



**APPROVED 06/13/2016**

**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
May 9<sup>th</sup>, 2016 7:00 p.m.**

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

**ROLL CALL:**

**PC Members Present:** D. Rosa, D. White, S. Feringa, K. Wentzloff, M. Timmins, T. Forgette, B. Balentine, J. DeMarsh and J. Jessup.

**PC Members Absent:** None

**Staff Present:** S. Winter, Zoning Administrator; J. Iacoangeli, Township Planner; J. Jocks, Counsel (arrived at 7:07pm)

**A. LIMITED PUBLIC COMMENT:** Opened at 7:04pm

Rachelle Babcock, Spoke to the amendment to the site review ordinance. Cautioned Planning Commission (PC) member on taking public review out of the process with the addition of administrative review. Public comment closed at 7:05pm.

**B. APPROVAL OF AGENDA:**

Motion to approve the agenda made by D. White; support by Balentine. Motion passed unanimously

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

Conflict of interest request for New Business item G.1, SUP 2016-01 made by S.Feringa. Recused from that discussion.

**D. CORRESPONDENCE:**

1. GT County Planning Commission comments on ZO Amendment 038 – Temporary Outdoor Sales

Zoning Administrator provided PC with brief summary of the comments from GTC Planning Commission review that was placed on the April 12th GTCPC meeting as a consent item with comments. The consent calendar item was approved unanimously by GTCPC. The Acme Township Board will have the amendment presented with the recommendation to approve at their May 10th meeting.

**E. PUBLIC HEARINGS:**

1. Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review

Hearing opened at 7:06pm. No public comments. Hearing closed at 7:06pm.

2. Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment)

Hearing opened at 7:09pm. No public comments. Hearing closed at 7:09pm

**F. OLD BUSINESS:**

1. Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review

Zoning Administrator read through a highlight summary of the amendment and notable changes that were discussed at the April 11th meeting. Summary included::

#### Administrative Review Process (8.1.2)

- Three member Administrative Review Committee consisting of the Zoning Administrator, the Chair of the PC, and another member of the PC, as well as an alternate appointed by the PC;
- Appointments will be made annually at the time of the PC elections (typically July) and would be a one year term;
- The Committee's reviews will be subject to requirements of the Open Meetings Act;
- Eligible projects/properties for Administrative Review will be those allowed by right in the districts SFN – Single Family Neighborhood, MHN – Mixed Housing Neighborhood, CS – Corridor Shoreline, C – Corridor Commercial, CF – Corridor Flex and B-4 Material Processing and Warehousing, not located within 500 feet of Acme or Yuba Creeks, and must generate less than 500 trip ends per day;
- The process is not applicable to those projects subject to a Special Use Permit

#### Application Requirements (8.1.4)

- This section has been edited to provide better organization of the requirements of all site plan review applications.
- The list of items required for all site plan reviews has been revised with the modification of some requirements, and the addition of others, to better reflect the changes that have been implemented within the Township's Zoning Ordinance
- Site Plan requirement items that from the table that have been modified include numbers 1, 8, 15, 17, and 21
- Site Plan requirement items that from the table that have been added include numbers 10, 14, 16, 18, 19, 20, and 23
- The modified and additional Site Plan requirements is not limited to Administrative Review but would apply to all Site Plan applications and strengthens them to better reflect other changes made to the zoning ordinance amendments.

#### Additional Edits since previous meeting included:

- The addition of 500 trip ends per day in 8.1.2
- Document numbering clarifications

Wentzloff asked if the PC appointment to the review committee would require a modification to our by-laws. Counsel would review to determine if a change was necessary before this amendment would be formally approved and/or effective. Winter asked counsel of the notification requirements. Counsel recommended setting a regular meeting schedule at the beginning of each year and gets posted on the township calendar. A question on compensation was to be looked into by counsel to see if it would be stipulated by the per diem policy.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 039 to amend the procedures and requirements of the Site Plan Review process under Article VIII of the Acme Township Zoning Ordinance with additional recommendations incorporated to the Grand Traverse County Planning Commission for review and to be brought back before the Planning Commission for deliberation. Additional recommendations include:

- Review by counsel of the by-laws and the appointment/election
- Review by counsel of the per-diem policy
- Creation of schedule for regular committee meetings

Support by White. Motion passed unanimously.

