

Section 6.8 C-4 District: Planned Shopping Center

Section 6.8.1 Intent and Purpose: It is the intent of these districts to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within Garfield Township. Typically, such planned centers are located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. The group of store units which make up such a center may range in size and type from the relatively small neighborhood shopping center furnishing a wide range of consumer goods and services to the whole Township.

The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. The standards and procedures set forth within the regulations for this district are intended to promote safe and convenient access to shopping and business facilities by the automobile conveyed customer and to avoid and minimize undue traffic congestion or other adverse effects upon property within adjacent zone districts.

Section 6.8.2 Review Procedure: The owner or owners of a tract of land which comprises five (5) acres or more may submit to the Planning Commission a request for an amendment to the Official Zoning Map which would establish a Planned Shopping Center District. The site requested shall be located upon a major thoroughfare and shall be within reasonable distance (approximately one-quarter (1/4) mile) from the planned shopping center locations indicated upon the Comprehensive Development Plan of Garfield Township. Such request shall also be accompanied by the following evidence and supporting data, without which an application shall not be accepted by the Planning Commission.

- (1) 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 and disposal 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 analyses which relate to the need for 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 community welfare.

- (2) A site plan, prepared by a registered professional engineer, architect, or a registered landscape architect, defining the areas to be developed for buildings; the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; the location of walls, landscaped areas, terraces, and other open spaces; the provision of spaces for loading, unloading, and servicing; the location, size and number of signs; and the treatment proposed for required buffer strip areas to protect abutting land uses and zoning districts.
- (3) A traffic survey prepared by qualified experts indicating the effects of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin, direction and amount of traffic flow to and from the proposed center.
- (4) A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space.
- (5) 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.

The Planning Commission shall review the evidence and supporting data outlined above and shall hold a public hearing on the application for a zoning map amendment. The procedures set forth in Section 14 of Act 184, Public Acts of 1943, as amended, relating to zoning amendment procedures shall be followed in processing the application for the zoning map amendment. Upon completion of these procedures, the Planning Commission should either approve or disapprove the application. If approved, the Planning Commission shall adopt an appropriate amendment to the Ordinance which will then be processed according to law.

If the original submission of evidence and supporting data required by Section 6.8.2(1) through (5), or any later submission required by the terms of this paragraph, is more than five (5) years old, then before submitting final plans to the Planning Commission, the applicant shall submit to the Planning Commission all such required evidence and supporting data on a current basis. The Planning Commission shall hold a public hearing thereon, shall review such evidence and supporting data, and shall make findings as to whether the development plan and the evidence and supporting data upon which it is based meets the standards and the purposes and intent of the Planned Shopping Center District as set forth in Sections 6.8.1 and 6.8.2, and based thereon shall grant or deny approval of the planned development.

If the proposed zoning amendment is approved, and a Planned Shopping Center District is created, or if the development plan is approved after a required submission of new evidence and supporting data, whichever the case may be, the owner or owners of the parcel of land in question shall submit final plans of the center's development to the Planning Commission prior to the issuance of a building permit for construction. Such final plans shall include a time schedule for completion of construction of the center. In the event new evidence and supporting data shall have been submitted to the Planning Commission pursuant to Section 6.8.2, and the Planning Commission shall have granted approval of the development plan, then the Planning Commission's findings and the record before the Planning Commission, including the new evidence and supporting data submitted to the Planning Commission, shall be filed with the Planning Commission as part of such final plans, and the Planning Commission, as part of its review, shall review the final plans to determine whether they are consistent with the evidence and supporting data presented to the Planning Commission, and with the grant of approval of the Planning Commission, and meet the standards and requirements of this ordinance. The Planning Commission shall approve or disapprove such final plans within sixty (60) days from the date of submission and shall forward its written approval or disapproval to the Zoning Administrator. Approval of final plans by the Planning Commission shall include approval of the development proposals contained within the plan, as well as agreement to the construction schedule set forth by the developer.

Section 6.8.3 Bond for Compliance: In approving any site development proposed for this Section, including time schedules for construction, the Planning Commission may require that a performance bond of ample sum be furnished by the owner or owners to insure compliance with the requirements, final plans for a shopping center.

Section 6.8.4 Uses Permitted: The following uses of land and structures shall be permitted:

- (1) All uses permitted by "Right", under "Special Conditions", or by "Special Use Permit" in the C-1, Local Business District, PROVIDED that the conditions and requirements imposed for such use are met.
- (2) Department Stores, variety stores, and other establishments retailing the type of goods generally found in department stores.
- (3) Banks and other financial corporation offices.
- (4) Auditorium, assembly and indoor entertainment facilities.

- (5) Mechanical Amusement Arcades in accordance with the provisions of Article VIII, Section 8.7.
- (6) Child Care Organization: PROVIDED, that such facilities meet the requirements of Article VIII, Section 8.7. Educational and school facilities, which do not include children beyond elementary age, shall be permitted only as an accessory to the child care organization.
- (7) Drive-Through Businesses.
- (8) Adult Businesses: PROVIDED that the Adult Business is not located within 750 feet of any residentially zoned property, park, school, child care organization, place of worship (including, for example, churches, synagogues, temples, etc.) or any other Adult Business. 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 Adult Business to the nearest property line of such residentially zoned property, park, school, child care organization, place of worship, or other Adult Business.

Section 6.8.4(A) Uses Permitted by Special Use Permit: - (Deleted April 9, 2008 - Amend 285A to Zoning Ordinance)

Section 6.8.4(B) Uses Permitted by Special Use Permit: The following uses of land and structures shall be permitted by Special Use Permit:

- (1) Adult Businesses - Deleted - June 11, 2008 - Amend 287I

Section 6.8.5 Site Development Requirements:

- (1) Types of Structures: All permitted activities shall be conducted entirely within a wholly enclosed permanent building, except as noted in the following:
 - (a) The parking of customers' and employees' automobiles.
 - (b) The loading and unloading of commercial vehicles, which must take place directly into or out of a building.
 - (c) 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.

- (d) Recreational facilities, incidental to the center's principal operations, of a nature normally conducted out-of-doors, PROVIDED, there may be no admission charge.
 - (e) Gasoline service stations, PROVIDED, that they conform to the site development requirements of Article VIII, Section 8.6.
 - (f) Outdoor eating or other supplemental sales areas, PROVIDED, they are approved by the Planning Commission.
- (2) Parking Areas and Circulation: All automobile parking areas and interior circulation of motor vehicles shall be designed in accordance with the following requirements:
- (a) Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Such walkways shall not intersect with a vehicular way more than once.
 - (b) Pedestrian travel from any establishment in the center to any other establishment shall be possible without crossing a vehicular way.
 - (c) Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.
 - (d) 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.
 - (e) All areas accessible to vehicles or pedestrians shall be illuminated.
- (3) External Access: Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare, as classified on the Comprehensive Development Plan. Further, the owners or developers of the center shall show, to the complete satisfaction of the Township Planning Commission, that 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.
- (4) Surface Improvements: All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dustless surface; and shall be graded and provided with adequate drainage facilities so that all collected surface water is effectively carried away from the site, subject to provisions set forth in Article VII, Section 7.5.7.

- (5) **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 center than a distance equal to twice its height.
- (6) **Signs:** All signs within the center shall conform to the provisions of Section 7.2.4(4)(h).
- (7) **Lighting:** All outdoor lighting shall be accomplished in such a manner that no illumination sources are visible outside the shopping center property lines.
- (8) **Transition Strips:** All planned shopping center districts when located in or adjacent to an agricultural district, residential district, or when adjacent to a school, hospital, or other public institution shall include as an integral part of the site development a strip of land two hundred (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 one hundred (100) feet of the strip width on the interior side may be used as part of the parking area. Except for the part that may be occupied by parking space, the strip shall be occupied by plant materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangement of such plantings and structures, and such proposals shall be subject to the approval of the Planning Commission.

Section 6.8.6: The amendment process/procedures for a planned shopping center in the C-4 District shall be consistent with and meet the requirements of Section 8.1.6 (Am 286)

Section 6.9 – Mixed-Use Industrial Business District**Section 6.9.1 Intent and Purpose**

The intent of the Mixed-Use Industrial Business District (MUIBD) is to recognize the shift from a manufacturing-based economy to a service-based economy by accommodating the demand for retail and office spaces while not precluding traditional industrial uses. Accordingly, this District has been developed in place of a traditional industrial district as a flexible zoning district that permits a variety of compatible uses within particular sites and between neighboring parcels.

It should be recognized that though non-industrial uses may be permitted in the district, the principal intent of the district is to remain industrial in nature. Accordingly, persons considering a non-industrial use of a property should be aware of potential industrial impacts upon their property, including but not limited to noise, dust, or vibration. In considering development applications, the Township will attempt to limit these adverse impacts.

Within the Mixed-Use Industrial Business District are two sub-districts; the *General* Mixed-Use Industrial Business District and the *Limited* Mixed-Use Industrial Business District. The General MUIBD is intended to permit a variety of limited retail, office, and light industrial uses, while the Limited MUIBD is intended to accommodate more traditional industrial land uses. In either district, non-industrial uses such as an office or retail are generally envisioned as accessory or complementary to existing and future industrial uses in the district.

The overall geographic boundary of the Mixed-Use Business Industrial District is derived from the Mixed Use Business category of the Future Land Use Map, an element of the Township's Comprehensive Plan. The geographic divisions between the General and Limited Mixed-Use Industrial Business Districts have been drawn based upon studies of existing land use and building patterns within a given area.

Section 6.9.2 Interpretation

It is not the intent of this ordinance to expressly identify all particular uses that may be appropriate within the Mixed-Use Industrial Business District. Many listed uses are intentionally broad to permit flexibility in determining appropriate uses within the General and Limited MUIBD.

When a use is not expressly mentioned in this Section, the Director of Planning shall make an interpretation as to which district or districts, if any, should accommodate the use. The decision shall be based on the intent of each district, similar uses mentioned in the district, and recognized rules of interpretation. The Director of Planning's decision shall be appealable to the Zoning Board of Appeals.

Section 6.9.3 Potential Impacts on Neighboring Properties

By nature, a number of uses permitted in the Mixed-Use Industrial Business District commonly generate industrial side effects that may be physically perceived on surrounding properties. To help ensure compatibility between adjacent properties, proposed site plans shall be designed to limit the impact of fumes, gases, noise, smoke, dust, heat, glare, and vibrations that may project beyond the boundary of the subject property. Prior to approval of a use that may reasonably be expected to generate perceptible impacts on neighboring properties, a finding shall be made by the reviewing body that reasonable attempts, in consideration of generally acceptable industrial impacts and the character of the site and surrounding area, have been made to limit these impacts.

Section 6.9.4 Existing Structures and Uses

Any use or structure that legally existed on the date of adoption of this section shall be permitted to continue, including necessary maintenance of any structure. In the instance of an event beyond the control of a landowner necessitating the replacement of a portion or the entirety of a nonconforming structure, such replacement shall be recognized for the purpose of this district to be permitted by right provided all requirements governing a non-conforming use or structure, including applicable ZBA procedures, are deemed to be satisfied.

(Section adopted: May 9, 2010)

Section 6.9.5 Expansion of Legal Existing Use

An existing use lawfully established prior to the adoption of Section 6.9 shall be permitted to expand, subject to review in accordance with any applicable Site Plan Review standards, and only to the extent of the property boundaries as established on January 11, 2011. Any Special Use review criteria that would otherwise be required for the establishment of a new use may be waived in whole or in part by the Director of Planning.

Section 6.9.6 Change in Use of Legal Existing Structure

Where a use is proposed to be established within an existing lawfully built structure and where no physical site modifications to the exterior of the site will be made, the Site Plan Review standards of Section 6.9.13 may be waived in whole or in part by the Director of Planning. However, if the proposed use is identified as a Special Use within the MUIBD, then the establishment of such use shall be subject to review in accordance with the Special Use Permit review standards of Section 8.1.

Section 6.9.7 Uses Permitted by Right in the General MUIBD

The following uses shall be permitted by right in the General Mixed-Use Industrial Business District:

- Accessory Buildings
- Accessory Uses, including retail sales of products warehoused or produced on the premises
- Auto Service, including:
 - Mechanics
 - Body Shops
 - Detailing
- Central Dry Cleaning Plant (no retail customer contact)
- Contractor's Establishment
- Data Centers and Computer Operations
- Manufacturing (Light)
- Medical Marihuana Cultivation Facility PROVIDED that:
 - (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.
- Photographic reproduction, blueprinting, or related trades and arts
- Public Utility Structures
- Public Areas, Public Parks, and Public and Private Conservation Areas
- Recreational Facility, including:
 - Bowling Alley
 - Billiard Hall
 - Indoor Archery Range
 - Indoor Skating Rink

- Indoor Soccer
- Miniature Golf
- Physical Fitness Facility
- Skate/Bike Park
- Research and Design, provided there is no use of materials having high toxicity radioactivity, or explosive properties, including but not limited to:
 - Engineering
 - High Tech Research
 - Trade or Industrial Schools
 - Business Colleges
 - Industrial, Research, or Business Park
- Veterinary hospitals
- Warehouses, including but not limited to:
 - Storage facilities for sand, gravel, stone, and contractor's equipment
 - Small warehousing establishments, with totally enclosed storage
 - Wholesale Operations
 - Distribution Centers

Section 6.9.8 Uses Permitted by Special Use Permit in the General MUIBD

The following uses shall be permitted by Special Use Permit in the General Mixed-Use Industrial Business District:

- Animal Kennels
- Auto Service, including:
 - Automobile Laundries
 - Gasoline Service Stations
 - Oil Change Facilities
 - Tire Sales and Service
- Child Care Organization; Refer to Article VIII, Section 8.7
- Funeral Home/Mortuary
- Mechanical Amusement Arcades; Refer to Article VIII, Section 8.7
- Medical Clinics
- Millwork Operations
- Motel
- Offices for business, professional, governmental, or institutional purposes
- Outdoor storage as principal use
- Parking Facility (i.e. ramp; accessory to principal use)
- Passenger Terminals
- Printing and publishing establishment (i.e. newspaper)
- Processing Operations not otherwise identified in Section 6.9.7
- Professional Studios
- Residential units accessory to office
- Retail, including:
 - Building Supply/Equipment Store
 - Contractor's Motorized Equipment Sales and Service; Refer to Article VIII, Section 8.7
 - Furniture Store
 - Low-Volume Retail
 - Open-air Business
 - Pet Shop
 - Retail Dry Cleaning Operation (including direct retail customer pickup)
 - Vehicle Showrooms and Dealerships
- Truck or Rail Freight Terminal

Section 6.9.9 Uses Permitted by Right in the Limited MUIBD

The following uses shall be permitted by right in the Limited Mixed-Use Industrial Business District:

- Accessory Buildings

- Accessory Uses, including retail sales of products warehoused or produced on the premises
- Auto Service, including:
 - Mechanics
 - Body Shops
 - Detailing
- Central Dry Cleaning Plant (no retail customer contact)
- Contractor's Establishment
- Data Centers and Computer Operations
- Manufacturing (Light)
- Medical Marihuana Cultivation Facility PROVIDED that:
 - (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.
- Millwork Operation
- Photographic reproduction, blueprinting, or related trades and arts
- Printing and Publishing Establishment (i.e. newspaper)
- Public Utility Structures
- Public Areas, Public Parks, and Public and Private Conservation Areas
- Research and Design, provided there is no use of materials having high toxicity radioactivity, or explosive properties, including but not limited to:
 - Engineering
 - High Tech Research
 - Trade or Industrial Schools
 - Business Colleges
 - Industrial, Research, or Business Park
- Warehouses, including but not limited to:
 - Storage facilities for sand, gravel, stone, and contractor's equipment
 - Small warehousing establishments, with totally enclosed storage
 - Wholesale Operations
 - Distribution Centers

Section 6.9.10 Uses Permitted by Special Use Permit in the Limited MUIBD

The following uses shall be permitted by Special Use Permit in the Limited Mixed-Use Industrial Business District:

- Auto Service, including:
 - Automobile Laundries
 - Gasoline Service Stations
 - Oil Change Facilities

- Tire Sales and Service
- Drive in theaters, race tracks, driving ranges; Refer to Article VIII, Section 8.7
- Fuel/Chemical/Hazardous Waste Storage as Principal Use
- Manufacturing (Heavy)
- Incinerators, Sanitary Fills; Refer to Article VIII, Section 8.7
- Junk Yards; Refer to Article VIII, Section 8.7
- Lumber and Planing Mills
- Metal Plating, Buffering, and Polishing
- Offices for business, professional, governmental, or institutional purposes
- Outdoor storage as principal use
- Parking Facility (i.e. ramp; accessory to principal use)
- Passenger Terminal
- Processing Operations not otherwise identified in Section 6.9.9
- Recycling Facility
- Sand and Gravel Pits; Refer to Article VIII, Section 8.7
- Truck or Rail Freight Terminal

Section 6.9.11 Conflicting Review Requirements for Development Approval

Where a proposal includes more than one on-site use, with one or more use(s) permitted by-right and the other(s) requiring Special Use review, all uses permitted by-right may be administratively approved prior to the applicant obtaining Planning Commission approval for uses requiring a Special Use Permit. In such a case, the by-right portion of the site shall be designed in a manner that facilitates the independent function of the by-right use(s), including any required access drives, parking, and non-motorized facilities.

