the application is approved
✓	—	—	—	A survey of the lot completed by a registered land surveyor that shows all existing uses, structures, and improvements
✓	✓	✓	✓	A site plan of the property showing all proposed uses, structures and improvements
✓	✓	✓	✓	Antenna heights and power levels of the proposed facility and all other facilities on the subject property, including a statement of the height above sea level of the highest point of the proposed facility
✓	—	✓	✓	A graphical representation, and an accompanying statement, of the search area used to locate the proposed facility
✓	—	✓	✓	A graphical representation, and an accompanying statement, of the coverage area planned for the cell to be served by the proposed facility along with a service map showing all existing towers and coverage area for those towers in adjacent sections
✓	—	✓	✓	A radio frequency plot indicating the coverage of existing wireless communications sites, and that of the proposed site sufficient to demonstrate geographic search area, coverage prediction, and design radius
✓	✓	✓	✓	A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility, including proof that the proposed antenna supporting structure has been designed so that, in the event of structural failure, the facility will collapse within the boundaries of the lot on which it is located

✓	✓	✓	✓	A stamped or sealed structural analysis of the proposed wireless communications facility prepared by a professional engineer, indicating the proposed and future loading capacity of the facility
✓	✓	✓	✓	Proof of a license (and for broadcast structures, a construction development approval) issued by the FCC to transmit radio signals in the township
✓	—	—	—	A shared use plan, including a statement, which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the collocating entity and reasonable compensation, is paid by the co-locating entity. In support of this statement, the applicant will make this information reasonably known to service providers.

(2) Construction

Antenna supporting structures shall be constructed utilizing monopole or freestanding lattice type construction only, unless the applicant is able to demonstrate that such a structure cannot accommodate the proposed or future antennae.

(3) Setbacks

- (a) Antenna supporting structures, equipment enclosures, and ancillary appurtenances must meet the minimum setback requirements for the zoning district in which they are proposed.
- (b) In addition to complying with (a) above, antenna supporting structures must also be set back a distance equal to their overall height from the lot line of any lot that contains a residential use, that is vacant but may be used for residential purposes, or that is within a residential zoning district; however, guy-wire anchors need only comply with the provisions of subsection (a), above.
- (c) The setback requirements specified in (a) and (b) above are minimums. Any proposed wireless communication facility or antenna proposed and requiring SUP application and approval may have a greater setback requirement imposed by the Planning Commission if substantiated by a need to minimize the visual, aesthetic, and public safety impacts of the facility or antenna.

(4) Accommodation of Future Collocations

- (a) Antenna supporting structures must be designed to accommodate future collocations by at least two (2) additional service providers. A notarized statement by the applicant to this effect shall be provided by the applicant. The exact amount of additional equipment to be accommodated will be agreed upon during the application review and approval process.
- (b) The proposed location of a wireless communication facility shall be adequately sized and configured to allow the placement of at least two (2) additional communication equipment shelters.
- (c) Wireless communication towers shall reserve space on the tower for at least one (1) public safety antenna, and shelter or ground space to accommodate one (1) equipment shelter if deemed necessary.
- (d) As a condition of approval under this article, the applicant must submit a shared use plan that commits the owner of the proposed antenna supporting structure to accommodate

future collocations where reasonable and feasible in light of the criteria set forth in this section.

(e) The provisions of (a) through (d) above shall not apply to Residential Facilities.

(5) Equipment Shelter Design and Height

The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed fifteen (15) feet in height.

(6) Lighting

(a) No lights, signals, or other illumination will be permitted on any antenna supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the Michigan Department of Transportation Bureau of Aeronautics (MDOT-BOA). No existing facility or antenna shall be modified in any way which would cause the structure to require lighting unless a SUP is first approved permitting such modification and lighting.

(b) Site lighting shall comply with the lighting standards of this Ordinance.

(7) Color

Antenna supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized grey finish or other contextual or compatible color as determined by the township, except as otherwise required by the FAA, the FCC, or the MDOT-BOA.

(8) Fencing

A fence of at least six (6) feet in height from finished grade must be installed in order to enclose the base of the antenna supporting structure and associated equipment enclosures. Access to the antenna supporting structure must be controlled by a locked gate. The fence must be constructed in accordance with §515 Fences and Walls, of this ordinance, except that barbed wire construction may be allowed at the discretion of the applicant.

(9) Landscaping

Wireless communication facilities and antenna shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, and/or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation or topography provide an effective natural screening, the Planning Commission may modify or waive this requirement.

(10) Signs

(a) Except as provided for in (b) and (c) below, no signs may be placed on antenna supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall required by this section.

(b) If high voltage is necessary for the operation of proposed wireless communications facilities, "High Voltage—Danger" and "No Trespass" warning signs not greater than one (1) square foot in area must be permanently attached to the fence or wall at intervals of at least forty (40) feet and upon the access gate.