## **2. Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment)**

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

Zoning Administrator provided summary of proposed text amendment that is minor in nature. The amendment clarifies that new projects in the district must adhere to the regulations of §6.6.5 Lot and Building Placement and §6.6.6 Special Provisions. A key was added per the PC's request that identifies the different zoning classifications within the district. Forgette asked inquired about references to numbering and Iacoangeli indicated sections will be re-codified throughout the process to reflect changes as they occur. This will be an ongoing process as the ordinance review continues.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 040 clarifying the requirements of regulated uses in the US-31/M-72 Business District to the Grand Traverse County Planning Commission for review and to recommend approval to the Township Board. Support by Balentine. Motion passed unanimously.

### **3. Draft Police Power Ordinance – Mobile Food Vending Units**

Zoning Administrator provided the PC with a summary of the ordinance and discussions to date. This would be a Police Power Ordinance adopted by the Township Board, however, they tasked the Planning Commission to draft the language. The draft language was modeled after food truck ordinances in other jurisdictions throughout the state. Many of these jurisdictions exist in a denser urban setting, therefore adaptations were made to better reflect the needs and setting of Acme Township.

As the result of concern from the Township Board that the operation of a food truck on lands acquired through the Trust Fund grant would violate the terms of the grant agreement, Winter spoke with the DNR who indicated it would be permissible as an amenity to those recreating on the property. However, no provision was made in the draft language.

In lieu of concern expressed of an unfair advantage over brick and mortar restaurants that pay property taxes, a provision was included that prevents the operation of a food truck within 150 feet of an established restaurant. A two-tiered fee system was mentioned as an additional option and this would require Board approval in the schedule of fees.

A property approved with a special use permit that prohibits outdoor sales would not be eligible for a food truck operation.

Food trucks would not be allowed to operate on public streets, given the nature of our street pattern. Food trucks would be allowed to operate on private streets in approved districts compliant with the provisions set forth in the draft language.

White asked how "ice cream trucks" and mobile vendors such as Schwann's would be considered under this new ordinance. Discussions centered on the definition of a food truck as defined by the County Health Department, which regulated rules applied to vendors, and differences between prepared food and uncooked food and how this ordinance may differ. Counsel felt that Public Act 92 covered the concerns raised. Members of the PC were in agreement with inclusion of a two-tiered fee system, where a food truck operated by an established restaurant in the Township would pay a lower fee than an independent food truck. DeMarsh noted that suggested fees were based on the Traverse City ordinance and felt that to establish the fees, the Board would likely want a wider range of fee structures to evaluate. In such a way, fees could be used to help tax in lieu of brick and mortar.

Concerns regarding signage and noise were discussed. Section 8.8 established a sign limit of one sign to remove any conflict with the current sign ordinance, Counsel recommended an additional statement be added that stated no other signage should be added to that section. Section 8.9 limited the hours of

operation. This limit was discussed and the PC thought any concerns would be self-regulated by other parts of the zoning ordinance. Section 8.13 may be removed as a streamlining measure as the components fall under other sections of the ordinance.

Winter indicated he would incorporate changes discussed. Counsel added there was no need for a motion on this item as it would go straight to the Board.

**G. NEW BUSINESS:**

**1. SUP 2016-01 Min. Amd. – request by GTTC to amend SUP 2004-11- Feringa recused.**

Planner Iacoangeli provided PC with a history of the GTTC SUP and a timeline of the SUP amendments. GTTC has requested to rescind Minor Amendment #3 and restore the density from 130 dwelling units back to the original concept plan and land use table which contained 430 dwelling units and reaffirm the new urbanism design of the residential development proposed for the southeastern portion of the project as originally approved. This minor amendment (#4) would rescind the changes in minor amendment #3 and return that portion of the property to the original provisions under SUP 2004-11. He recommends the PC approve the request as submitted by Steve Schooler, agent for the Village at Grand Traverse, LLC. Motion made by Timmins, support by Forgette to recommend approval to the Township Board of Minor Amendment #4 which rescinds Minor Amendment #3 to SUP 2004-11P.

**2. SPR 2016-01 – MI Local Hops pole barn site plan review**

Zoning Administrator provided PC with a summary of his review. Highlights of review include:

- Peninsula Construction and Design, on behalf of MI Local Hops, have submitted an application for a Site Plan Review to construct a 14,400 ft<sup>2</sup> hops processing and storage barn
- This is a use that is allowed by right in the A-1 district, and meets the requirements of the Zoning Ordinance.
- The barn will be located adjacent to their existing hops drying facility and in close proximity to their equipment storage building. All processing/production operations will be concentrated at one location on the property
- Access to and around the processing/production area will be provided with a gravel drive circulating the operations area, gravel parking lot and two locations where trucks will be able to turn around and maneuver.
- GT Metro has stated that no review is necessary since the proposed facility is for agricultural use.
- The Soil Erosion and Sedimentation Control permit (No. 23476) issued on 04/10/2015 and amended 07/08/2015 is still valid for this project. The SESC office confirmed that they are still covered under their permit for this work.
- Gosling Czubak performed a storm water review of the proposed design and provided a favorable review.