Section 6.9.12 Use Requirements

In addition to the following requirements, all principal permitted uses and special land uses shall comply with all applicable provisions of the Zoning Ordinance, including but not limited to bulk, density, lighting, landscaping, parking, and setbacks.

- (1) Enclosed Buildings: Except as otherwise noted in this Ordinance, activities in this District shall be carried on in completely enclosed buildings.
- (2) Outdoor Storage:
 - a. Outdoor storage shall not be permitted between the front lot line and the front of the primary building or within any required setback.
 - b. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates. Such fence or wall shall be at least five (5) feet in height, but in no case shall the fence be lower than the enclosed storage. Alternatively, the Planning Commission or Zoning Administrator may approve the use of landscaping treatment, together with or in place of a fence or wall, that will provide equal or better screening of the outdoor storage.
- (3) Uses, including outdoor storage, in this District shall conform to the following standards:
 - a. 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.
 - b. Discharge no radioactive materials that exceed quantities established by the U.S. Bureau of Standards.
 - c. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor the use of any such material in production.
- (4) Yards in this District shall conform to the following standards:
 - a. Except for landscape improvements 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 any landscaping buffer as required elsewhere in this ordinance, may be used for parking and loading.

- b. The side or rear yard may be eliminated where a railroad service to the site is obtained or may be obtained at the edge of the lot.
 - c. When the side or rear yard areas abut land within a residential district 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 fence. Such wall or fence shall be at least four (4) feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, unloading or servicing activity to be screened. The height and extent of such wall or fence shall be determined by the Zoning Administrator on the basis of proposed side or rear yard usage. Alternatively, the Planning Commission or Zoning Administrator may approve the use of landscaping treatment, together with or in place of a fence or wall, that will provide equal or better screening of the yard areas used for these purposes.
- (5) The Planning Commission, through an application for special use permit approval, shall have the authority to modify the use requirements listed in subsections (1), (2), (3), and/or (4) above based upon appropriate findings of fact that:
- a. The proposed modification is appropriate for the site, compatible with surrounding land uses, and necessary for the reasonable use of the parcel, and:
 - b. The proposed modification is, in the determination of the Planning Commission, the minimum necessary to ensure the reasonable use of the parcel while remaining compatible with surrounding land uses.

6.9.13 MUIBD Site Plan Standards

Purpose and findings: This section enables the township and the developer to collaborate in the processing of certain development approvals within the MUIBD in order to enhance planning and timely, integrated processing and review. Site diagrams and plans are intended to ensure the orderly integration of development with adjacent sites and uses, minimize impacts on adjacent parcels, ensure the continued safety and function of the street system and minimize impacts on sensitive environmental features. In this context, site diagrams and plans will be used to determine if the proposed development is in compliance with current statutes, ordinances, regulations, the township's comprehensive plan, this ordinance, specific or neighborhood plans, and other applicable requirements.

6.9.13.1 Applicability

The submission of a site diagram, an administrative site plan or a site development plan is mandatory for any use within the MUIBD requiring a land use permit, a special use permit, a grading and land disturbance permit, or any other permit required by this ordinance, unless specifically exempted from this requirement by the standards of this Section.

6.9.13.1.1 Site Diagram

A site diagram is required for:

- (A) Any use not requiring an administrative site plan or a site plan by this ordinance;
- (B) A grading and land disturbance as regulated by this ordinance.

6.9.13.1.2 Administrative Site Plan

An administrative site plan is required for:

- (A) Any non-residential use or building permitted by right by this ordinance.

6.9.13.1.3 Site Development Plan

A site development plan is required for:

- (A) Any land use or building requiring a special use permit;
- (B) Any land use that will generate (upon build out) 500 or more vehicle trips per day, as determined by reference to the latest edition of the Trip Generation Manual promulgated by the Institute of Transportation Engineers.

6.9.13.2 Approval Authority**6.9.13.2.1 Site Diagram**

- (A) The Zoning Administrator shall be the approval authority for a site diagram.
- (B) At the discretion of the Zoning Administrator, any site diagram may be referred to the Planning Commission for review and determination, in which case the Planning Commission shall be the approval authority for that site diagram.

6.9.13.2.2 Administrative Site Plan

- (A) The Director of Planning shall be the approval authority for an administrative site plan.
- (B) At the discretion of the Director of Planning, any administrative site plan may be referred to the Planning Commission for review and determination, in which case the Planning Commission shall be the approval authority for that administrative site plan.

6.9.13.2.3 Site Development Plan

The Planning Commission shall be the approval authority for a site development plan.

6.9.13.3 Data Requirements

- (A) Applications for approval under this subsection shall submit the information and data specified in Table 6.9.13.1, Data Submittal Requirements, of this section. All plans shall be drawn at a scale of 1"=100' or less.

Table 6.9.13.1 – Data Submittal Requirements

<i>Required Site Plan Element</i>	Site Diagram	Administrative Site Plan / Site Development Plan
A. Basic Information		
1. Applicant's name, address, telephone number and signature	•	•
2. Property owner's name, address, telephone number and signature	•	•
3. Proof of property ownership	•	•
4. Whether there are any options or liens on the property	•	•
5. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent	•	•
6. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, gross and net acreages and frontage	•	•
7. A vicinity map showing the area and road network surrounding the property		•
8. Name, address and phone number of the preparer of the site plan	•	•
9. Project title or name of the proposed development	•	•
10. Statement of proposed use of land, project completion schedule, any proposed development phasing	•	•
11. Land uses and zoning classification on the subject parcel and adjoining parcels	•	•
12. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan, as well as their name, address and telephone number		•

<i>Required Site Plan Element</i>	Site Diagram	Administrative Site Plan / Site Development Plan
B. Site Plan Information		
1. North arrow, scale, and date of original submittal and last revision.	•	•
2. Boundary dimensions of natural features		•
3. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five percent (25%), beach, drainage, and similar features.		•
4. Proposed alterations to topography and other natural features		•
5. Existing topographic elevations at two foot intervals except shown at five foot intervals where slopes exceed 18%		•
6. Soil erosion and sediment control measures as required by the Grand Traverse County Drain Commissioner.	•	•
7. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures		•
8. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities.		•
9. Proposed finish floor and grade line elevations of any structures. <i>*Required only for habitable construction within the floodplain on site diagrams and administrative site plans.</i>	See note*	•
10. Existing and proposed driveways, including parking areas	•	•
11. Neighboring driveways and other vehicular circulation features adjacent to the site		•
12. Location, size and number of parking spaces in the on-site parking areas	•	•
13. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		•
14. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site		•
15. Location of and dimensions of curb cuts, acceleration, deceleration and passing lanes		•
16. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		•
17. Location of water supply lines and/or wells	•	•
18. Location of sanitary sewer lines and/or sanitary sewer disposal systems	•	•
19. Location, specifications, and access to a water supply in the event of a fire emergency		•
20. Location and design of storm sewers, retention or detention ponds, waste water lines, clean out locations, connection points and treatment systems		•

<i>Required Site Plan Element</i>	Site Diagram	Administrative Site Plan / Site Development Plan
B. <u>Site Plan Information (continued)</u>		
21. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		•
22. Location, size and specifications of all signs and advertising features, including cross sections		•
23. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used		•
24. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, vegetation belts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		•
25. The proposed sizes of landscape materials not previously existing. All vegetation to be retained on site must also be indicated, as well as its typical size by general location or range of sizes as appropriate		•
26. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)		•
27. Changes or modifications required for any applicable regulatory agencies' approvals		•

(B) In addition to the requirements set forth in 6.9.13.1, Data Submittal Requirements, of this section, the approval authority may direct that additional information be provided if it is deemed to be necessary for the approval authority to determine if a proposed site plan conforms to the requirements of this ordinance.

6.9.13.4 Waivers

6.9.13.4.1 Submittal Waivers

At the discretion of the Zoning Administrator in the case of a site diagram, or the Director of Planning in the case of an administrative site plan or a site development plan, the requirement to submit a site diagram, an administrative site plan or a site development plan may be waived in any of the following cases when it is determined that the submission would serve no useful purpose:

- (A) The erection or enlargement of an accessory structure;
- (B) The enlargement of a principal building by less than 20 percent of its existing gross floor area, provided such enlargement will not result in a requirement for additional off-street parking;
- (C) A change in principal use where such change would not result in an increase in impervious surface area, additional off-street parking, site access, other external site characteristics or a violation of this ordinance.

6.9.13.4.2 Data Waivers

- (A) The Zoning Administrator may waive a particular element of information or data otherwise required for a site diagram upon a finding that the information is not necessary to determine compliance with this ordinance.
- (B) The Director of Planning may waive a particular element of information or data otherwise required for an administrative site plan or site development plan upon a finding that the information or data is not necessary to determine compliance with this ordinance or that such information or data would not bear on the decision of the approval authority.

6.9.13.5 Review Procedures**6.9.13.5.1 Optional Sketch Plan Review**

Prior to submitting an application for a site diagram, administrative site plan or site development plan approval, an applicant may choose to submit a sketch plan for review by the approval authority. The sketch plan shall be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of each existing and proposed parcel, property line, structure, improvement, street, sidewalk, easement, and drainage system. The review shall be informal and advisory only, and shall not constitute approval, authorization or granting any type of permit. Sketch plan reviews of site development plans shall require scheduling as an item of business on the agenda of a regular Planning Commission meeting.

6.9.13.5.2 Submittal

Anyone with an interest in a parcel may apply for approval of a site diagram, administrative site plan or site development plan affecting such parcel. An application for approval shall be made on the form provided by the township. An application for site diagram approval shall be submitted to the Zoning Administrator. An application for administrative site plan or site development plan approval shall be submitted to the Director of Planning.

6.9.13.5.3 Completeness Review

The Zoning Administrator shall provide a written response within 21 days after submittal indicating whether or not a site diagram is complete. The Director of Planning shall provide a written response within 21 days after submittal indicating whether or not an administrative site plan or a site development plan is complete. The applicant shall file a written response to any staff comments or resolve outstanding issues prior to final approval of a site diagram or an administrative site plan or the scheduling of a site development plan before the planning commission. This response shall occur within 30 days of the mailing date of staff comments, unless a time extension is requested and granted in writing, or the application shall be considered to have been withdrawn by the applicant and shall be closed without further action by the township. The maximum limit on an extension is six months from the original staff comment date. The appellate agency for purposes of completeness review is the planning commission.

6.9.13.5.4 Consultant Review

- (A) In the course of reviewing an administrative site plan or a site development plan application, the township may determine that outside consulting services such as, but not limited to, planning, engineering, traffic and environmental services, are required. Such determination shall be made by the Director of Planning or the planning commission at the earliest possible time based upon available information. The revelation of information during the review process shall not preclude the approval authority from halting proceedings at any time and requiring that escrow funds, in an amount determined by the approval authority to be necessary to complete a full and proper review of an application, be deposited with the township.
- (B) The township reserves the right to consult with such consultants of its choice. Consultant costs shall be determined by written estimate from the consulting firm and supplied to the applicant. Funds to cover such costs shall be the responsibility of the applicant, in accordance with the escrow policies of the township.
- (C) The applicant shall deposit such escrow funds, as determined by the township to be necessary, with the township prior to the application being considered complete in under § 6.9.13.5.3, Completeness Review, of this article.

6.9.13.5.5 Decision

The approval authority shall approve, deny or approve with conditions the site diagram, administrative site plan or site development plan, as applicable. The approval authority may impose conditions in conformance with § 6.9.13.7, Conditional Approvals, of this article. A site diagram, administrative site plan or site development plan shall be deemed approved only upon the signature of the appropriate person on the diagram or plan, as set forth in § 6.9.13.15, Site Plan Record and Signature, of this article.

6.9.13.6 Review Standards

6.9.13.6.1 Standards for Approval

A site diagram, administrative site plan or site development plan shall conform to all provisions of this ordinance and to the following site development standards which shall be reflected on the diagram or plan:

- (A) **Required Information.** All required information shall be provided.
- (B) **Outside Agencies.** All applicable standards of outside agencies shall be met and all required permits and approvals from outside agencies shall be secured, or be made a condition of approval.
- (C) **Essential Facilities and Services.** Adequate essential facilities and services, including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, shall be available.
- (D) **Natural Features.** Sensitive natural features, or existing natural features that provide a buffer between adjoining properties, or assist in preserving the general appearance of the neighborhood, or help control soil erosion or stormwater, shall be preserved to the greatest extent possible.
- (E) **Site Design.** All buildings and structures shall be designed, situated, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance, with the existing or intended character of the general vicinity. Site design shall minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- (F) **Vehicle and Pedestrian Systems.** The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. A proper relationship between existing and proposed roadways and parking areas shall be demonstrated, and the safety and convenience of pedestrian and vehicular traffic shall be assured. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.
- (G) **Shared Drives.** Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.
- (H) **Impervious Surfaces.** The amount of impervious surface has been limited on the site to the extent practical.
- (I) **Comprehensive Plan.** The proposal is not in conflict with the land use policies, goals and objectives of the Township Comprehensive Plan.

6.9.13.6.2 Required Approval

No site diagram, administrative site plan or site development plan shall be approved unless it conforms to all applicable requirements of each article of this ordinance. A site diagram, administrative site plan or site development plan found to contain the information required by this ordinance and to be in compliance with the standards of this ordinance and all other applicable regulations, shall be approved.

6.9.13.7 Conditional Approvals

The approval authority may attach conditions to the approval of a site diagram, administrative site plan or site development plan when such conditions:

- (A) Would ensure the provision of public services and facilities that are capable of accommodating the increased service and service facility capacities caused by the proposed land use or activity;
- (B) Would protect the built and natural environment;
- (C) Would ensure compatibility with adjacent uses of land; and
- (D) Would ensure compliance with the standards and regulations of this ordinance.

6.9.13.8 Performance Guarantees**6.9.13.8.1 May Be Required**

To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the approval authority as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and users or inhabitants of the proposed project or project area, the approval authority may require that the applicant deliver to the Zoning Administrator any one of the following at the option of the applicant:

- (A) a cash deposit with the Township;
- (B) a certified check payable to the Township;
- (C) an irrevocable bank letter of credit in favor of the Township;
- (D) a surety bond in favor of the Township, in such amount and with such conditions as are permitted by law.

6.9.13.8.2 Deposit and Reduction of Security

Such security shall be deposited with the Township at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Zoning Administrator in the case of a site diagram or the Director of Planning in the case of an administrative site plan or a site development plan may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

6.9.13.8.3 Amount of Security

Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance with.

6.9.13.9 Administrative Site Plan Appeals

- (A) The Planning Commission may consider an appeal by an applicant, and affirm or reverse, in whole or in part, the decision of the Director of Planning based on any error in an order, requirement, decision, or determination made by the Director of Planning in approving, denying, or attaching a condition to an administrative site plan.
- (B) A notice of appeal shall be submitted within 30 days following mailing of a written decision by the Director of Planning. A notice of appeal to the Planning Commission shall be in writing and shall provide in detail the specific justifications supporting the appeal.

6.9.13.10 Amendments**6.9.13.10.1 Site Diagram and Administrative Site Plan Amendments**

Amendments to a site diagram or an administrative site plan shall be approved in the same manner as the initial submittal.