(c) A sign not greater than one (1) square foot in area must be attached to the access gate that indicates the following information:

- (i) Federal registration number, if applicable;
- (ii) Name of owner or contact person; and
- (iii) Emergency contact number.

G. Additional Standards - Roof-Mounted and Surface-Mounted Antennae

(1) Generally

Wireless communication antenna shall be considered a permitted accessory use when placed on or attached to any structure which constitutes a principal use, including existing wireless communication facilities, provided that all other applicable Ordinance requirements are complied with.

(2) Screening and Placement

- (a) Surface-mounted antennae must be placed no less than fifteen (15) feet from the ground and, where proposed for placement on a building, must be placed so that no portion of the antenna is less than three (3) feet below the roof line.
- (b) Roof-mounted structures must be screened by a parapet or other device in order to minimize their visual impact as measured from the lot line of the subject property. Roof-mounted facilities must be placed as near the center of the roof as possible.
- (c) Transmission lines must be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building or structure to which they are attached.

(3) Height

- (a) Roof- and surface-mounted antenna, attachment devices, equipment enclosures, and/or any ancillary appurtenances may not extend above the roof line of the building upon which it is attached by more than twenty (20) feet.
- (b) Roof- and surface-mounted wireless structures with an overall height of greater than fifty (50) feet are considered antenna supporting structures subject to all provisions of § 792.E. Standards of this article.

(4) Color

Roof- and surface-mounted antennae and associated ancillary appurtenances must maintain a color that is the same as the surface to which they are attached, unless another color is more compatible within the context of the proposed facility and the surrounding environment.

H. Additional Standards – Residential Facilities

(1) Generally

Residential facilities shall be considered a permitted accessory use when placed on a parcel having a residential use which constitutes a principal use, provided that all other applicable Ordinance requirements are complied with.

(2) Lease or Rent Prohibited

Residential facilities shall be used only for noncommercial, recreational use by the occupant of the residence on which parcel the facility is located. The facility, or any space thereon, shall not be leased or rented to commercial users or otherwise used for commercial purposes.

(3) Height

Residential Facilities are limited to a maximum height of fifty (50) feet with FAA approval.

I. Expert Review

- (1) Due to the complexity of the methodology or analysis required to review an application for a wireless communications facility, the township may require a technical review by a third-party expert, the costs of which are to be borne by the applicant and secured through a bond, letter of credit, or other surety deemed acceptable to the township. Failure by the applicant to submit a requested surety pursuant to this section will abate the pending application until payment in full is received by the township.
- (2) The expert review may address the following:
 - (a) The accuracy and completeness of submissions;
 - (b) The applicability of analysis techniques and methodologies;
 - (c) The validity of conclusions reached;
 - (d) Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this article; and
 - (e) Other matters deemed by the township to be relevant in determining whether a proposed wireless communications facility complies with the provisions of this division.
- (3) Based on the results of the expert review, the township may require changes to the applicant's application or required submissions.

J. Abandonment

- (1) **Notice of abandonment:** In the event that all legally approved use of an antenna supporting structure or antenna has been discontinued for a period of six (6) months, the Zoning Administrator may make a preliminary determination of abandonment. In making such a determination, the Zoning Administrator may request documentation and/or affidavits from the property owner regarding the structure's usage, including evidence that use of the structure is imminent. Failure on the part of a property owner to provide updated contact information for the owner of the antenna supporting structure for four consecutive years will be presumptive evidence of abandonment. At such time as the Zoning Administrator reasonably determines that an antenna supporting structure or antenna has been abandoned, the Zoning Administrator will provide the property owner with a written notice of abandonment by certified mail.
- (2) **Declaration of abandonment:** Failure on the part of the property owner to respond to the notice of abandonment within ninety (90) days, or to adequately demonstrate that the structure is not abandoned, will be evidence of abandonment. Based on the foregoing, or on any other relevant evidence before the Zoning Administrator, the Zoning Administrator may make a final determination of abandonment, whereupon a declaration of abandonment will be issued to the property owner by certified mail.
- (3) **Removal of facility:** Within one hundred and twenty (120) days of a declaration of abandonment, the property owner must either:
 - (a) Reactivate the use of the structure as a wireless communications facility or transfer ownership of the structure to another owner who will make such use of the facility; or
 - (b) Dismantle and remove the facility.If the facility remains abandoned upon the expiration of one hundred and twenty (120) days, the township may enter upon the property and remove the facility, with all costs to be borne by the property owner.

K. Variances—Additional Criteria

No variance will be granted to the provisions of this division unless the Zoning Board of Appeals makes one of the following findings of fact:

- (1) That failure to grant the variance would prohibit or have the effect of prohibiting the provision of personal wireless services;
- (2) That failure to grant the variance would unreasonably discriminate among providers of functionally equivalent personal wireless services;
- (3) That the variance will obviate the need for additional antenna supporting structures;
- (4) That the variance is necessary to ensure adequate public safety and emergency management communications; or
- (5) That the variance is the minimum necessary in order for the applicant to provide broadcast services pursuant to an FCC-issued construction development approval.