Motion made by Balentine, support by Timmins, to approve the site plan submitted by Peninsula Construction and Design, on behalf of MI Local Hops, for the construction of a 14,400 square foot hops processing and storage barn with the stipulation that the final approved site plans be sealed by the Applicant's engineer, and signed by the Applicant and Planning Commission Chair. Motion passed unanimously

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

Planner Iacoangeli provided an overview of the next topic of review in the Zoning Ordinance rewrite process; Article IX, Special Uses. He presented a draft that moves some sections to more appropriate Articles in the Ordinance and provided suggestions of removing sections that may be outdated, no longer necessary, or redundant due to their regulation being located elsewhere in the Ordinance. Sections 9.26 and

9.27 dealing with medical marihuana dispensaries and cultivation have since been amended and adopted and the new language will need to be included. The key objective is follow standard and follow process.

Winter had a question on service station as there are only a few spots where they can be located. Planned shopping area seems like a good fit. Consensus among PC was if another ordinance covers the use, it should not need to be covered here. The intent being to pull them out and same or similar objectives can be met by a Planned Development. An easy fix is to streamline provision with B3 using PD restrictions. Mixed use can only be in B3

Iacoangeli and Winter will discuss changes, re-codify, and come back to PC with a new draft for review.

**4. Zoning Ordinance Amendment 042 – §6.6.4 Land Use Table (list of allowable uses)**

A review of the current table was provided by the Planner and ZA. Review of the list of allowable uses in US-31/M-72 Business District. Public transit should probably be added to MHN as permitted. Thought spirit of form-based code district was to allow outdoor seating for food and beverage properties. Iacoangeli to add uses to table..

Motion made by White, support by Timmins to set a public hearing for the June 13th Planning Commission meeting for Zoning Ordinance Amendment 042 to §6.6.4 Land Use Table of the Acme Township Zoning Ordinance that would add “small winery”, “small distillery” with additional changes determined by the Planning Commission to the uses permitted by right in the Corridor Commercial (C) and Corridor Flex (CF) districts. Additional changes include add transit stop permitted by right in mixed housing neighborhood, add Outdoor food and beverage service as uses permitted by right in the commercial and corridor flex districts

**H. ADMINISTRATIVE ACTION**

1. Receive and file Township Board Minutes 3/16/16 - Motion made by White, support by Timmins to receive and file Township Board Minutes 3/16/16. Motion passed unanimously
2. Approve draft Planning Commission Minutes 4/11/16 - Motion made by Timmins, support by Feringa to approve draft Planning Commission Minutes 4/11/16. Motion passed unanimously.

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

1. Zoning Administrator Report – Shawn Winter submitted a summary
2. Planning Consultant Report – John Iacoangeli - nothing to report
3. Township Board Report – Doug White - Currently going over the budget. Proposing a reduction in size of PC to 5 or 7 members (instead of 9) to be more in line with the area.
4. Parks & Trails Committee Report – Marcie Timmins - Grants have been put in. Talked about discussions with the Disability Network and Mobi mats.

Motion made by Timmins, support by Balentine to adjourn the meeting. Motion carried unanimously.

**ADJOURN: 9:12pm**



# MEMORANDUM

## Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant  
Date: April 26, 2016  
Re: May 9, 2016 Planning Commission Packet Summary

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**A. CORRESPONDENCE:**

**1. GT County Planning Commission comments on Zoning Ordinance Amendment 038 – Temporary Outdoor Sales**

- Zoning Amendment 038 – Temporary Outdoor Sales was sent to the Grand Traverse County of Planning and Development on April 12<sup>th</sup> and added the County Planning Commission's April 19<sup>th</sup> agenda as an item on the consent calendar with staff comments.
- The consent calendar was approved unanimously and the County review form is enclosed
- The Acme Township Board will have the amendment presented with the recommendation to approve at their May 10<sup>th</sup> meeting.