6.9.13.10.2 Site Development Plan Amendments**(A) Classification**

Amendments to a previously approved site development plan shall be classified as a minor or major amendment. Minor amendments may be administratively accepted by the Zoning Administrator and will not be subject to review by the planning commission. Within 21 days after filing of the proposed amendments, required items, and information, the Zoning Administrator shall provide a written response indicating whether or not the amendments have been accepted as a minor or major amendment.

(B) Minor Amendments

Minor amendments include the following:

- (1) Changes to the timing or phasing of the proposed development, provided that the use and overall geographic land area remains the same and that required public improvements are not delayed;
- (2) Minor adjustments of unit boundaries or the siting of buildings, provided that the use and overall geographic land area remains the same;
- (3) A reduction in the number of proposed lots, provided that the use and overall geographic land area remains the same;
- (4) A decrease in overall residential density;
- (5) The adjustment of utilities and walkways;
- (6) The substitution of landscape material provided that the substituted materials are of a similar nature and quality and will comply with the standards of § 7.13, Landscape Requirements of Article VII, Supplementary Regulations, of this ordinance;
- (7) Updating of ownership or consultant information;
- (8) Development name changes;
- (9) Minor revisions to an internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio; and
- (10) Minor realignment of ingress and egress locations if required by the Grand Traverse County Road Commission or Michigan Department of Transportation.

(C) Major Amendments

All other proposed amendments to an approved site development plan shall be classified as major amendments and shall be processed in the same manner as the initial submittal.

6.9.13.11 Subsequent Applications

If an administrative site plan or site development plan is denied, a new plan proposing the same development for the same property shall not be filed within twelve (12) months after a final decision.

6.9.13.12 Expiration of Approval

Site diagram, administrative site plan or site development plan approval shall remain valid unless:

- (A) Substantial construction has not commenced and moved meaningfully toward completion within twelve (12) months from the date of approval;
- (B) An extension of time has not been granted in writing by the approval authority on the basis that the owner or applicant maintains a good faith intention to proceed with construction;
- (C) Approval has not been revoked in accordance with § 6.9.13.14 of this article.

6.9.13.13 Required Compliance

Development activities subject to this section shall conform to the approved site diagram, administrative site plan or site development plan and any conditions or restrictions imposed thereon. Any deviation from the approved plan, unless approved in advance and in writing by the Zoning Administrator in the case of a site diagram or the Director of Planning in the case of an administrative site plan or site development plan, is deemed a violation of this ordinance.

6.9.13.14 Revocation of Site Plan Approval

If substantial development and completion of the use and buildings does not proceed in conformance with the approved site diagram, administrative site plan or site development plan, the Planning Commission shall have full authority to revoke approval of the site diagram, administrative site plan or site development plan. Upon discovery of a violation, the Zoning Administrator may issue a stop work order and a notice to appear before a hearing of the Planning Commission. Notice of such hearing shall be provided to the applicant not less than ten (10) days prior to the date of the hearing. Following completion of the hearing, the Planning Commission shall make a decision to revoke site diagram, administrative site plan or site development plan approval, approve a revised site diagram, administrative site plan or site development plan, or confirm the original approval. No action of the Planning Commission to approve a revised site diagram, administrative site plan or site development plan, or to impose additional conditions and standards, shall take effect without the written consent of the applicant.

6.9.13.15 Site Plan Record and Signature

The approved site diagram, administrative site plan or site development plan shall be maintained in the permanent files of the township. The signature of the Zoning Administrator shall be affixed to every approved site diagram. The signature of the Director of Planning shall be affixed to every approved administrative site plan and site development plan.

Section 6.10 A-1 District: Agricultural

Section 6.10.1 Intent and Purpose: This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominately 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.

Section 6.10.2 Uses Permitted by Right

- (1) **One-Family detached dwellings.**
- (2) **Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, green houses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.**
- (3) **Raising and keeping small animals such as poultry, rabbits, and goats.**
- (4) **Raising and keeping livestock, such as cattle, hogs, horses, ponies, sheep and similar livestock upon a lot having an area not less than ten (10) acres, except feeder lots.**
- (5) **Cemeteries, public or private.**
- (6) **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.**
- (7) **Public areas and public parks such as recreation areas, forest preserves, game refuges, and similar public uses of low intensity character.**
- (8) **Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.**
- (9) **Supplementary uses: Customary accessory uses and building incidental to the permitted principal use of the premises.**
- (10) **Horses: Keeping of horses for the personal use of residents of the property provided:**
 - (a) **The parcel shall contain not less than five (5) acres; and**
 - (b) **A maximum of three (3) horses may be allowed at any one time.**

(11) Medical Marihuana Residential Cultivation as an accessory use to a dwelling unit
PROVIDED that:

- (1) 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;
- (2) 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;
- (3) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible;
- (4) 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;
- (5) No transfer of Medical Marihuana to qualifying patients other than qualifying patients residing on the parcel shall occur;
- (6) 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;
- (7) No Medical Marihuana shall be cultivated outdoors;
- (8) 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 6.10.3 Uses Permitted Under Special Conditions: The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use.

- (1) Customary home occupations as specified for R-1A Districts, Article VI.
- (2) 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 (1) parking space for each fifteen (15) square feet of roadside stand floor area.

Section 6.10.4 Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in any agricultural district by the application for and issuance of special use permit when all the procedural requirements specified in Article VIII, Section 8.1, "Uses Authorized by Special Use Permit: General Standards and Requirements" are satisfied together with any applicable requirements as outlined in the particular Articles and Sections cited:

- (1) Special open space uses subject to all requirements of Article VIII, Section 8.7.2(3).
- (2) Travel Trailer Parks subject to all requirements of Article VIII, Section 8.4.

- (3) Institutional Structures subject to all requirements of Article VIII, Section 8.5.
- (4) Greenhouses and nurseries selling at retail on the premises.
- (5) Riding stables and livestock auction yards.
- (6) Raising of fur bearing animals for profit.
- (7) Game or hunting preserves operated for profit.
- (8) Veterinary hospitals, clinics and kennels.
- (9) Sawmills.
- (10) Public buildings and public service installations.
- (11) Incinerators and sanitary fills, sewage treatment and disposal installation subject to all requirements of Article VIII, Section 8.7.2(1), (2).
- (12) Airports and Airfields.
- (13) Sand or Gravel Pits, Quarries subject to all the requirements of Article VIII, Section 8.7.2(4).
- (14) Drive-In Theaters, subject to all the requirements of Article VIII, Section 8.7.2(5).
- (15) Boarding Residences subject to all the requirements of Article VIII, Section 8.7.
- (16) Roadside Farm Markets - selling farm products and limited household convenience goods, including beer and wine.
 - (a) Maximum floor area: Two thousand five hundred (2,500) square feet.
 - (b) Parking shall be provided in accord with the standards of Section 7.5.
 - (c) Outside sales shall be temporary and restricted to the above mentioned products.
- (17) Child Care Organization: PROVIDED such facilities meet the requirements of Article VIII, Section 8.7.
- (18) Bed & Breakfast, subject to all the requirements of Article VIII, Section 8.7.

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(19) **Recreational Facilities:** In addition to the provisions of Article VIII, the following additional standards shall also apply:

- (a) The recreational facility shall be accessed from a major thoroughfare as classified on the Comprehensive Development Plan of Garfield Township.
- (b) A minimum parcel size of ten (10) acres shall apply.
- (c) All buildings and uses, including outdoor recreational fields and sports courts, shall comply with the setbacks of the underlying zoning district.
- (d) When adjacent to any residential zoning district or residential use, a minimum setback of forty (40) feet shall apply and a Type B buffer yard, in compliance with Section 7.13.3 of this Ordinance, shall be provided and maintained.

Section 6.10.5 Area and Bulk Requirements: Are subject to Section 6.15 "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted, and providing minimum yard setback requirements.

Section 6.12 P-1 District: Vehicular Parking District

Section 6.12.1 Intent and Purpose: This district is intended to restrict the use of areas set aside for parking purposes as part of an adjacent or nearby land use under Section 7.8.1(3).

Section 6.12.2 Uses Permitted Under Special Conditions: A lot or lots within the P-1, Vehicular Parking District shall be used only for the following purposes:

- (1) Off-street parking in accordance with Off-Street Parking and Loading Regulations, Section 7.8.

Section 6.12.3 Yards and Lot Sizes:

- (1) Maximum front and side yards shall conform to the requirements for the most restrictive adjacent zoning district.
- (2) Lots shall be of sufficient size to permit construction of parking facility in accordance with Off-Street Parking Requirements, Section 7.8.4.

Section 6.13 Planned Redevelopment District:

Section 6.13.1 Purpose: The purpose of the Planned Redevelopment District is to further the objectives of Public Act 250 through a land development project review process based on the application of site planning criteria to foster integration of proposed land development projects with the characteristics of the project areas.

By establishing a Planned Redevelopment District, the Township will guide development so as to:

- (1) Provide the Planned Redevelopment District the benefits of a thoroughfare plan review and development process, and that such planning be documented in an Act 250 Development Plan as amended which conforms to the goals of an adaptive reuse plan as incorporated into the Comprehensive Development Plan of Garfield Township.
- (2) Promote a sensitive and creative approach to the comprehensive use of land and related physical facilities that results in consistent design and development, with the inclusion of aesthetic amenities.
- (3) Combine and coordinate architectural styles, historic preservation, landscape design, building forms and building relationships with a mixing of possibly different but compatible uses in an appropriate and harmonious design.
- (4) Preserve and/or rehabilitate architectural, natural and historic landmarks.
- (5) Enhance the appearance of commercial, institutional and residential environments through the preservation of natural vegetation, significant topographic and geological features and environmentally sensitive features.
- (6) Use best management practices to control soil erosion, surface flooding, and the protection of subsurface water.
- (7) Preserve common open space for the continuous use and enjoyment of the residents and users of the development as well as the public.
- (8) Ensure the phased development of subareas of the Planned Redevelopment District are integrated with the overall development program for the PRD, to avoid disjointed development.

- (9) Permit the transfer of development capacity between and within subareas of the District, and outside the district under limited circumstances, in order to stimulate and accommodate appropriate overall development or redevelopment of the district while protecting natural resources.
- (10) Minimize any adverse impact of the development process on the community through planned phasing of the subareas appropriate to the scale, complexity, and sensitivity of the site.
- (11) Provide for recreational public and private facilities which are necessary and appropriate to the proposed development, and benefit the broader community.
- (12) Promote efficient use of the land, public utilities, traffic circulation, parking, storm water management and other facilities.
- (13) Encourage land use which promotes the public health, safety, convenience, and welfare by removing substandard and unsanitary conditions as those conditions are defined in Public Act 250 and otherwise facilitate the redevelopment of land and protect it from blighting influences.
- (14) Provide coordinated and comprehensive infrastructure development.

Section 6.13.1a - Joint Planning Commission Authority

For purposes of the Planned Redevelopment District under Section 6.13 of this Zoning Ordinance only, the term "Planning Commission" shall mean the Grand Traverse Commons Planning Commission established pursuant to the Joint Municipal Planning Act, MCL 125.31, et. seq., and by agreement between the City of Traverse City and Garfield Township with an effective date of May 14, 2007 and approved by Section 1224.01 of the Codified Ordinances for the City of Traverse City and Section 1 of Ordinance No. 48 for Garfield Township.

Section 6.13.2 Standards:

In support of the purposes described in Section 6.13.1 of this Ordinance, the Township encourages development under a Planned Redevelopment. The Township shall review and approve developments as Planned Redvelopments according to the following standards, to the extent deemed applicable at each stage of the review (PRD Rezoning and District Plan, Subarea Plan, Site Plan Review).

- (1) A Planned Redevelopment, including all of the Subarea activities and improvements, shall be laid out and developed as a unit in accordance with an integrated overall design which accommodates appropriate scaling and phasing and provides for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
- (2) Common open space in the development shall be integrated into the overall design. Such spaces shall have a direct functional and visual relationship to the main buildings and not be of isolated or leftover character.
- (3) Principal vehicular access shall be from major streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements which pose minimum hazards to vehicular or pedestrian traffic, as practicable. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- (4) Through bylaws, covenants, private associations, or other means, the Planned Redevelopment shall ensure the continued maintenance of the properties and of the various amenities, conservation and design features of the Planned Redevelopment in its entirety.
- (5) The landscape in a Planned Redevelopment shall be conserved and enhanced, insofar as practical, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves and land forms. The addition or use of trees, shrubs, flowers, fountains, wetlands, ponds, special paving materials, benches and seating areas, special lighting fixtures and other amenities will be encouraged to the extent of their appropriateness and usefulness to the development and the likelihood of their continued maintenance.
- (6) The impact of the community from on-site lighting and noise shall be minimized. Utilities serving new development shall be underground.
- (7) Special attention shall be given to proper site surface drainage to meet County ordinance requirements and BEST engineering and storm water management practices so that release of surface waters will not adversely affect neighboring properties or the public storm drainage system.

- (8) Exposed storage areas, trash and garbage retains, exposed machinery installation, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the project and made as unobtrusive as possible while maintaining accessibility to equipment for maintenance. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required by the reviewing body to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

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Section 6.13.3 PRD Designation:

In order for an area to be zoned as a PRD it shall meet the following requirements:

- (1) Pursuant to Public Act 250, the area must have been previously designated as an area that is substandard, insanitary, or blighted, therefore requiring redevelopment to protect the public welfare; and**
- (2) The area must contain, at a minimum, 100 contiguous acres.**

Section 6.13.4 Permitted Uses:

The uses which may be permitted within a Planned Redevelopment District include any combination of individual uses allowable within districts described elsewhere in the zoning ordinance, provided that those uses are identified in an original or amended District Plan.

Section 6.13.5 Development Capacity and Transfers:

To achieve the purposes of this zoning ordinance, the development capacity of a PRD shall be determined and limited as follows.

- (1) Total Development Capacity**
 - (a) The total development capacity of the PRD shall be established based on the existing impervious surface area. The total development capacity shall be and subject to plan restrictions set forth in an adaptive reuse plan, and an Act 250 Development Plan, as amended, adopted by the Township for the subject area, and shall be limited by the requirements to provide capacity for infrastructure, open space, parking, and stormwater management. The total development capacity shall be comprised of District Building Volume Capacity and District Impervious Surface Area Capacity, which upon approval, shall be set forth in a District Plan adopted by the Township, and shall not be subject to modification. The total development capacity of the PRD shall be assigned to the subareas of the District as the Subarea Building Volume Capacity and the Subarea Impervious Surface Area Capacity.**
 - (b) Total development capacity of the PRD and the total development capacities of the subarea shall be determined and set upon application for a PRD rezoning designation and approved as part of the District Plan and, may not be modified.**

In no event shall the sum total of the subarea new impervious surface area capacities, taken in the aggregate exceed the District Impervious Surface Capacity as set forth in the application for a PRD rezoning designation.

- ©) The net development capacity for new building volume and new impervious surface area for any subarea must be supported by specific identifiable stormwater retention/detention, open space, and parking capacity allocations within the boundaries for the PRD, and must be supportable by proposed infrastructure.

(2) The Transfer of Development Capacity

To achieve economy and efficiency in the use of land, energy, and the provision of public services and utilities; to encourage useful open space and the conservation of natural resources; to rehabilitate historic structures and to support adequate infrastructure; to remove substandard and insanitary conditions which impair the economic value of blighted areas and to encourage private capital and investment consistent with the purposes of Public Act 250; it is necessary and desirable to create inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, and rehabilitation of Planned Redevelopment Districts. To achieve the purposes of this ordinance and the goals of Public Act 250, it is necessary and desirable to allow for the transfer of development capacity in eligible areas described in the following paragraph (a) to stimulate redevelopment and encourage useable open space in the appropriate areas.

- (a) Development capacity shall be transferable between subareas comprising the PRD, including subareas which are within the District but outside the boundaries of the Township. Upon approval of the Planning Commission, development capacity may also be transferred from a subarea within the PRD to an area contiguous to but outside, the PRD, which has been designated by the Township as eligible to receive development capacity pursuant to the following requirements.

1. The existing and proposed uses within such area outside of the PRD must be compatible with the uses in the PRD, and an Act 250 Development Plan, as amended, adopted for the designated PRD.
2. Such transfer of development capacity outside of the PRD must further the purpose of the PRD and enhance redevelopment of the PRD, and

3. Such transfer of development capacity into an area outside of the PRD shall not affect the underlying zoning of the area outside of the PRD except to allow for the transfer of development capacity.