**B. PUBLIC HEARINGS:**

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

- Details provided under C(1) below; proof of notice included in the packet
- Proof of notice included in the packet

**2. Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment)**

- Details provided under C(2) below; proof of notice included in the packet

**C. OLD BUSINESS:**

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

- The Planning Commission was presented at the April 11<sup>th</sup> meeting with a draft of proposed Zoning Ordinance Amendment 039 which would amend the site plan review process under Article VIII
- A public hearing was scheduled for the May 9<sup>th</sup> Planning Commission Meeting
- Notable changes include:
  - Administrative review process (§8.1.2)
    - Three member Administrative Review Committee consisting of the Zoning Administrator, the Chair of the PC, and another member of the PC, as well as an alternate.
    - Appointments will be made annually at the time of the PC elections
    - The Committee can be called together more frequently for review than the monthly regular PC meetings
    - The Committee's reviews will be subject to requirements of the Open Meetings Act
    - Eligible projects will be those allowed by right in districts SFN – Single Family Neighborhood, MHN – Mixed Housing Neighborhood, CS –

Corridor Shoreline, C – Corridor Commercial, CF – Corridor Flex and B-4 Material Processing and Warehousing, not located within 500 feet of Acme or Yuba Creeks, and generate less than 500 trip ends per day

- Application Requirements (§8.1.4):
  - This section has been edited to provide better organization of the requirements of all site plan review applications. A table neatly indicates whether a specific item needs to be included in the site plan, and/or written documentation.
  - The list of items required for all site plan reviews has been revised with the modification of some requirements, and the addition of others, to better reflect the changes that have been implemented within the Township's Zoning Ordinance
  - Site Plan Items that from the table that have been modified include numbers 1, 8, 15, 17, and 21
  - Site Plan Items that from the table that have been added include numbers 10, 14, 16, 18, 19, 20, and 23
- Additional Edits:
  - Procedural steps for site plan reviews have been cleaned up (§8.1.3)
  - Proposed/existing below grade developments (i.e. utilities) required in site plans (§8.1.4.a)
  - Elevations for all structures (§8.1.4.b)
  - Noting that projects in the US-31/M-72 Business District may require additional site/building information per the Form-Based Code (§8.1.4.g)
  - All site plans submitted digitally in AutoCad™ (§8.1.4.h)
- Original edits and minor changes since the last meeting are included in an enclosed copy.
- Suggested Motion:
  - *Motion to send the proposed Zoning Ordinance Amendment 039 to amend the procedures and requirements of the Site Plan Review process under Article VIII of the Acme Township Zoning Ordinance {with additional recommendations incorporated} to the Grand Traverse County Planning Commission for review and to recommend approval to the Township Board.*
  - (OR)
  - *Motion to send the proposed Zoning Ordinance Amendment 039 to amend the procedures and requirements of the Site Plan Review process under Article VIII of the Acme Township Zoning Ordinance {with additional recommendations incorporated} to the Grand Traverse County Planning Commission for review and to be brought back before the Planning Commission for deliberation.*

## 2. **Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment)**

- The Planning Commission was presented at the April 11<sup>th</sup> meeting with a draft of proposed Zoning Ordinance Amendment 040 which would amend §6.6.4.1 Regulated Uses in the US-31/M-72 Business District (Form-Based Code District)
- A public hearing was scheduled for the May 9<sup>th</sup> Planning Commission Meeting
- This amendment is minor in nature, clarifying that new projects in the district must adhere to the regulations of §6.6.5 Lot and Building Placement and §6.6.6 Special Provisions.
- A key was added per the PC's request that identifies the different zoning classifications within the district.
- Original and draft copies have been enclosed
- Suggested Motion:
  - *Motion to send the proposed Zoning Ordinance Amendment 040 clarifying the requirements of regulated uses in the US-31/M-72 Business District {with additional recommendations incorporated} to the Grand Traverse County Planning Commission for review and to recommend approval to the Township Board.*

## 3. **Draft Police Power Ordinance – Mobile Food Vending Units**



- This would be a Police Power Ordinance adopted by the Township Board, however, they have tasked the Planning Commission to draft the language.
- The draft language was modeled after food truck ordinances in other jurisdictions throughout the state. Many of these jurisdictions exist in a denser urban setting, therefore adaptations have been made to better reflect the needs and setting of Acme Township and are certainly up for modification.
- Overview and Highlights:
  - Board expressed not wanting their operation on park property. There was concern that the operation of a food truck on lands acquired through the Trust Fund grant would violate the terms of the grant agreement. I spoke with the DNR and was told that if a food truck was to operate on the land as an amenity to those recreating on the property it would be permissible. Nonetheless, no provision was included in the draft language to allow such usage.
  - The draft language requires that a food truck operate on private property, with permission of the property owner, and is not to occur on public streets or outside the commercial zoning districts unless the property has been developed under a Special Open Space Use, Mixed Use Planned Development, Planned Development (if amendment 037 is to be adopted), or Institutional Use.
  - Concern was expressed regarding an unfair advantage over brick and mortar restaurants that pay property taxes. A provision has been included that would prevent the operation of a food truck within 150 feet of an established restaurant. Another option, as seen in other jurisdictions, is to have a two-tiered fee system, where a food truck operated by an established restaurant in the Township would pay a lower fee than an independent food truck. This implementation would require Board approval in the schedule of fees.
  - A property approved with a special use permit that prohibits outdoor sales would not be eligible for a food truck operation.
  - Food trucks would not be allowed to operate on public streets, given the nature of our street pattern. Food trucks would be allowed to operate on private streets in approved districts compliant with the provisions set forth in the draft language.
- If this police power ordinance is adopted by the Township Board, then a permit application form will need to be created. I've included the application form from Traverse City if we want to use it as a guide for creating one during this month's meeting.
- Suggested Action:
  - Carefully deliberate the draft language and incorporate any changes agreed upon by the Planning Commission and incorporate recommendations made by Counsel. If comfortable with the draft language, as amended, proceed to Suggested Motion.
- Suggested Motion:
  - *Motion to send the draft police power ordinance related to the operation of mobile food vending units {with additional recommendations incorporated} to the Township Board for consideration and approval*

**D. NEW BUSINESS:**

**1. SUP 2016-01: Min. Amd. #4 to SUP 2004-11 – Grand Traverse Town Center**

- Minor Amendment #3 to SUP 2004-11 was approved in 2014 to allow the 18.35 acres on the southeast corner of the Grand Traverse Town Center to decrease the original density from 430 dwelling units to 130 for the proposed Redwood Homes development. Additionally, the amendment limited the type of development at that location to attached dwelling units with attached garages, and revised Section 5.14 to release that portion of



development from the neo-traditional, traditional neighborhood or new urbanism neighborhood residential design standards.

- This minor amendment (#4) would rescind the changes in minor amendment #3 and return that portion of the property to the original provisions under SUP 2004-11.
- Suggested Motion:
  - *Motion to recommend approval to the Township Board of Minor Amendment #4 which rescinds Minor Amendment #3 to SUP 2004-11P.*

**2. SPR 2016-01: MI Local Hops pole barn site plan review**

- Peninsula Construction and Design, on behalf of MI Local Hops, have submitted an application for a Site Plan Review to construct a 14,400 ft<sup>2</sup> hops processing and storage barn
- This is a use that is allowed by right in the A-1 district, and meets the requirements of the Zoning Ordinance.
- The barn will be located adjacent to their existing hops drying facility and in close proximity to their equipment storage building. All processing/production operations will be concentrated at one location on the property
- Access to and around the processing/production area will be provided with a gravel drive circulating the operations area, gravel parking lot and two locations where trucks will be able to turn around and maneuver.
- GT Metro has stated that no review is necessary since the proposed facility is for agricultural use (email enclosed)
- The Soil Erosion and Sedimentation Control permit (No. 23476) issued on 04/10/2015 and amended 07/08/2015 is still valid for this project. I called the SESC office and received confirmation that they are still covered under their permit for this work.
- Gosling Czubak performed a storm water review of the proposed design. Their favorable review has been included in the packet
- Suggested Motion:
  - *Motion to approve the site plan submitted by Peninsula Construction and Design, on behalf of MI Local Hops, for the construction of a 14,400 square foot hops processing and storage barn with the stipulation that the final approved site plans be sealed by the Applicant's engineer, and signed by the Applicant and Planning Commission Chair.*

**3. Zoning Ordinance Amendment 041 – Article XI Special Uses**

- The next topic of review in our Zoning Ordinance rewrite process is Article IX Special Uses.
- The draft language included in the packet moves some sections to more appropriate Articles in the Ordinance, suggests removing sections that may be outdated, no longer necessary, or redundant due to their regulation being located elsewhere in the Ordinance.
- Sections 9.26 and 9.27 dealing with medical marihuana dispensaries and cultivation have since been amended and adopted.
- The goal of tonight's meeting will be to review the proposed changes and discuss what, if any additional changes should be included.
- Possible Motion (if satisfied with the state of the draft after tonight's meeting)
  - *Motion to set a public hearing for the June 13<sup>th</sup> Planning Commission meeting for Zoning Ordinance Amendment 041 to Article IX Special Uses.....*
    - *as presented.*
    - *(OR)*
    - *with the changes {x, y, and z} presented and discussed tonight.*

**4. Zoning Ordinance Amendment 042 – §6.6.4 Land Use Table (list of allowable uses)**

- Review list of allowable uses in US-31/M-72 Business District
- A request was submitted by Bravo Zulu for approval from the Township for a Small Wine Maker's license.