- (b) A portion or all of the net development capacity may be transferred from any subarea (the sending area) to another subarea (the receiving area) so long as the transfer does not make the existing development with the sending area nonconforming under the District Plan as approved pursuant to Section 6.13.7(1) of this Ordinance.
- (c) The supporting capacities, including the necessary open space, parking, and storm water management capacity (retention/detention), associated with the transfer of net development capacity from the sending area must be allotted to the receiving area provided, however, that in no event will the supporting capacities allotment result in the expansion of the receiving area or the contraction of the sending area, it being understood that the supporting capacities in the sending area will be allocable to the net development capacity so transferred to the receiving area. No supporting capacity may be double-counted (in concurrent support of development on both the sending and the receiving areas). The supporting capacity must be established within the sending and/or receiving area(s) prior to or in conjunction with new development.

(3) **Planned Redevelopments Overlapping Municipal Corporate Boundaries.**

In the event that a planned redevelopment overlaps the jurisdictional boundaries of the Township of Garfield and an adjacent unit of government, the total project area may be used to calculate total capacity based upon the concurrence of both units of government provided the total project area has been designated by both units of government as a redevelopment area under Public Act 250.

(4) **Capacity Controls**

Utilization of development capacity within the PRD will be subject to design guidelines as set forth in Section 6.13.7(1)(g). Upon application for a PRD designation, conceptual guidelines for the District shall be established setting forth the goals for the subareas within the District in conformance with an adaptive reuse plan, and an Act 250 Development Plan or amendment adopted by the Township for the subject area.

6.13.3

6.13.8

Guidelines will be established for each Subarea Development Plan as approved pursuant to Section 6.13.7(2)(e) of this Ordinance to address the following:

- (a) building volume,
- (b) building footprint,
- (c) building height and setback,
- (d) impervious surface,
- (e) open space,
- (f) view corridors,
- (g) pedestrian access, and
- (h) supporting capacities.

Section 6.13.6 Procedures:

Planned Redevelopments shall be reviewed in accordance with the procedures and standards of this Section, and shall be processed in three stages (PRD Designation) and District Plan Approval, Subarea Planned Development Plan Approval, and Site Plan Approval) as set forth below.

(1) PRD Designation and District Plan Approval:

- (a) The applicant for a Planned Redevelopment rezoning and District Plan approval shall be the PRD Master Developer with the consent of all owners of record of the property which comprises the Planned Redevelopment District.
- (b) Formal application to the Township requesting an approval for a Planned Redevelopment rezoning and District Plan approval shall include fifteen (15) copies of the PRD Rezoning Application, and District Plan containing the information required in Section 6.13.7(1). This PRD rezoning and District Plan shall be the subject of a public hearing, noticed as required, before the Planning Commission.

- ©) The Applicant shall submit fifteen (15) copies of the PRD Rezoning Application and District Plan to the Garfield Township Zoning Administrator not later than twenty-four (24) days before the date of the regular or special meeting at which the Rezoning Application and District Plan will be considered.
- (d) The Planning Commission shall conduct a public hearing, noticed as required, on the Rezoning Application and the District Plan in accordance with the applicable statutes. The public hearing will be conducted by the Planning Commission within a reasonable time following the meeting at which the Planning Commission received the Rezoning Application and District Plan.
- (e) Within a reasonable time following the conclusion of the public hearing, the Planning Commission shall submit in writing its Findings of Fact and recommendations to the Township Board and the applicant.
- (f) Within a reasonable time following the Planning Commission Meeting at which the Planning Commission approved the findings of fact and recommendations, the Township Board shall conduct a public hearing, noticed as required, on the Rezoning Application and the District Plan in accordance with applicable statutes.
- (g) No application for a Planned Redevelopment District rezoning and District Plan approval shall be approved by the Township Board unless all of the following findings are made about the proposal.
 - 1. The Planned Redevelopment conforms with the Comprehensive Development Plan of Garfield Township.
 - 2. The planned development zoning process has been recommended in an Act 250 Development Plan, as amended, for the area to be designated as a Planned Redevelopment District.
 - 3. Each of the proposed uses is a permitted or special use in one or more of the other districts within this Ordinance, and each use is identified in an adaptive reuse plan, and an Act 250 Development Plan or amendment previously adopted by the Township for the subject area.

6.13.3

6.13.8

4. The Planned Redevelopment is designed, located, and proposed to be operated and maintained that the public health, safety and welfare will not be endangered or detrimentally affected.
 5. The Planned Redevelopment will not be injurious to the use and enjoyment of other property in the immediate vicinity.
 6. The Planned Redevelopment will have or make provision for adequate utilities and utility upgrades, drainage and other necessary facilities.
 7. The Planned Redevelopment will have or make adequate provision for parking and ingress and egress.
 8. The Planned Redevelopment will have adequate site area and other buffering features to protect uses within the development and on surrounding properties.
 9. The Planned Redevelopment District will conform to the stormwater management standards set by the County.
- (h) Upon completion of its required hearing the Township Board shall approve, approve with conditions and modifications, or reject the PRD Rezoning Application and District Plan.
1. If the PRD District Plan is not approved, the Township Board shall state in writing the reasons for the decision and such written reasons, if prepared, shall be sent to the applicant.
 2. If the PRD District Plan is approved or approved with conditions, the Township Board shall issue a Report, Decision, and Order including the following information and documents as provided by the Applicant.
 - a. A table of allowable interim and permanent uses in each subarea.
 - b. A mechanism for development capacity transfer between the within subareas.

- c. Provisions for applicability of approval and extension of standards and requirements to all successors and assigns of the Applicant.
- d. A PRD Certificate evidencing the total District Volume Capacity, total District Impervious Surface Area Capacity, respective Subarea Building Volume Capacity for each subarea within the PRD, and respective Subarea Impervious Surface Area Capacity for each subarea within the PRD.
- e. An order requiring the Master Developer for the PRD to record the PRD Certificate with the appropriate authorities evidencing the development capacities, and an order requiring the Urban Redevelopment Corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD, to record the PRD Certificate with the Code Enforcement Officer of Garfield Township.

(2) Subarea Development Plan:

- (a) Following the approval of the District Plan, the Master Developer shall file with the Township a PRD Subarea Development Plan. The Master Developer may choose to submit a PRD Subarea Development Plan(s) for one or more of the area(s) for review by the Planning Commission simultaneous with review of the PRD District Plan.
- (b) The Planning Commission shall, within a reasonable amount of time of the filing of a completed application containing the information in Section 6.13.7(2), conduct a review of the Subarea Development Plan in accordance with applicable statutes.
- ©) The Planning Commission shall review each Subarea Development Plan with regard to its conformance to the approved PRD District Plan and to the Subarea Development Plan requirements, and shall approve, approve with conditions and modifications, or reject the Subarea Development Plan(s) within a reasonable amount of time.
 - 1. If any Subarea Development Plan is held to be not in substantial conformance with the PRD District Plan or in conformance with the Subarea Development Plan requirements, the Planning Commission

shall advise the master developer of the specific areas found deficient. The master developer may bring each Subarea Development Plan into conformance and to complete the requirements, or may request a new public hearing, to be noticed as required, under the procedures established for approval of a District Plan.

2. If the Subarea Development Plan is approved or approved with conditions and modifications, the Planning Commission shall issue a Report, Decision and Order including the following information and documents as provided by the Applicant:
 - a. A table identifying existing and maximum development of the subarea, including building heights, building volume capacity, footprint capacity, setbacks, parking area and parking standards, circulation and roadways, driveways, impervious surface area capacity, and site coverage.
 - b. A table and plan of permitted interim and permanent uses, and the probable duration of interim uses.
 - c. Conceptual design guidelines governing the function, order, identify and visual appeal of development within the subarea.
 - d. Conceptual site plans and block diagrams for the subarea.
 - e. A Subarea Development Certificate evidencing the total Subarea Building Volume Capacity, Subarea Impervious Surface Area Capacity, statement of development capacities transferred out of the subarea and statement of development capacities transferred into the subarea.
 - f. An order requiring the Master Developer to record the Subarea Development Certificate with the appropriate authorities evidencing the development capacities, and an order requiring the Urban Redevelopment Corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD to record the Subarea Development Certificate with the Code Enforcement Officer of Garfield Township.

(3) Site Plan Approval:

- a. Prior to the construction of any new structures, the rehabilitation of existing structures, or the installation of additional imperious area to the site, an application must be made by the Master Developer, with the consent of the property owner(s) for the area for which site plan review and approval is being pursued.
- b. Application for site plan approval shall be made on forms provided by the Township, with attached documentation as identified in Section 6.13.7(3).
- c. Review of the site plan shall be made by the Township Code Enforcement Officer, or designee.
- d. Within ten (10) days of receipt of a completed application for site plan approval, the Township Code Enforcement Officer shall complete the site plan review of compliance with the District Plan, the applicable Subarea Development Plans, and the standards identified in Section 6.13.2. In the event the PRD is partially outside the Township of Garfield's jurisdiction, the Code Enforcement Officer shall confer in joint conference with his or her counterpart in the other jurisdiction, in order to insure consistency in the application of the Standards of Section 6.13.2.
- e. If any site plan is held to be not in substantial conformance with the District Plan or in conformance with the Subarea Planned Development Plan requirements, the Township Code Enforcement Officer shall advise the Master Developer in writing of the specific areas found deficient. The Master Developer may request a review of these findings as an appeal of an administrative decision as allowed elsewhere within this Zoning Ordinance or as provided by law.
- f. If the site plan is approved, the Township Code Enforcement Officer shall advise the Master Developer in writing of the approval and of any conditions which must be met prior to, or in conjunction with an application for building permits. Such

written approval shall include the table identifying existing and maximum development of the Subarea in which the site plan is incorporated, as adjusted to reflect building volume capacity, footprint, setbacks, parking area and parking guidelines, circulation and roadways, driveways, impervious surface area capacity, and site coverage of the site plan. In the event the PRD is partially within the Township of Garfield and partially outside the Township of Garfield's jurisdiction, the Code Enforcement Officer in joint conference with his or her counterpart in the other jurisdiction affected by such site plan approval may approve, subject to the applicable procedures and fees, appointment and use, by the master developer, of an enforcement agent for building permit review and approval, and construction inspection and occupancy certification.

- (4) Extraterritorial Procedures. In the event the PRD is partially within the Township of Garfield and partially outside the Township of Garfield's jurisdiction, the Township Board and/or the Township Planning Commission, or the Administrative Reviewer, as applicable, shall hold their deliberations and decision making in joint conference with their counterpart from the other municipality for the PRD zoning district designation and District Plan approval, and the approval of the Subarea Development Plans and site plans for those subareas, within the approved PRD, which overlaps the jurisdictional boundaries of the Township. With regard to the approval of Subarea Development Plans and site plans for those subareas which lie completely within the jurisdiction of the Township in a PRD which is partially within the Township and partially outside the Township's jurisdiction, the Township Planning Commission or the Administrative Reviewed, as applicable may elect to hold their deliberations and decision making in joint conference with their counterpart from the other municipality.

Section 6.13.7 SUBMITTAL REQUIREMENTS:

- (1) PRD District Plan:

The following items constitute the minimum requirements for the contents of a PRD District Plan, unless waived by the Township Board, upon which the Master

Developer's submission will be reviewed and considered for approval as well as all material necessary to issue a Report, Decision and Order, as required in Section 6.13.6(1)(h)1 of this Ordinance. The Master Developer may supplement the list with whatever materials deemed appropriate to illustrate compliance with the regulations and intent of this section.

- (a) A legal description of the site.
- (b) A boundary line survey of the site prepared and certified by a registered land surveyor, showing the dimensions of the property's boundaries and all existing rights of way adjacent to the property.
- (c) Existing zoning and land uses on and adjacent to the site.
- (d) Township and municipal boundary lines on or adjacent to the site.
- (e) A conceptual framework plan indicating the boundaries of subareas, generalized categories of uses, and their relationship to the overall development pattern.
- (f) A circulation plan including locations of all existing and proposed streets, and addressing public transit.
- (g) Conceptual design guidelines which describe the PRD District Plan's control over function, order, identity and visual appeal of the development.
- (h) A utility concept plan, including the location of all existing sanitary sewer, storm sewer and water lines on the site and on property immediately adjacent to the site. Similar information shall be provided for gas, electric, telephone, and cable television utilities.
- (i) Existing and proposed topography of the land with contours shown at intervals no greater than two feet (2'). Topographic data shall refer to the U.S.G.S. North American Datum-Mean Sea Level Elevation and written description of environmental characteristics of the site prior to development (i.e. soils, vegetative cover, drainage, streams, creeks, or ponds).
- (j) Building envelopes and building volume for each subarea.

- (k) Proposed tracking mechanisms for transfer or receipt of development capacity within, to or from other subareas, by the Urban Redevelopment Corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD.
 - (l) A traffic study by a qualified traffic engineer indicating the volume of traffic to be generated by the Planned Redevelopment and proposing any special engineering design features, and/or traffic regulations devices needed to be generated by the Planned Redevelopment and proposing any special engineering design features and/or traffic regulation devices needed to ensure the proper safety of traffic circulation to, through and around the Planned Redevelopment or any phase of it.
 - (m) A District Plan may be amended according to the same limitations and procedures set forth in Section 6.13.6(1) of this Ordinance provided that the amendment is required for the continued successful functioning of the Planned Redevelopment or that the amendment is required by changes in conditions that have occurred since the District Plan was approved and such changes are incorporated in an approved Public Act 250 Development Plan amendment. However, the total development capacity is not subject to change.
 - (n) An Affidavit of the Urban Redevelopment Corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD evidencing that in the opinion of such Urban Redevelopment Corporation, the District Plan is in conformance with a Public Act 250 Development Plan, as amended, applicable to the site.
 - (o) The PRD Certificate.
- (2) Subarea Development Plan.

Each application for approval of Subarea Development Plan shall include the following as well as all material necessary to issue an Report, Decision and Order as required in Section 6.13.6(2)©(11) of this Ordinance.

- (a) A storm water drainage plan, identifying portions of the site in the flood plain or in flood plain fringe areas, the existing and proposed flow and storm drainage, and the location of drainage ditches, culverts, standing water, and proposed detention/retention facilities.

- (b) Soil boring data with identification of soil problem areas as provided by a registered engineer.
- ©) Existing and proposed landscape features including significant tree groupings, isolated preservable trees four inches (4") or more in diameter at one foot (1') above ground level, scenic views, and other natural features such as wood lots, lakes, ponds, springs, waterways, wetlands, flood plains, etc.
- (d) Wetlands delineation, including a plan for their preservation, enhancement, or mitigation.
- (e) Landscape design guidelines addressing right-of-ways screening walls and fences, lighting facilities, outdoor trash storage area, building/entry areas, impervious surface, open space, view corridors, pedestrian access.

Architectural design guidelines addressing compatibility of proposed structures, within the context of existing architectural design, including materials, color, scale, rhythm, line and massing.

- (f) Identification of all areas to be dedicated as common open space, designated for easements, and all sites to be conveyed, dedicated or reserved for parks, playgrounds, school sites, public buildings and similar public and quasi-public uses, together with the proposed plan for the permanent maintenance of such common open space areas.
- (g) A plan for the phasing and sequencing of development improvements, including utilities, site and structures.
- (h) Minor changes from the approved PRD District Plan may be allowed in the Subarea Development Plan without the necessity of Planning Commission or Township Board action if the Code Enforcement Officer certifies in writing that the proposed revision does not alter the basic design nor any specified conditions of the PRD District Plan as agreed upon by the Planning Commission and the Township Board.
- (i) (omitted)
- (j) (omitted)

- (k) An Affidavit of the Urban Redevelopment Corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD evidencing that in the opinion of the Urban Redevelopment Corporation, the Subarea Development Plan is in conformance with the District Plan and an Act 250 Development Plan, as amended, applicable to the subarea.
- (l) A table identifying existing and maximum development of the subarea, including building heights, building volume capacity, footprint capacity, setbacks, parking and parking area standards, circulation and roadways, driveways, impervious surface area capacity, and site coverage.
- (m) A written statement of the conceptual design guidelines governing the function, order, identify and visual appeal of development within the subarea.
- (n) The Subarea Development Certificate.
- (o) A statement of the impact that the subarea development plan will have on the other subareas within the Planned Redevelopment District.