- The license would allow them to produce hard ciders (containing alcohol) in addition to beer
- Doing so would require a text amendment to the Land Use Table under §6.6.4. Microbreweries are currently allowed in the Corridor Commercial (C) and Corridor Flex (CF) districts by right, but not similar uses such as small wineries and small distilleries.
- Documents defining “micro brewer”, “small winemaker” and “small distiller” from the Michigan Liquor Control Commission have been included.
- I feel this request is worthy of consideration for a number of reasons:
  - The alcohol industry has changed quite a bit in the last few years and its now common to see a producer and/or proprietor offer a variety of different beverages to reach a more diverse customer base
  - Based on the rapid growth of similar businesses in the region it would seem there is a strong interest in locally produced beverages
  - This change may allow an existing business to become more viable
  - The use is consistent with the Master Plan and Placemaking Strategy, creating a commercial establishment that adds to the vibrancy of the corridor
- If the Planning Commission is willing to consider an amendment to add “small winery” and/or “small distillery” to the Land Use Table in §6.6.4, then it may be appropriate to review the whole table to identify additional uses that should be added, deleted, expanded or clarified. The Land Use Table in §6.6.4 is included in your packet under item C(2).
- Suggested Action:
  - Move forward with the amendment process to add “small winery” and “small distillery” to §6.6.4 Land Use Table. Some thoughts to consider:
    - Must be made on site?
    - A certain percent of Michigan ingredients?
    - Sell products made by other breweries/wineries/distilleries?
  - Review other uses in the Land Use Table in §6.6.4 and determine any other modifications
  - Set a public hearing date for the next Planning Commission Meeting
- Suggested Motion:
  - *Motion to set a public hearing for the June 13<sup>th</sup> Planning Commission meeting for Zoning Ordinance Amendment 042 to §6.6.4 Land Use Table of the Acme Township Zoning Ordinance that would add “small winery”, “small distillery” {and any additional changes determined by the Planning Commission} to the uses permitted by right in the Corridor Commercial (C) and Corridor Flex (CF) districts.*

**E. ADMINISTRATIVE ACTION:**

1. **Receive and file Township Board Minutes 3/16/16**
2. **Approve draft Planning Commission Minutes 4/11/16**

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

1. **Zoning Administrator Report:** Shawn Winter
  - Land Use Permits – 0
  - Sign Permits – 3
    - 2016-03 Spirit of the West, former Dollar General (Permanent)
    - 2016-04 Chase Bank at Acme Plaza (Permanent)
    - 2016-05 Acme Cleaners (Temporary)
  - Zoning Ordinance Amendment 037 – Planned Development
    - The proposed amendment was sent to Grand Traverse County Planning and Development for review on April 12<sup>th</sup>.
    - County Staff was not able to perform a thorough enough review and staff report in time for their April meeting, but will be placed on their May 17<sup>th</sup> agenda.
    - I had the opportunity to meet with John Sych, Director of Planning and Development for Grand Traverse County to discuss the proposed amendment.
    - We went over the PD’s purpose, what type of development it would allow, and the

- approval and implementation process.
  - He spoke highly of the amendment, especially the TDR portion which he believes could be used as a successful model in townships throughout the County.
- Bravo Zulu has returned with interest in amending their special use permit. Possible ideas include a kitchen, small winery/distillery, and permanent outdoor beer garden/patio
- I was unable to attend the Planners Education Network presentation on Sign Regulations
  - Presentation materials were emailed to me and have been included in your packet
  - I will be interested in hearing Counsel's point of view on this topic and what, if any, changes should be implemented to our sign regulation in §7.4
- Walkability Workshop: Design, Function, Maintenance and Liability
  - <http://events.anr.msu.edu/event.cfm?eventID=7B645E848BBF468E>
  - Wednesday, May 25<sup>th</sup> from 6:00 – 9:00 pm
  - Michigan WORKS!, 1209 S. Garfield Ave, Suite C, Traverse City, MI 49686
  - Topics will include general theory of walkability, sidewalk and street design, legal liability and maintenance, planning best practice (CIP), and walkability assessment and audit
  - The workshop will be led by Glenn Pape, CNU-A, Brad Neuman, AICP, Andy Northrop from the MSU Extension, along with Peter B. Worden of Garan Lucow Miller, P.C.
  - Please let me know if you are interested in attending and I will register you
- 2. **Planning Consultant Report:** John Iacoangeli
- 3. **Township Board Report:** Doug White
- 4. **Parks & Trails Committee Report:** Marcie Timmins

**GRAND TRAVERSE COUNTY PLANNING COMMISSION  
MASTER PLAN/ZONING REVIEW**

Pursuant to Section 307 of Public Act 110 of 2006, a township shall submit for review and recommendation the proposed zoning ordinance or zoning ordinance amendment to the county. The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county planning commission has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

**TOWNSHIP:** Acme Township  
**AMENDMENT #:** Amendment 38  
**DATE RECEIVED:** April 11, 2016  
**PUBLIC HEARING:** April 11, 2016  
**PRELIMINARY REVIEW:** ☐

**MASTER PLAN:** ☐  
**ZONING ORDINANCE:** ☒  
**TEXT:** ☒ **MAP:** ☐  
**MAP ATTACHED:** ☐  
**PUBLIC HEARING MINUTES:** ☒

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**CHANGE:**

Addition of §7.2.10 to allow for Temporary Outdoor Sales under Article VII: Supplemental Regulations. These sales would be limited to thirty (30) calendar days a year, not to exceed three (events) per year, and serve as an extension of an existing business (i.e. tent sale, sidewalk sale, etc.). The proposed amendment does not include transient, third-party, or mobile food sales. All Temporary Outdoor Sales will require a permit approved by the Zoning Administrator and a fee set by the Township Board. Additionally, §3.2 Definitions will be amended to include Temporary Outdoor Stores.

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**TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:**

Motion by Timmins, support by Rosa to send the proposed Zoning Ordinance Amendment 038 – Temporary Outdoor Sales to the Grand Traverse County Planning Commission for review and to the Acme Township Board for approval.

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**COUNTY PLANNING STAFF COMMENTS:**

Based on review of the amendment and information provided by the Township, staff recommends that the County Planning Commission concur with the Township Planning Commission's proposed action.

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**COUNTY PLANNING COMMISSION ACTION:**

In accordance with the Zoning Enabling Act and having considered neighboring zoning and the County Master Plan, the County Planning Commission concurs with the Township Planning Commission's proposed action.

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**COMMENTS FROM CPC ACTION:**

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**RETURNED TO TOWNSHIP (DATE/RECOMMENDATION):**

Emailed to the Acme Township Clerk, Planning Commission Chair and Zoning Administrator on April 22, 2016.

**PROPOSED AMENDMENT TO THE ACME TOWNSHIP ZONING ORDINANCE  
AMENDMENT 039 – SITE PLAN REVIEW  
ARTICLE VIII**

**8.0 SITE PLAN REVIEW REQUIREMENT:**

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

**8.1 PROCEDURES:**

**8.1.1 SITE PLANS FOR SPECIAL USES:**

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

**8.1.2 SITE PLANS FOR ADMINISTRATIVE REVIEW**

Site Plans for uses that are Permitted by Right in the SFN, MHN, CS, C, CF, and B-4 Zoning Districts are processed by Administrative Review and shall follow the requirements outlined in Section 8.1.4, except if the proposed site plan is within 500 feet of Acme Creek or Yuba Creek, or generates 500 or more trips ends per day as determined by proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Under this exception the site plan shall be reviewed under Section 8.1.3.

a. The Administrative Review Committee shall consist of three members: the Zoning Administrator, Chairperson of the Planning Commission or their designee, and a Planning Commissioner. The Planning Commission shall also select a member to be an Alternate to the Administrative Review Committee. The Alternate shall attend if the Chairperson or Planning Commission member cannot attend the review meeting.

b. The Planning Commission shall make these appointments to the Administrative Review Committee at the same annual meeting where the Planning Commission elects its officers.

**8.1.3 SITE PLANS NOT INVOLVING A SPECIAL USE OR ADMINISTRATIVE REVIEW:**

Site plans for uses other than special uses or administrative review will be processed using the following procedures.

STEP 1: The Zoning Administrator shall review the application and determine whether it contains all of the required information. If the Zoning Administrator determines the application is not complete, he or she shall notify the applicant of what additional information is required.

**STEP 2:** Once the Zoning Administrator determines the application is complete, they shall schedule it for review by the Planning Commission.

**STEP 3:** After adequate review and study of the application, the Township Planning Commission shall make a decision on the application, including its findings and any conditions. If a separate document is not prepared, the Planning Commission's meeting minutes will serve as its findings.