(3) Site Plans.

Each application for site plan approval for development within the subarea shall include fifteen (15) copies of the following information necessary to issue a written approval as required in Section 6.136(3)(f) of this Ordinance:

- (a) Final engineering drawings including the final utility plan.
- (b) Final architectural design development drawings, including plans, elevations and sections for all major structures on builder lots, and a suitable process for approval of architectural drawings for all major structures on custom lots.
- (c) Final lighting and landscape plans indicating the height, size, location, direction, type, intensity of lighting; and height, size, location, quantity and variety of all plant materials.
- (d) Proof of all applicable approvals from State and County officials or from other agencies outside the Township having jurisdiction.

- (e) Minor changes from the approved Subarea Development Plan may be allowed in the site plan without the necessity of Planning Commission action if the Township Building Official certifies in writing that the proposed revision does not alter the basic design nor any specified conditions of the Subarea Planned Development Plan as agreed upon by the Planning Commission and the Township Board.
- (f) An Affidavit of the master developer evidencing that in the opinion of the master developer the site plan is in conformance with the District Plan and the applicable Subarea Development Plan.
- (g) A table identifying existing and maximum development of the site plan, including building heights, building volume capacity, footprint capacity, setbacks, parking and parking area standards, circulation and roadways, driveways, impervious surface area capacity, and site coverage.
- (h) A statement of the conceptual design guidelines governing the function, order, identity and visual appeal of development within the site plan.
- (i) A table indicating the following information:
 - 1. The Total Subarea Building Volume Capacity;
 - 2. The Total Subarea Impervious Surface Area Capacity;
 - 3. The total building volume reduction caused to the Subarea Building Volume Capacity due to the specific development or developments contemplated by the site plan and the resulting net amount of Subarea Building Volume Capacity remaining after such reduction; and
 - 4. The total impervious surface area reduction caused to the Subarea Impervious Surface Area Capacity due to the specific development or development contemplated by the site plan and the resulting net amount of Subarea Impervious Surface Area Capacity remaining after such reduction.

Section 6.13.8 CONDITIONS OF DEVELOPMENT:

After the approval of the Subarea Planned Development Plan, the use of land and

construction, modification or alteration of any buildings or structures within the Planned Redevelopment will be governed by the approved Subarea Planned Development Plan, the Act 250 Development Plan Amendments relevant to the applicable subarea and Section 6.13 of this Ordinance. In addition, the following conditions apply to the construction of a Planned Redevelopment:

- (1) Construction in accordance with a Subarea Development Plan shall commence within the time period set forth in the Subarea Development Plan. Failure to commence within that period shall, unless an extension shall have been granted by the Township Planning Commission according to paragraph (2) below, trigger the enforcement provisions of Act 250.
- (2) The Township Planning Commission may extend the time limit for the commencement of construction as follows:
 - (a) If a delay, or anticipated delay, is caused by governmental action without fault on the part of the developer, an extension may be granted for a period not longer than the period of the governmental delay.
 - (b) For good cause shown, an extension may be granted for such period of time as the Township Board deems appropriate.
- (3) No major changes shall be made in the approved Subarea Development Plan, except with the approval of the Planning Commission according to the same limitations and procedure set forth in Section 6.13.5(2). No major changes may be made in the Subarea Development Plan unless they are required for the continued successful functioning of the Planned Redevelopment, or unless they are required by changes in conditions that have occurred since the Subarea Planned Development Plan was approved and such change is incorporated in an approved Act 250 Development Plan Amendment. A major change is any change that does not qualify as a minor change as defined in Section 6.13.7(2)(h) and (3)(e).
- (4) After completion of a development activity and the payment of the proper fees, the Township Building Official, at the master developer's request on behalf of the entity with responsibility for the development activity, shall promptly furnish the master developer with a Certificate of Completion for the development activities completed. The Certificate of Completion by the Township Clerk or the Clerk's Designee shall be conclusive evidence that the development activities have been undertaken in

compliance with the applicable Subarea Planned Development Plan and all applicable conditions of the Planned Redevelopment. The Certificate of Completion shall be in recordable form and shall constitute the Township's certification that the completed development activities are in compliance with the applicable Subarea Planned Development Plan and all applicable conditions of the Planned Redevelopment. The Township Clerk or the Clerk's Designee shall respond to the master developer's request within thirty (30) days after receipt thereof, either with a Certificate of Completion or a written statement indicating, in adequate detail, that the entity with responsibility for the development activity has failed to complete the development activity in compliance with the applicable Subarea Planned Development Plan and all applicable conditions of the Planned Redevelopment and what measures or act will be necessary, in the opinion of the Township Clerk or the Clerk's Designee, for the entity with responsibility for development activity to take or perform in order to obtain the Certificate of Completion. If the Township Clerk or the Clerk's Designee requires additional measures or acts of the entity with responsibility for the development activity to assure compliance, the master developer on behalf of the entity with the responsibility for the development activity shall resubmit a written request for a Certificate of Completion upon compliance with the Township Clerk's or the Clerk's Designee's response. If the Township Clerk or the Clerk's Designee fails to respond to the master developer's request within a thirty (30) day period, then such items covered in the request shall be deemed approved.

- (5) The Township Board may at any time request written records on the progress and development of the proposed Planned Development. If at any time the Township Board is satisfied that the permittee has permanently abandoned the development of the Planned Redevelopment or failed to follow the Subarea Planned Development Plan, it shall follow the enforcement procedures set forth in Public Act 250.
- (6) If any provisions or terms of this Ordinance amendment conflict with any provision or term of the Township's zoning or other ordinance, the provisions and terms of this ordinance amendment shall control.

Section 6.15 Schedule Limiting Height, Bulk, Density and Area by Zoning District:

(1) Notes to Schedule of Regulations:

- (a) See Article VIII, Section 8.3, Planned Unit Development, for flexibility and lot reduction allowances.
- (b) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel 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 following minimum Lot Area shall be required in the R-1M District:

One-Family	10,000 square feet for each dwelling unit.
Two-Family	6,000 square feet for each dwelling unit.
Multiple-Family	8,000 square feet for the first dwelling unit, 6,000 square feet additional 3 bedroom unit, 4,500 square feet additional for each additional 2 bedroom unit and 2 bedroom unit and 3,000 square feet additional for each additional 1 bedroom or efficiency unit.
Tourist or Lodging Houses	10,000 square feet, plus an additional 500 square feet for each non-resident person accommodated.

See also Section 6.4.6. of this Article, Group Housing Developments, for flexible application of lot size requirements.

- (d) Front yards in the C-1 District shall be appropriately landscaped and maintained and, except for necessary drives and walks, it shall not be used for parking, loading, or accessory structures.
- (e) Side yards in the C-1 District and side and rear yards in the C-2 District shall be ten (10%) percent of the lot width and depth, respectively, but need not exceed twenty-five (25) feet each; PROVIDED that no setback shall be less than ten (10) feet.

- (f) Front yards shall be forty (40) feet, except when all frontage on one side of a street within a block is zoned C-2 General Business and when forty per cent (40%) or more of the block has been developed with buildings, the average setback of said existing buildings shall apply to new construction on vacant lots in the block.
- (g) Setbacks along South Airport Road: Yard setback requirements for developments in the C-2, General Business District, north of South Airport Road between Barlow Road and the Cherryland Mall, shall be as required in the C-1, Local Business
- (h) See Section 6.8 of this Article for standards, procedures, and requirements of the C-4 Planned Shopping Center District
- (i) Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for storage, parking or accessory structures
- (j) (deleted 6-1-97 - Amend. 193A))
- (k) An agricultural operation which includes the raising and keeping of livestock for profit shall have a lot area of not less than ten (10) acres.
- (l) Structures for agricultural operations, such as barns and silos, may be permitted up to seventy-five (75) feet in height
- (m) Height, bulk, density and area requirements for mobile home subdivisions are the same as those for the R-1B District. Such requirements for mobile home parks are spelled out in Article VIII, Section 8.2.
- (n) Zero Lot line may be approved by the Zoning Board of Appeals.
- (o) Accessory structures shall be setback a minimum of 10 feet from any rear yard line.
- (p) Individual lot areas in plats recorded subsequent to the date of this amendment may be less than the required minimum PROVIDED the average lot size in the recorded plat is not less than the required minimum and PROVIDED FURTHER that any required lot size is not less than seventy percent (70%) of the required lot area. Provision for reduced lots shall be stated on the recorded plat such that minimum average lot sizes will be maintained in the event of any subsequent amendments to the plat. No more than ten percent (10%) of the total lots in the plat shall contain less than the required minimum lot area.

- (q) Lot widths shall be seventy (70) feet per unit for the first two units, ten (10) additional feet for (each of) the next six (6) units and (5) additional feet for each additional unit to a maximum of two hundred fifty (250) feet.
- (r) Lots in subdivisions having stubbed sewers shall be considered as sewered.
- (s) Lot coverage in the A-1, Agricultural District for one (1) acre sites shall be a maximum of twenty percent (20%).

SECTION 6.15 SCHEDULE OF REGULATIONS
SECTION 6.15.1 SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT:

Item No.	Zoning District	Minimum Zoning Lot or Land Use Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Set Back (Per Lot in Feet)			Maximum % Lot Areas Covered By All Structures	Minimum Cross Section
		Area in Square Feet	Width in Feet	Height - Stories	Height in Feet	Front	Each Side	Rear		
(1)	R--1A One Family Rural Residential	1 Acre (A) *	110(B)	2 ½	35	30	15	35 (O)	20%	24
(2)	R--1B One Family Residential without Public Sewer	20,000	100 (A,B)	2 ½	35	30	10	30(O)	30%	24
	R--1B One Family Residential with Public Sewer	15,000 (R)	100 (A,B)	2 ½	35	30	10	30(O)	30%	24
(3)	R--1C One & Two Family Residential				35	30	10	30(O)	30%	24
	R--1C One Family or Semi-detached without Public Sewer	15,000 (A)	100 (A,B)	2 ½	35	30	10	30(O)	30%	24
	R--1C Two Family or Semi-detached without Public Sewer	13,500 (A)	80 (A,B)	2 ½	35	30	10	30(O)	30%	24
	R--1C One Family with Public Sewer	12,000 (A,R)	80 (A,B)	2 ½	35	25	Total 15' with min 5'	25(O)	30%	24
	R--1C Two Family or Semi-detached with Public Sewer	10,000 (A) ^o	75 (A,B)	2 ½	35	25	(N)	25(O)	35%	24
(4)	R--1M Multiple Family Residential	(C)	70(Q)	3	40	25	10	30	35%	24
(5)	R-1MH Mobile Homes	(M)	(M)	(M)	(M)	(M)	(M)	(M)	(M)	

*Letters in parenthesis refer to the Section 6.15 (1) Notes to Schedule of Regulations

SECTION 6.15 SCHEDULE OF REGULATIONS**SECTION 6.15.1 SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT:***(continued)*

Item No.	Zoning District	Minimum Zoning Lot or Land Use Size per Dwelling Unit			Maximum Height of Structures		Minimum Yard Set Back (Per Lot in Feet)			Maximum % Lot Areas Covered By All Structures	Minimum Cross Section
		Area in Square Feet	Width in Feet	Height - Stories	Height in Feet		Front	Each Side	Rear		
(6)	C-1 Local Business	10,000	70	2	28		25(D)	(E)	30	-	
(7)	C-1-O Professional & Comm. Office	10,000	70	2	22		25(D)	20	30	-	24
(8)	C-2 General Business	15,000	100	2 1/2	35		40(F) (G)	(E)	(E)	-	
(9)	C-3 Highway Service	10,000	100	2	28		50	20	30	--	
(10)	C-4 Planned Shopping Center	(H)	(H)	(H)	(H)		(H)	(H)	30	--	
(11)	MUIBD Mixed Use Industrial Business District	-	150	3	40		40(I)	15	20	--	
(12)	A-1 Agricultural	1 acre (A,K,P)	110	2 1/2	35(1)		30	20	35	(S)	24
(13)	P-1 Vehicular Parking	(H)	(H)	(H)	(H)		(H)	(H)	(H)	--	

*Letters in parenthesis refer to the Section 6.15 (1) Notes to Schedule of Regulations

ARTICLE VII
SUPPLEMENTARY REGULATIONS

Section 7.1 Miscellaneous Regulations

Section 7.1.1 Prior Building Permits: Any building permit issued prior to the effective date of this Ordinance shall be valid, in accordance with its terms, even though not conforming to provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one and one-half (1-1/2) years after issuance of the building permit.

Section 7.1.2 Sanitation Requirements: No structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it meets the following requirements.

- (1) Compliance shall be had with all provisions of the Environmental Health Regulations for Grand Traverse County, as the same may be amended from time to time and violation of any provision of that Ordinance shall constitute a violation of this Ordinance.
- (2) Every sub-surface disposal system shall be located at least seventy-five (75) feet from the high-water mark or normal stream bank or flood plain of the Boardman River or any lake, bay, stream or other body of water, excepting that in the Commercial Districts and Industrial Districts every such system shall be located at least one hundred (100) feet from such high-water mark, normal stream bank or flood plain.
- (3) Under no condition may the overflow of 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 sub-surface disposal system shall be located at least four (4) feet above the high-water mark or flood plain level of such body of water. All effluent from all septic tanks located with seventy-five (75) feet of the high-water mark of any body of water shall be discharged in tile fields or drainage beds.
- (4) 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.

Section 7.1.3 Soil Profile: Compliance shall be had with all provisions of the Environmental Health Regulations for Grand Traverse County, as the same may be amended from time to time and as related to soil profile tests to determine suitability for building or structure placement.

Section 7.1.4 Review of Building Design Near Public Buildings and Sites: The design of proposed non-residential buildings within five hundred (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 centers, or hospitals, shall first be approved by the Board of Appeals 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.

Section 7.1.5 Airport Zoning: Notwithstanding any other provisions of this Ordinance, any airport zoning regulations which have been adopted by Grand Traverse County, or a joint airport zoning board pursuant to Act 23, Public Acts of 1950, shall prevail. In the event of conflict with respect to height or structures or trees, the use of land, or any other matter between this Ordinance and any airport zoning regulations, the limitations and requirements most conducive to airport and air travel safety shall govern.

Section 7.1.6 Temporary Dwelling Structures: No garage, cellar, basement, trailer, or other temporary structure, whether fixed or movable, may be erected, altered, or moved upon any premises and used for any dwelling purpose whatsoever, except under the following conditions:

- (1) An application for a permit for the location and construction of such temporary dwelling structure shall be approved by the Board of Appeals and the permit issued shall clearly set forth a specified time that such temporary use shall be terminated.
- (2) The location and construction of such temporary dwelling structure shall conform to all of the regulations governing all ordinary structures in the District in which it is situated.
- (3) The location and use of such temporary structure shall not be injurious to the surrounding property or neighborhood.
- (4) The water supply and sanitary facilities serving each such temporary dwelling structure shall conform to Section 7.1.2 of this Article.

Section 7.2 Supplementary Use Regulations:

Section 7.2.1 Supplemental Highway Setback Lines: Are hereby established parallel to the right-of-way of all public highways located outside of villages, incorporated or unincorporated, subdivisions and plats of record. Such setback lines shall be located outside of the highway right-of-way and shall be equal to one-half (.) the width of the difference between the existing highway right-of-way and that specified as part of the Comprehensive Development Plan. All minimum yard setbacks established in Article VI, Section 6.11 shall be in addition to such setbacks.

Section 7.2.2 Use of Structure for Temporary Dwelling: No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance. No partial structure or other temporary structure whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time unless authorized by the Board of Appeals by the issuance of a temporary permit as provided for in Article V, Section 5.4.4.

Section 7.2.3 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. An accessory building not attached and not made a part of the principal building shall:

- (1) not be nearer than ten (10) feet from any other separate structure on the same lot;
- (2) not be erected in any minimum side yard setback nor in any front yard;
- (3) not occupy more than twenty-five percent (25%) of a required rear yard;
- (4) not to exceed one story or eighteen (18) feet in height nor exceed the ground floor area of the principal building within Residential Districts and on lots of less than two (2) acres in the Agricultural District;
- (5) not be closer to the side street lot line than the side yard setback of the principal building on a corner lot within Residential Districts.

Section 7.2.4 Signs:

- (1) Prohibited Signs - All Zoning Districts: The following signs shall not be allowed in any district.
 - (a) Signs which do not relate to existing business or products.
 - (b) Signs which are illegal under State laws or regulations and/or applicable local ordinance or regulations.
 - (c) Signs that are not clean and in good repair.
 - (d) Signs not securely affixed to a substantial structure including signs, which are not customarily vehicular signage, placed on parked vehicles. This standard does not apply to banners excluded from the provisions of subsection (k) below.

- (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 which fail to satisfy applicable standards set forth in this Ordinance.
 - (g) Signs, except those established and maintained by Municipal, County, State or Federal governments, located in, projecting into, or overhang within a public right-of-way or dedicated public easement.
 - (h) Free standing signs in excess of twenty (20) feet in height, or having an overall outside measurement of sign face and supporting structure which encompassed an area greater than two and one-half (2.5) times the size of the maximum allowable square footage of the sign face itself.
 - (i) Signs which revolve, move, or flash, including electronic changeable message boards running animated displays or sequential messaging, (including scrolling and moveable text and video messages), or any combination of the foregoing. Instant re-pixelization shall not be considered scrolling, moveable text, or video.
 - (j) Airborne or inflatable devices, including but not limited to balloons, situated, displayed or tethered in such a manner as to draw attention to a product, business or location.
 - (k) Flags, banners or pennants used for the purpose of attracting attention or advertising, however, excluding:
 1. official government, trademarked or otherwise commercially recognizable, corporate, or institutional flags;
 2. family flags used as part of the landscape of a legal land use;
 3. festival banner flags; and
 4. banners used as temporary signs for the purpose of a temporary outdoor use permitted by Section 6.5.3 (3) of this Ordinance.
 - (l) Persons dressed in costume and/or carrying/holding signs for the purpose of advertising or otherwise calling attention to a business or product when standing within ten (10) feet of a public road right-of-way.
 - (m) Signs which do not meet the dark sky requirements of Section 7.1.2 Outdoor Lighting Requirements.
- (2) R-1A, R-1B and R-1C Residential Districts: In the R-1A, R-1B and R-1C Districts the following signs shall be permitted:
- (a) One non-illuminated sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot, such sign being placed no closer to the street or highway line than fifteen (15) feet.
 - (b) One non-illuminated sign advertising a home occupation or professional service not to exceed three (3) square feet in area and attached flat against a building wall.

- (c) One sign, not exceeding sixteen (16) square feet in sign face area, which is part of the entrance treatment to a housing development, such as platted subdivision or site condominium. Notwithstanding Section 7.12.2(b), such sign may be illuminated as regulated by Section 7.12.2(3), (4), and (5).
 - (d) Signs containing the words "NO HUNTING" or "NO TRESPASSING" not in excess of one (1) square foot in size.
 - (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) A project development sign is allowed when a PUD, PURD, Site Condominium or Subdivision is being developed. The project development sign must be removed when the project's permanent signage is placed.
- (3) R-1M, Multiple Family and R-1MH Mobile Home Districts: In the R-1M, Multiple Family, and R-1MH, Mobile Home Districts, the following signs shall be permitted:
- (a) All signs permitted in the R-1A, R-1B and R-1C Districts.
 - (b) One sign, not exceeding sixteen (16) square feet in sign face area, which is part of the entrance treatment to a multi-family, mobile home housing, or similar development. Notwithstanding Section 7.12.2(b), such sign may be illuminated as regulated by Section 7.12.2(3), (4), and (5).
- (4) C-1 through C-4 Commercial Districts: In Districts C-1, C-1-O, C-2, C-3 and C-4, the following signs shall be permitted:
- (a) All signs permitted in any residential district and subject to the same limitations required for those districts.
 - (b) On premise signs, freestanding, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises, subject to the following conditions.

In C-1, C-2 and C-3 Districts only one (1) free-standing sign shall be allowed along any major thoroughfare. Such signs shall be set back ten (10) feet from any public street right-of-way. In planned highway commercial districts including multiple businesses, one (1) free-standing sign structure may be utilized to identify the district development, PROVIDED, such sign is set back twenty-five (25) feet from any public street right-of-way. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot

width in excess of 100 feet to a maximum of 80 square feet.

The total area of all signs on any wall shall not exceed twenty percent (20%) of the area of such wall, and shall not exceed 100 square feet in area. The height of any such sign shall not exceed the height of the building.

Signs with static messages or images that change are permissible, provided, the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a state display in the event of mechanical or electronic failure. Time, temperature, gasoline pricing and similar changeable letter signs, not exceeding twenty (20) percent of allowed sign face area, may be incorporated with signage allowed under Section 7.2.4(4) and (5).

- (c) Signs may be illuminated but all light sources and immediately adjacent reflecting surfaces shall be shielded from view. Sign luminance level, beginning one hour after sunrise and continuing until one hour before sunset, shall not be greater than 3,000 candelas per meter squared, and greater than 100 candelas per meter squared at all other times.

Time and temperature, gasoline pricing and similar changeable letter sign luminance shall not be greater than 400 candelas per meter beginning one hour after sunrise and continuing until one hour before sunset and not be greater than 40 candelas per meter squared at all other times.

- (d)
 1. Other than as specifically provided below, Temporary Signs and Portable Signs shall not be permitted in any location. For purposes of this prohibition, "Temporary Signs" shall mean: Any sign that is not permanent; and the term "Portable Sign" shall mean: A sign which rests on the ground or any other surface, and is not permanently attached to such surface.
 2. Notwithstanding the foregoing prohibition, Temporary Signs shall be permitted as follows:
 - a. Temporary signs advertising special events, grand openings, going out of business, or other temporal events shall be permitted provided that they are affixed to and overlay existing permitted signage and do not exceed the square footage of such existing signage, and are in place a maximum of forty-five (45) days in any one hundred eighty (180) day period.
 - b. Banners used as temporary signs for the purpose of a temporary outdoor use permitted by Section 6.5.3 (3) of this Ordinance, provided that:
 - i. Only one (1) banner per temporary outdoor use shall be permitted unless the event is located on a corner lot, in which case a maximum of two (2) banners shall be permitted.
 - ii. The maximum size of any one (1) banner shall be twenty (20) square feet. Where two (2) banners are permitted, the maximum combined size shall be thirty-two (32) square feet.
 - iii. The banner shall be located not more than five (5) feet from the temporary outdoor use.

- iv. When affixed to a tent, no banner shall be erected higher than the eave of the tent. A freestanding banner attached to a pole or similar supporting structure shall not exceed a height of ten (10) feet, measured to the top of the banner.
 - v. No illumination shall be permitted
 - vi. Sign permits shall be required and shall be approved only for the specific duration of the temporary outdoor use.
- (e) Official governmental, trademarked or commercially recognizable, corporate, or institutional flags, when flown on standard flag poles not exceeding thirty-five (35) feet in height or attached to street lighting or similar poles as festival banner flags, shall not exceed six (6) feet by ten (10) feet in size. Festival banner flags shall not exceed two (2) feet by four (4) feet in size.
- (f) Directional signs not exceed three (3) feet in height and two (2) square feet in sign face, to a maximum of two per curb cut entrance to the property.
- (g) In the C-4 District signs shall be designed as an integral part of the planned shopping center development and shall be approved as part of the procedures indicated in Section 6.8. Signs advertising or identifying the owner or occupant of a given building or portion thereof shall be placed on the structure of buildings or business itself. Other signs along roadways, etc., shall be directional and identify the center only and not the individual occupants.
- (h) One non-illuminated sign advertising the sale or lease of the parcel or building not exceeding sixteen (16) square feet in area on any one (1) parcel, such sign being placed no closer to the street or highway line than fifteen (15) feet.
- (5) A-1, Agricultural District: In the A-1 District, the following signs shall be permitted.
 - (a) All signs permitted in the R-1A, R-1B and R-1C Residential C-1 through C-4 Districts, and subject to the same limitations required for those Districts.
 - (b) One non-illuminated sign advertising the sale of farm products grown on the premises not to exceed fifty (50) square feet in area and placed no closer to any street or highway right-of-way than twenty-five (25) feet.
 - (c) Memorial or historical signs such as "Centennial Farm" signs and/or other signs representing awards won by the farm unit and/or its proprietors.
- (6) MUIBD, Mixed Use Industrial Business District: In the MUIBD Mixed Use Industrial Business District (other than along or adjacent to Birmley, Hammond and Hartman Roads as provided elsewhere herein), the following signs shall be permitted:
 - (a) All signs permitted in the R-1A, R-1B, R-1C, C-1, C-1-O, C-2, C-3, C-4 and A-1 Districts and subject to the same limitations required for those Districts.
 - (b) Outdoor Advertising Signs (Billboards)

1. Purposes: The purposes of this Section are:
 - a. Protect the Township's distinctive community character and natural landscape;
 - b. Protect the Township's scenic resources, scenic roadsides, and view sheds;
 - c. Enhance the economic base associated with tourism and the community's overall economic well-being by protecting the natural, scenic beauty of the Township;
 - d. To foster and enhance the Township's dark sky policy; and
 - e. To satisfy the public need for commercial information disseminated by billboards.
2. In light of the findings made by the Township (in connection with the 2002 amendment to these regulations) with respect to the extent and sufficiency in number of billboards and outdoor advertising signs within the Township, and notwithstanding anything contained in this Section to the contrary, no permit shall be issued for a billboard or outdoor advertising sign if construction of the billboard or outdoor advertising sign will result in there being more than twenty (20) billboard or outdoor advertising sign structures or forty (40) billboard or outdoor advertising sign faces in the Township. Lawfully constructed non-conforming billboards or outdoor advertising signs shall be counted for purposes of this Section.
3. Notwithstanding the provisions of this Section 6 above, no billboards or outdoor advertising signs shall be permitted in the MUIBD Mixed Use Industrial Business District on any property abutting or within two thousand six hundred forty (2,640) feet of Birnley, Hammond and Hartman Roads.
4. Dimensional Requirements, spacing and lighting:
 - (a) No billboard, advertising sign boards, or advertising structures shall be more than two hundred thirty (230) square feet in area or more than thirty (30) feet in height; and PROVIDED FURTHER the distance between such billboards or signs shall not be less than one thousand four hundred (1,400) feet.
 - (b) Billboard or highway advertising sign luminance shall not be greater than 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset, and greater than 200 candelas per meter squared at all other times. Billboard lighting shall meet the requirements of Section 7.12.2(3).
 - (c) Signs with static messages or images that change are permissible, provided the rate of change between two static messages or images is not less than ten (10) seconds. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.

5. Nonconforming Billboards: Nonconforming billboards, nonconforming due to their location within a zoning district other than the MUIBD Mixed Use Industrial Business District, may not be converted to any form of electronic display, whether static or changeable.
 6. Billboards shall be subject to the requirements of Section 7.2.4(1).
- (7) **PLANNED UNIT DEVELOPMENT SIGNS:** All proposed signs within a Planned Unit Development shall be submitted to the Planning Commission for final review and approval. Within such developments, the following signs may be permitted:
- a. Residential Uses:
 - i. For single family detached and semi-detached dwelling uses, all signs permitted in the R-1A, R-1B and R-1C Residential Districts and subject to the same limitations required for those districts.
 - ii. For any other residential use, all signs permitted in any residential district and subject to the same limitations required for those districts.
 - b. Commercial and Office Uses:--
All signs permitted in the underlying zoning district, and subject to the same limitations required for those districts.
 - c. The Planning Commission shall have the authority to increase the maximum sign standards permitted under subsections a and/or b above, subject to the limits of the maximum sign standards of the R-1A, R-1B and R-1C Residential Districts for residential uses and the C-1, C-1-O, C-2 and C-3 Commercial Districts for commercial or office uses, based upon appropriate findings of fact demonstrating that:
 - i. The maximum sign standards of the underlying zoning district do not provide for the reasonable use of the parcel as provided for within the planned unit development.
 - ii. The proposed modification is appropriate for the site, compatible with surrounding land uses, and necessary for the reasonable use of the parcel as provided for within the planned unit development.
 - iii. The increase in permitted sign standards are, in the determination of the Planning Commission, the minimum increase(s) necessary to ensure that the proposed sign(s) is appropriate in scale, bulk and location relative to the site and surrounding land uses.
 - iv. All approved modifications from the required sign standards shall be specific to the sign(s) approved by the Planning Commission.
 - d. The Planning Commission shall have the authority to increase the maximum sign standards permitted under subsection c above, based upon appropriate findings of fact as required in that subsection. For all signs approved under this subsection, the standards of Section 8.10 shall be complied with, including the requirement for a public hearing but excepting the requirement of Township Board approval.
 - e. An applicant shall have the option of submitting a conceptual signage plan indicating the number, location and maximum sign size for all signs within a development or within a specified portion of a development. Planning Commission review and approval of the

conceptual signage plan shall be deemed to be a final review and approval as required by the provisions of this section.

(8) PERMITS

All signs shall require individual sign permits issued by the Zoning Department.

Section 7.2.5 Mining or Removal of Topsoil: No topsoil shall be removed for purposes of resale nor shall any open pit mining for the purposes of extracting sand, gravel or minerals be permitted in the A-1 zone within 200 feet of any public highway nor within 50 feet of any side or rear lot lines of any lot adjoining land zoned for residential uses, unless the removal within said restricted areas in this zone shall have been first approved by the Board of Appeals.

- (1) Excavation of Topsoil: Topsoil shall not be stripped, excavated, or otherwise removed on any premises on which the topsoil was originally located except as authorized by the Board of Appeals as part of a Special Use Permit for sand, gravel pit, or quarries operations outlined in Article VIII, Section 8.7.

Section 7.2.6 Outdoor Storage: No land in any District shall be used in whole or in part for the storage of unused or discarded equipment or materials, or the storage of unlicensed cars, boats, salvage, waste and junk outside of properly authorized buildings within said District, except when such outdoor storage is customarily incidental and accessory to the principal use of the property.

Section 7.2.7 Storm Water Detention: When any land in the Township is developed or altered in any way which affects storm water runoff, the owner shall develop and submit to the Zoning Administrator a plan for detaining any storm water runoff onto adjacent properties including roads and other rights of way which shall result in the maximum amount of storm water runoff not exceeding that which existed prior to the development or improvement of the property. Approval of such plan shall be required by the Zoning Administrator before a land use permit is issued. The Zoning Administrator shall approve the plan only if it meets the foregoing criteria. No contemplated development shall take place until such a plan is approved by the Zoning Administrator. No development shall take place excepting in conformity with an approved plan.

Section 7.2.8 Service Drives: All land in a parcel having a single tax code number or contiguous parcels owned by a single individual, or related individuals, or other entity or related entities, as of the effective date of this amendment, fronting on a state highway or county primary road shall be entitled to one (1) driveway or road access per parcel from said highway or road. Parcels when subsequently subdivided, either as metes and bounds described parcels, as a plat created in accord with P.C. 288 of 1967, as amended, or as a site condominium in accord with Act 59 of 1978, as amended, shall provide access by subdivision roads, other private or public roads or by service drives. Notwithstanding the requirements of the Garfield Township Subdivision Control Ordinance No. 19, the standards for service drives shall be as follows:

- (1) Width: A minimum of twenty (20) feet with construction to Grand Traverse County Road Commission standards for base and thickness of asphalt.
- (2) A minimum of fifteen (15) feet 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 (15) feet from the major thoroughfare right-of-way.

- (3) All driveway radii shall be with concrete curbs.
- (4) The center line of service drives intersecting with a public or private road which in turn intersects a major thoroughfare shall be at least 150 feet from the nearest edge of the traveled portion of the major thoroughfare to provide for adequate stacking and maneuvering on the public or private road.
- (5) The service drive shall be a private road maintained by adjoining property owners or users who shall enter into and record an agreement for the joint maintenance of the service drive in a reasonably safe condition.
- (6) Landscaping along the service drive shall be in accordance with Section 7.13 of the Zoning Ordinance. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners' association.
- (7) The Township Planning Commission shall review and approve all service drives to ensure consistency with the Township's Access Management Guidelines.

Section 7.3 Supplementary Height Regulations:

Section 7.3.1 Permitted Exceptions, Structural Appurtenances: When a given use is permitted in any District, the following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- (1) **Ornamental** in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles, **PROVIDED**, that such structural elements do not exceed twenty per cent (20%) of the gross roof area.
- (2) **Appurtenances to mechanical or structural functions**, such as chimney and smoke stacks, water tanks; elevator and stairwell penthouses, ventilators, bulkheads, radio tower, aerials, fire and hose towers and cooling towers.
- (3) **Commercial freestanding towers** when not attached to a building or structure, shall be constructed under applicable State and Federal regulations and approved by the Zoning Board of Appeals. Radio, television and other antenna structures shall be located only in Sections 5 and 6 and the North half of Section 7 of the Township.

The foregoing permitted exceptions shall not be used for human occupancy.

Section 7.3.2 Permitted Exceptions, Residential Districts: There shall be no exceptions permitted for residential structures; school and church structures in residential districts may be permitted to exceed height limitations by action of the Board of Appeals. Such variances shall be permitted, **PROVIDED** each front, side and rear yard minimum is increased one (1) foot of height above the district maximum.

Section 7.3.3 Permitted Exceptions, Business and Industrial Districts: In any business or industrial district, any principal building may be erected to a height in excess of that specified for the district, **PROVIDED** each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district maximum.

- (1) In those commercial or industrial districts not requiring yard setbacks, any portion of a principal building may be erected to a height in excess of that specified for that particular district, **PROVIDED** that such portion is set back from all street, lot, and required yard lines one (1) foot from each one (1) foot of additional height.

Section 7.4 Supplementary Area Regulations:

Section 7.4.1 Lot Area: Any lot existing and of record on the effective date of this ordinance may be used for any permitted use specified for the District in which such side 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 (1) dwelling unit shall occupy any lot except in conformance with the required lot area for each dwelling unit.

Section 7.4.2 Minimum Side Yard Setback On Corner Lots: A minimum street side yard set back of twenty (20) feet shall be required on all residential lots; twenty-five (25) feet on all lots in the C-1 and C-2 Districts; thirty (30) feet on all other commercial lots; and forty (40) feet on industrial lots to assure adequate sight distance across the corner. Unless other circumstances dictate, the front yard will be along the street with the greatest number of adjacent lots.

Section 7.4.3 Supplemental Setbacks for Planned Unit Developments, Mobile Home Parks and Other Group Housing Developments:

- (1) 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, mobile home parks and other group housing developments 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.
- (2) **Periphery Setbacks:** All buildings, including single family homes within a planned unit development or group housing development and 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 7.5 Supplementary Shoreland Regulations:

Section 7.5.1 Intent and Purpose: It is the intent and purpose of this Ordinance to protect water quality and land resources related to lake, river and stream shorelines within Garfield Township and to enhance the future health, safety and welfare of Township residents.

Section 7.5.2 Easement to Water Front: In the event any land having water frontage is used for group easement or beach purposes, it shall have a minimum frontage on the water of not less than fifty (50) feet, measured at the water mark, and shall contain an additional five (5) feet for each family unit having easement or use privileges. Individual docks, boat hoists and related installations shall not exceed one unit per fifty (50) feet of shoreline, measured at the water mark. Group docking, hoist and other related facilities shall be subject to review and approval by the Zoning Board of Appeals.

Section 7.5.3 Filling and Grading Within 200 Feet of the Water Mark or Normal Stream Bank: The following rules shall apply to any filling, grading or any other earth movement within 200 feet of the water park or normal stream bank of any lake, river, stream, or other body of water to prevent harmful erosion and related sedimentation:

- (1) The smallest amount of bare ground shall be exposed for a short a time as feasible.
- (2) Temporary ground cover such as mulch must be used as soon as possible and permanent cover such as sod be planted.
- (3) Diversions, silting basins, terraces and other methods must be used to trap any sediment.
- (4) Fill must be stabilized according to accepted engineering practices.

Section 7.5.4 Riparian Vegetative Buffers: The purpose of this regulation is to preserve and protect the water quality of the lakes and streams of our region. These regulations seek to balance the protection of the ecosystem while allowing development where appropriate. The purpose of the proposed vegetated buffer strip includes, but is not limited to, preservation and/or enhancement of vegetation along lake-stream banks, maintaining lake-stream bank stabilization, preventing soil erosion along, and sediment from entering the water bodies, allowing for nutrient absorption, providing wildlife habitat and corridors, screening man-made structures, and providing shade, wood or wooden fiber material, and vegetative "tea" for a healthy fishery.

Subject to Section 7.5.5, a vegetated buffer strip shall parallel and extend thirty-five (35) feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank, with the exception of on-site storm water ponds and artificial water bodies created as a part of site landscape treatment which does not flow or overflow into a natural lake-stream. The general standards for the buffer strip are as follows:

- (1) The buffer strip shall consist of native trees, shrubs and other vegetation. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, may be removed. Trees and shrubs shall not be removed but may be pruned for a filtered view of the lake-stream, however, clear cutting shall be prohibited.
- (2) Subject to (1) above; ground cover vegetation shall be left in a natural state and shall not be removed. Chemical control and/or fertilization of vegetation shall be prohibited.
- (3) Footpaths, bicycle paths and hiking paths as well as fences, walls and stairways may be constructed under the following conditions:
 - (a) All hiking trails or walking paths must be constructed of a permeable material.
 - (b) All paths and stairways must be constructed in a location and manner to avoid soil and slope failure.
 - ©) Construction shall avoid removal of existing trees, shrubs and any other vegetation whenever feasible.
- (4) Whenever a buffer strip contains an area of soil erosion or lawn, the planting of native trees, shrubs, or ground covers will be required in accord with Section 7.13, Landscape Requirements.

Reduction of Buffer Area: In the event that the application of the vegetated buffer strip standards of this paragraph, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, the Zoning Board of Appeals may approve a reduction of the buffer area upon a finding that the proposed site plan provides the maximum possible buffer strip, while permitting a reasonable use of the property.

Section 7.5.5 Setback from Lakes, Rivers and Streams: Notwithstanding any other provisions of this Ordinance and provided that compliance is had with the regulations contained in Article V, Section 7.6:

- (1) Every commercial, industrial or multi-family residential building hereafter erected having frontage on any body of water, with the exception of Silver and Boardman Lakes, and with the exception of on-site storm water ponds and artificial water bodies created as part of the site's landscape treatment, shall be set back at least seventy-five (75) feet from the watermark or normal stream bank. Single family residential uses shall observe a setback of fifty (50) feet. Along those sections of the Boardman River controlled under the Natural River Act, PA 231 of 1970, as amended, setbacks shall be as required by the Act.
- (2) Every building hereafter erected having frontage on Silver and Boardman Lakes shall set back at least fifty (50) feet from the water mark.
- (3) Storm water retention or detention ponds, with the exception of customary release structures including pipe, swales and ditches shall be set back fifty (50) feet from a natural lake or normal stream bank.
- (4) Roads and access drives other than where they intersect lakes or streams and for such a distance as is required to cross a lake or stream shall be set back fifty (50) feet from a watermark or normal stream bank.

Section 7.5.6 Review by Michigan Water Resources Commission: If it is determined by the Zoning Administrator that any proposed structure may adversely affect, deteriorate or alter the shoreland resource, preliminary plans and specifications shall be transmitted to the staff of the Michigan Water Resources Commission for review and approval. If it is determined by the Water Resources Commission staff that such development would adversely affect public and private rights, impair the public trust or otherwise deteriorate the unique shoreland resource, such determination shall be considered sufficient justification for denying a building permit.

Section 7.5.7 Setback from Designated Wetlands: When an area meets the criteria to be designated a wetland under the provisions of Public Act 203 of 1979, as amended, no structure or parking lot shall be constructed within twenty-five (25) feet of such wetland unless it has first been approved by the Zoning Board of Appeals upon a finding that the following wetland values will not be impaired by such construction.

- (1) Filtration of stormwater runoff
- (2) Storage of stormwater runoff
- (3) Productivity of plant and wildlife habitat
- (4) Erosion control
- (5) Significant ecological functions
- (6) Water quality maintenance
- (7) Other recognized wetland benefits

Section 7.5.8 Use or Alteration of the Boardman River Valley Environment Area: It is the intent of this section to provide for the appropriate use and/or alteration of lands immediately adjacent to the Boardman River which are, because of elevation, soil type, vegetation and water table, a part of the immediate Boardman River Valley environment and therefore directly influenced by any fluctuations, course changes or flooding, however, are not necessarily within the river flood plain. Subject to any other provisions of this Ordinance, use or alteration of the river environment area may be permitted subject to prior approval of the Michigan Department of Natural Resources and Public Act 245 of Public Act 1929 as amended, PROVIDED, that the use pattern and structures proposed to accomplish said use shall: (*NOTE-BOARDMAN LAKE WATER MARK: 590.0 ABOVE SEA LEVEL):

- (1) Not substantially alter the ground water table or cause pollution of the ground water supply.
- (2) Not substantially affect or cause deterioration of natural valley vegetation.
- (3) Meet the requirements of Section 7.6 in the event such use will alter the configuration of the valley flood plain through fill or excavation.

Section 7.5.9 Minimum Construction Elevations - Silver Lake: Within five hundred (500) feet of Silver Lake, the lowest grade for any building construction or accessory building construction shall be elevation 866.N.V.G.D. Eff. 11/14/91. (NOTE-SILVER LAKE WATER MARK - 863.0 FEET ABOVE SEA LEVEL)

Section 7.6 Flood Plain Controls:

Section 7.6.1 Intent and Purpose: The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain of the Boardman River, its branches and tributaries and Kid's Creek, its branches and tributaries. All land included in the flood plain shall be subject to the requirements specified herein, in addition to the normal zoning district requirements in which said land is located.

Section 7.6.2 Flood Plain Area Identification: Flood plain shall be those designated by the Township Engineer. Delineation of such flood areas shall be based on a reasonable flood expectancy, as determined by flood history or detailed flood plain engineering studies. Such flood areas shall be restricted as to use, building encroachment, and occupancy, so that human life is protected and future flood damage is minimized. In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the extent and location of floodable areas.

Section 7.6.3 Permitted Uses: 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, PROVIDED, that the elevation of the lowest floor designed for human habitation shall be at least three (3) feet above the established flood plain.
- (3) Off-street parking uses, PROVIDED that all parking areas shall conform to the provisions of Article VII, Section 7.8.
- (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.

Section 7.6.4 Restricted Uses: Any structure where human habitation is contemplated either as a place or residence, places of public gathering or employment, shall be prohibited from locating in flood plain areas.

Section 7.6.5 Required Conditions: Any construction within the flood plain shall conform to the requirement of Section 7.5 of this Article and permits for such construction shall not be issued unless they receive review and approval by the Board of Appeals.

- (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 Board of Appeals 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 flow of water, the applicant shall submit such data or studies, prepared by a registered professional engineer, to the Board of Appeals.**
- (3) Filling in flood plain areas to raise lands above the flood plain may be permitted with the approval of the Board of Appeals subject to prior approval of the Michigan Department of Natural Resources and Public Act 245 of Public Act 1929, as amended.**

Section 7.7 Nonconforming Use:

Section 7.7.1 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 non-conformities shall not be enlarged upon, expanded or extended, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same 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 adoption of this Ordinance.

Section 7.7.2 Change of Use: Changes from one non-conforming use to another non-conforming use shall only be permitted with the prior approval of the Zoning Board of Appeals based on a finding that:

- (i) No structural alternations will be made to the buildings situated on the premises; and
- (ii) The proposed change in use would be more suitable to the zoning district in which it is located than the non-conforming use which is being replaced.

Whenever the non-conforming 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 non-conforming use of any building, structure or land is discontinued through vacancy, lack of operation or otherwise for a continuous period of ninety (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 Board of Appeals may, upon application within six (6) months of the termination of said period, permit the resumption of such non-conforming use.

Section 7.7.3 Reconstruction of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the contnd which is damaged by fire, collapse, explosion, acts of God, or act of the public enemy, PROVIDED, that the nonconforming user has first obtained the approval of the Board of Appeals, and wherein the Board of Appeals has first determined that

the continued use will substantially be the same as the previous non-conforming use and that such continued use will not be detrimental to the health, safety and welfare of surrounding property owners.

Section 7.7.4 Repair and Alteration of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, alteration, reinforcement, improvement or rehabilitation of a nonconforming building or structure or part thereof existing at the effective date of this Ordinance that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; PROVIDED, that such repair, alteration, reinforcement, improvement or rehabilitation proposes no change in the use of said building or structure or any part thereof, and PROVIDED FURTHER, that such repair does not exceed an aggregate cost of thirty (30) percent of the assessed value of said structure.

Section 7.7.5 Extension of Nonconforming Use or Structure: The extension of any nonconforming use or addition to any nonconforming structure for the purpose of extending such nonconforming use or structure throughout all or a portion of a given lot or parcel of land shall not be permitted unless the Board of Appeals shall first determine that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners.

Section 7.7.6 District Changes: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 7.8 Off-Street Parking and Loading Regulations:

Section 7.8.1 Requirements: There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use as specified in this Section are based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during the average day.

- (1) Location of residential off-street parking spaces may be within a rear yard or side yard. Off-street parking shall not be permitted within a minimum front yard setback unless otherwise provided in this Ordinance.
 - (a) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
- (2) Location of off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it 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.
- (3) Joint use of off-street parking areas may be provided collectively by two or more buildings or uses, PROVIDED, the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately.
 - (a) In the instance of dual function of off-street parking spaces where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Board of Appeals may grant an exception.
- (4) Fractional spaces: When units of measurements determining the number of required spaces result in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- (5) In cases of uses not specifically mentioned, the requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator considers is similar in type.
- (6) Use of off-street parking areas shall prohibit commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles.

(7) Parking Lot Setback and Design Adjacent to Water Bodies:

Every parking lot or parking area shall be setback at least seventy-five (75) feet from the high watermark or normal stream bank of any lake, river, stream or tributary and shall be so 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 silt, grease, oil or other matter which would deteriorate the water quality of said water body. Parking areas adjacent to lake or stream setbacks shall be provided with curbing or parking bumpers to restrain vehicles within the parking area. Minimum treatment shall consist of retention or detention facilities as required by the Grand Traverse County Drain Commissioner.

Section 7.8.2 Definitions:

- (1) The term "floor area" as applied in this Section is that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, but excluding floor areas which are used or intended for use exclusively for storage, for housing of mechanical equipment integral with the building, hallways, or utilities or maintenance facilities.
 - (a) Measurement of floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
 - (b) Dwelling unit, as used in this Section, shall be consistent with the definition of dwelling unit contained in Article III.
- (2) The term "parking" includes the surface area required for the parking space as specified in Section 7.8.4(2), and in addition that surface area required for maneuvering lanes. For the purposes of calculating parking area ground coverage, two hundred seventy (270) square feet per required parking space may be utilized regardless of the actual ground coverage utilized.

Section 7.8.3 Parking Space Requirements: The number of required off-street parking spaces in all Districts shall be provided in accordance with the following minimum requirements.

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
<p>(1) <u>Residential</u></p> <p>(a) One-family, two family, multi-family, mobile home</p> <p>(b) Housing for the elderly</p> <p>(c) Mobile Home park</p>	<p>Two (2) for each dwelling unit</p> <p>One (1) for each two (2) units, and one (1) for each employee</p> <p>Two (2) for each mobile home site and one (1) for each employee</p>
<p>(2) <u>Institutional</u></p> <p>(a) Churches or temples</p> <p>(b) Hospitals</p> <p>(c) Nursing, convalescent homes</p> <p>(d) Clinics</p> <p>(e) Elementary and junior high schools</p> <p>(f) Senior high schools</p> <p>(g) Auditoriums and theatres</p> <p>(h) Private clubs, swimming pool clubs, or other similar uses</p>	<p>One (1) for each three (3) seats in the main unit of worship</p> <p>One (1) for each bed</p> <p>One (1) for each four (4) beds</p> <p>Four (4) for each doctor plus one (1) for each employee</p> <p>One (1) for each teacher, administrator or other employees, in addition to the requirements of the auditorium</p> <p>One (1) for each teacher, administrator or other employee, and one (1) for each ten (10) students, in addition to the requirements of the auditorium</p> <p>One (1) for three (3) seats plus one (1) for each two (2) employees</p> <p>One (1) for each two (2) members families or individuals plus spaces for each accessory use, such as a restaurant or bar</p>

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
<p>(i) Golf courses open to the general public, except Miniature or "Par 3" courses</p> <p>(j) Fraternity or sorority</p> <p>(k) Stadium or sports arena</p> <p>(l) Child care organizations</p> <p>(m) Libraries, post offices</p> <p>(n) Drive-through only restaurant and drive through business</p>	<p>Four (4) for each golf hole plus one (1) for each two (2) employees</p> <p>One (1) for each two (2) beds</p> <p>One (1) for each three (3) seats</p> <p>One (1) for each three hundred (300) square feet of floor space</p> <p>One (1) for each eight hundred (800) square feet of floor area, plus one (1) for every four (4) employees</p> <p>One (1) for each employee on the largest working shift, plus one (1) for each outdoor table</p>
<p>(3) <u>Business and Commercial</u></p> <p>(a) Planned Shopping Center</p> <p>(b) Miniature or "Par 3" Golf Courses</p> <p>(c) Beauty parlor or barber shop</p> <p>(d) Bowling Alleys</p> <p>(e) Dance halls, pool and billiard parlors, roller or ice skating rinks, exhibition halls without fixed seats</p>	<p>Centers under 600,000 square feet gross leaseable area (GLA), five (5) per 1,000 square feet GLA Centers greater than 600,000 square feet GLA, four and one-half (4.5) per 1,000 square feet GLA</p> <p>Three (3) for each one (1) golf hole, plus one (1) space for each employee</p> <p>Two (2) for each beauty and/or barber shop chair</p> <p>Five (5) for each alley, plus one (1) for each employee, plus accessory uses</p> <p>One (1) for each two (2) persons allowed within the maximum occupancy load as established by fire, building, or health codes</p>

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
<p>(3) <u>Business and Commercial (continued)</u></p> <p>(f) Restaurants, restaurants with drive-through, cafeterias, taverns, bars</p> <p>(g) Furniture and appliance, household equipment, hardware, repair shops, shoe repair, and other similar uses</p> <p>(h) Gasoline service station and automobile repair garages</p> <p>(i) Laundromats and coin operated dry cleaners</p> <p>(j) Mortuary establishments</p> <p>(k) Motel, hotel, tourist home</p> <p>(l) Retail stores, except otherwise specified</p> <p>(m) Motor vehicle sales and service establishments</p> <p>(n) Drive-through only restaurant and drive-through business</p>	<p>One (1) for each seventy-five (75) square feet of floor area</p> <p>One (1) for each eight hundred (800) square feet of floor area</p> <p>One (1) for each service and repair stall, plus one (1) for each worker on each shift</p> <p>One (1) for each two (2) washing or dry cleaning machines</p> <p>One (1) for every fifty (50) square feet of floor area</p> <p>One (1) for each sleeping unit, plus one (1) for each one (1) employee</p> <p>One (1) for each two hundred and fifty (250) square feet of floor area</p> <p>One (1) for each two hundred (200) square feet of floor area of sales room and one (1) for each auto service stall in the service room</p> <p>One (1) for each employee on the largest working shift plus one (1) for each outdoor table</p>
<p>(4) <u>Offices</u></p> <p>(a) Banks, except drive-ins, and business or professional office, including doctors, dentists, or similar professions</p>	<p>One (1) for each two hundred (200) square feet of floor area</p>

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
<p>(5) <u>Drive-ins</u></p> <p>(a) Drive-in banks, cleaners, car laundries and similar uses</p> <p>(b) Drive-in restaurants</p>	<p>Storage space for five (5) cars between the street right-of-way and the customer service area</p> <p>One (1) for each employee on the largest working shift, plus one (1) for each outdoor table</p>
<p>(6) <u>Industrial</u></p> <p>(a) Industrial or manufacturing establishments, research testing laboratories, low-volume retail, and related accessory offices</p> <p>(b) Warehouses or wholesale establishments, and related accessory offices</p>	<p>Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift</p> <p>Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for each eight (800) square feet of floor area, whichever is greater</p>

Section 7.8.4 Off-Street Parking Site Development Requirements: All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

- (1) No parking lot shall be constructed until a permit therefor is issued by the Zoning Administrator.
- (2) 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.

- (a) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	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.

° = degrees

- (b) All parking spaces shall be provided access by means of maneuvering lanes. Backing onto a street shall be prohibited.
- (c) Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. 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.
- (d) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
- (e) All off-street parking areas abutting R-1A or R-1B Districts shall be provided with an obscuring fence no less than four feet six inches (4'-6") in height. Such fences shall be constructed of materials approved by the Zoning Administrator and shall be durable, weather resistant, and easily maintained.
- (f) Except for single-family and two-family residential lots, all parking areas including parking spaces and maneuvering lanes shall be surfaced with seal coat, black top, or other similar material that shall provide a durable, smooth, and dustless surface, and shall be graded and drained to dispose of all collected surface water, unless such

parking areas are designed specifically to retain runoff as part of a storm water retention plan.

- (g) Except for single-family and two-family residential lots, all parking areas with a capacity of four (4) or more vehicles shall provide adequate lighting throughout the hours when the parking lot is in operation. All lighting shall be so installed as to be confined within and directed into the parking area only.
 - (h) A no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.
- (3) All parking areas containing twenty seven hundred (2700) square feet or more of parking area, including access drives thereto, shall be effectively landscaped with planting strips on all sides adjacent to or visible from surrounding properties and on all sides of a public street.
- (a) **LANDSCAPING DEFINED.** Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawn. In addition, the combination or design may include rock ground cover not to exceed twenty (20) percent of the total of any landscaped area, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences, or benches, but such objects alone shall not meet the requirement of this section.
 - (b) **LANDSCAPING DESIGN STANDARDS.**
 - (1) Any required planting strip shall be a minimum of ten (10) feet in width.
 - (2) One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.
 - (3) Where screens of non-living material are used, at least one (1) shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.
 - (4) Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

- (a) Landscaped areas shall be a minimum of seventy five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to create minimum interference with snow removal.
- (5) The selected combination of plant materials shall be a harmonious combination of living deciduous and evergreen trees, shrubs and vines so arranged to present an aesthetically pleasing whole.
- (6) The application of the above standards may be adjusted, in part or in whole, to allow credit for healthy plant material to be retained on or adjacent to the site if such adjustment is consistent with the intent of this Ordinance.
- (b) MAINTENANCE. It shall be the owner's responsibility to see that the landscaping is maintained in a neat, clean, orderly and healthful condition. 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.
- (c) OCCUPANCY. No occupancy of land use shall occur unless the parking and landscape improvements have been completed or a completion bond, a cash deposit, or certified check to cover the cost of the contemplated improvements as estimated by the Zoning Administrator has been deposited with the Zoning Administrator.
- (d) TIME PERIOD. The required improvements are to be completed within one year of the issuance of the land use permit. In the event of unusual delays, or adverse weather conditions that make it impossible to plant, the Zoning Administrator may grant a single extension of the time limit for a further period of not more than six months.
- (4) SNOW STORAGE. Whenever a development requiring off-street parking has parking areas containing twenty-seven hundred (2700) square feet or more, provision shall be made for on-site snow storage area in addition to the required parking lot area. Snow storage shall be provided on the ratio of ten (10) square feet per one hundred (100) square feet of parking lot surface area. Snow storage areas shall be located in such a manner that when utilized they do not interfere with clear visibility of traffic on adjacent streets and highways and the landscaping required in Section 7.8.4(3) is protected from damage.

Section 7.8.5 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 the dedicated public streets. Such space shall be provided as follows:

- (1) Loading space required under this Section shall be provided as area additional to the off-street parking space required in Section 7.8.4 of this Article and shall not be considered as supplying off-street parking space.
- (2) There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height for all uses listed in the following table or for similar uses involving the receipt or distribution by vehicles of materials or merchandise.

Use	Floor Area (Square Feet)	Required Space
Commercial Uses, such as retail stores, personal services, amusement, automobile sales and service.	First 2,000	None
	Next 2,000 or fraction thereof	One (1) space
	Each additional 2,000 or fraction thereof	One (1) space
Wholesale and storage, including building and contractor's yards.	First 20,000	One (1) space
	Each additional 20,000 or fraction thereof	One (1) space
Manufacturing or other industrial uses.	First 20,000 or fraction thereof	One (1) space
	Each additional 20,000 or fraction thereof	One (1) space
Funeral homes, mortuaries	First 5,000 or fraction thereof	One (1) space
	Each additional 10,000 or fraction thereof.....	One (1) space

Use	Floor Area (Square Feet	Required Space
Hospitals	First 10,000	None
	Next 100,000 or fraction thereof	One (1) space
	Each additional 200,000 or fraction thereof	One (1) space
Offices, hotels	First 2,000	None
	Next 50,000 or fraction thereof	One (1) space
Schools, clubs, other public assembly buildings	For each building	One (1) space

7.9

7.9.1

Section 7.9 License Fee For Open Air Markets:

Section 7.9.1: An application for a permit for the maintenance and operation of an open air market shall be made to the Zoning Administrator stating the proposed location of said market and a payment of an annual license fee of \$10.00 shall be made to the Zoning Administrator for the issuance of a permit therefor.

7.10

7.10.1

Section 7.10 Fences

Section 7.10.1: No fence, wall or structural screen, other than plant materials, shall be erected on any residential property greater than seven (7) feet in height. No fence, wall or hedge plantings shall exceed a height of three (3) feet within any residential front yard. On any corner lot or parcel, no fence or planting shall exceed a height of three (3) feet so as not to interfere with traffic visibility across a corner. All such fences shall be maintained in good repair and safe condition, and shall be constructed of materials which will not be detrimental to the health, safety, and welfare of adjacent residents.

7.11

7.11

Section 7.11 Yard Sales:

Yard sales or garage sales may be permitted, PROVIDED, such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety (90) day period. And PROVIDED, FURTHER, that such sales are conducted only on a lot upon which a principal use is located.

7.12 LIGHTING

Purpose and findings: These provisions are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky that have a detrimental effect on the rural atmosphere and astronomical observations and that create glare. It is the intention of this section to:

- Encourage good lighting practices such that lighting systems are designed to conserve energy and money;
- Minimize glare;
- Protect the use and enjoyment of surrounding property; and
- Increase nighttime safety, utility, security, and productivity.

7.12.1 Applicability**7.12.1.1 Generally**

- (A) All outdoor, artificial illuminating devices shall be installed in conformance with the provisions of this section.
- (B) This section does not prevent the use of any material or method of installation not specifically addressed. In considering any deviation from the provisions of this section, the Zoning Administrator shall take into consideration any state-of-the-art technology that is consistent with the intent of this section as new lighting technology develops that is useful in reducing light above the horizontal plane.

7.12.1.2 Exceptions

The following types of light fixtures shall be exempt from the provisions of this section:

- (A) *Low-intensity residential decorative lighting:* Residential decorative lighting including porch lights, low level lawn lights, seasonal light such as for Christmas decorating provided that if any such light is directed toward adjacent residential buildings or nearby land, or creates glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- (B) *Public street luminaires:* Luminaires used for public street illumination may be installed up to the edge of any bordering property.
- (C) *Emergency lighting:* All temporary emergency lighting needed by the police, the fire departments, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this section.
- (D) *Nonconforming fixtures:* All outdoor light fixtures legally installed prior to the adoption of this ordinance may remain unchanged, except that any replacement of the subject light fixtures shall be done in compliance with this chapter.
- (E) *Neon lighting.*
- (F) *Flag lighting:* Luminaires used for the illumination of the flag of the United States of America shall be exempt from the requirements of this section.

7.12.2 Shielding and Filtration

- (A) All nonexempt outdoor lighting fixtures shall be hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way line. Direct or directly reflected light shall be confined to the lot from which it originates. Lighting plans shall be designed so as to avoid the reflection of artificial lighting from rooftops.
- (B) All lighting fixtures shall have one hundred percent (100%) cut off and shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire, as may be certified by a photometric test. The intensity of light at any angle above a cutoff of seventy five (75) degrees shall be less than ten percent (10%) of the peak candela for the luminaire.
- (C) Light source locations shall be chosen to minimize the hazards of glare.
- (D) All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

7.12.3 Illumination**7.12.3.1 Generally**

Illumination levels within a site shall ensure that a site is adequately, but not excessively, lit at night. Where feasible, average lighting values of illuminated areas ranging from 0.5 to 1.5 foot candle are recommended. In order to ensure visibility, safety, and security, without unnecessarily contributing to light pollution and limiting enjoyment of the night sky, the following illumination standards shall apply.

7.12.3.2 Illumination Levels

- (A) Average Illumination Levels. Average illumination levels of the illuminated area shall not exceed the levels set forth in Table 7.12.1 for any use permitted by this section.

Table 7.12.1
Average Illumination Standards

Area/Activity	Foot Candles
Main Parking Area	3.0
Peripheral Parking Area	2.0
Main Drive Areas	5.0
Directly below lighting fixture	20.0

- (B) Illumination at Property Line. Illumination levels at the property line shall not exceed the levels set forth in Table 7.12. 2 for any use permitted by this section. The maximum illumination shall be measured at grade at the property line of the site.

Table 7.12. 2
Illumination Standards at Property Line

Area/Activity	Foot Candles
Residential Zoning Districts	
Adjoining residential zoning district	0.2
Adjoining nonresidential zoning district	1.0
Nonresidential Zoning Districts	
Adjoining another nonresidential zoning district along an arterial	2.0
Adjoining another nonresidential zoning district along collector street	1.2
Adjoining another nonresidential zoning district along local street	1.0
Adjoining another nonresidential zoning district along property line	1.0
Adjoining residential zoning district along arterial	1.0
Adjoining residential zoning district along collector street	0.6
Adjoining residential zoning district along local street	0.4
Adjoining residential zoning district along property line	0.2
Outdoor Events	
Adjoining or within 1,000 feet of residential zoning district	10

- (C) Exceptions to Average Illumination Levels. Automobile dealerships shall be permitted a maximum average illumination level of ten (10) foot candles. Gas stations shall be permitted a maximum illumination level of ten (10) foot candles under a pump island canopy only, provided that all light fixtures under such canopy shall be fully recessed into the canopy structure or otherwise fully shielded.
- (D) Waivers. The approval authority may permit an illumination level higher than specified where a demonstrable need for higher lighting levels exists, as evidenced through competent filings which shall be kept on file by the Township.

7.12.3.3 Color Temperature

Color temperature is measured in Kelvin (K) temperature. In order to minimize negative impacts on circadian rhythms, melatonin production in humans and other animals, and astronomical observation, all proposed lamps shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale.

7.12.4 Prohibitions**7.12.4.1 Mercury-Vapor Fixtures and Lamps**

The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

7.12.4.2 Metal Halide Fixtures and Lamps

The installation of any metal-halide fixture or lamp for use as outdoor lighting is prohibited except as follows:

- (A) For outdoor recreation area and amusement area lighting, provided such are mounted at a sufficient height and are properly equipped with baffling and glare guards to meet the requirements of this section; and
- (B) For automobile and similar outdoor sales areas where a high level of color rendition is essential to the activity being conducted.

7.12.4.3 Laser Source Light

The use of laser source light or any similar high-intensity light is prohibited.

7.12.4.4 Searchlights

The operation of searchlights is prohibited.

7.12.4.5 Certain Other Fixtures and Lamps

The installation of any outdoor lighting fixture or lamp is prohibited unless it complies with the shielding and illumination standards (§ 7.12.2 Shielding and Filtration and § 7.12.3 Illumination) of this chapter.

7.12.4.6 Recreational Facilities

No outdoor recreational facility, public or private, shall be illuminated after 11:00 PM, unless otherwise permitted pursuant to a special use permit, except to conclude specific recreational or sporting events or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 PM.

7.12.4.7 Outdoor Building or Landscaping Illumination

The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited, except with incandescent fixtures of one hundred and fifty (150) watts or less, or low-pressure sodium fixtures.

7.12.5 Pole Height

Unless otherwise permitted by special use permit, the maximum height of any pole-mounted lighting fixture or lamp shall not exceed the maximum permitted height of the zoning district in which the fixture or lamp is located.