#### **8.1.4 APPLICATION REQUIREMENTS:**

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

- a. A site plan drawn to scale of 1" - 50' of all property showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above and below ground development, both existing and proposed.
- b. Elevations (front, side and rear) for all proposed structures.
- c. All information required by any other provision of this ordinance governing the land use or structure for which site plan approval is sought.
- d. The Site Plan and supporting Written Documentation shall include the following:

Site Plan Item	Description	Shown on Site Plan	Written Documentation
1	A description of the environmental characteristics of the site prior to development, i.e.: topography, soils, vegetative cover, drainage, streams, creeks or ponds, as well as, the delineation of these features on the site plan drawing.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Types of uses and other man-made facilities		<input checked="" type="checkbox"/>
3	The number of: people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic		<input checked="" type="checkbox"/>
4	Phasing of the project, including ultimate development proposals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water.	<input checked="" type="checkbox"/>	
6	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.		<input checked="" type="checkbox"/>

7	The method to be used to serve the development with water and sanitary sewer facilities		<input checked="" type="checkbox"/>
8	The location, size, and routing of water and sanitary sewer facilities	<input checked="" type="checkbox"/>	
9	Plans for storm water control and drainage, including measures to be used during construction	<input checked="" type="checkbox"/>	
10	Storm water calculations; and if requested storm water modeling data.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11	If public sewers are not available to the site the applicant shall submit a current approval from the health department or other responsible public agency indicating approval of plans for sewage treatment.		<input checked="" type="checkbox"/>
12	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		<input checked="" type="checkbox"/>
13	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects		<input checked="" type="checkbox"/>
14	Location of known Air Sheds and how the proposed use impacts this natural feature.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
15	Plans to control soil erosion and sedimentation.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16	Incorporation of low impact development storm water technologies and other best management practices such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
17	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	<input checked="" type="checkbox"/>	
18	Location of any or required cross access management easements.	<input checked="" type="checkbox"/>	
19	Location of pedestrian and non-motorized facilities; if required.	<input checked="" type="checkbox"/>	
20	Landscaping plan	<input checked="" type="checkbox"/>	
21	General description of deed restrictions and/or cross access management easements, if any or required.		<input checked="" type="checkbox"/>
22	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
23	Sealed drawings from a licensed architect, engineer, or landscape architect.	<input checked="" type="checkbox"/>	



- e. Properties located in the SFN, MHN, CS, C and CF zoning districts may require site and building information, in addition to that specified in Section 8.1.4.
- f. All site plan drawings shall be submitted on sheets 24 inches by 36 inches and in digital form in AutoCad™ format.

## **8.2 STANDARDS FOR SITE PLAN REVIEW:**

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

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

- 1           l.       That structures, landscaping, landfills or other land uses will not disrupt air  
2           drainage systems necessary for agricultural uses.
- 3           m.       That phases of development are in a logical sequence, so that any one phase  
4           will not depend upon a subsequent phase for adequate access, public utility  
5           services, drainage, or erosion control.
- 6           n.       That the plan provides for the proper expansion of existing facilities such as  
7           public streets, drainage systems, and water and sewage facilities.
- 8           o.       That landscaping, fences or walls may be required when appropriate to meet  
9           the objectives of this Ordinance.
- 10          p.       That parking layout will not adversely affect the flow of traffic within the site,  
11          or to and from the adjacent streets.
- 12          q.       That vehicular and pedestrian traffic within the site, and in relation to streets  
13          and sidewalks serving the site, shall be safe and convenient.
- 14          r.       That outdoor storage of garbage and refuse is contained, screened from view,  
15          and located so as not be a nuisance to the subject property or neighboring  
16          properties.
- 17          s.       That the proposed site is in accord with the spirit and purpose of this Ordinance,  
18          and not inconsistent with, or contrary to, the objectives sought to be  
19          accomplished by this Ordinance and the principles of sound planning.

### 20       **8.3   APPROVAL AND CONDITIONS:**

- 21
- 22          a.       A site plan shall be approved if it contains the information required by the  
23          Zoning Ordinance and is in compliance with the Zoning Ordinance and the  
24          conditions imposed under the ordinance, other township planning documents  
25          other applicable ordinances, and state and federal statutes.
- 26          b.       Conditions: The Site Plan Administrative Review Committee and/or the  
27          Planning Commission may impose reasonable conditions on any site plan  
28          approval. The conditions may include conditions necessary to ensure that  
29          public services and facilities affected by a proposed land use or activity will be  
30          capable of accommodating increased service and facility loads caused by the  
31          land use or activity, to protect the natural environment and conserve natural  
32          resources and energy, to insure compatibility with adjacent uses of land, and to  
33          promote the use of land in a socially and economically desirable manner.
- 34          c.       Conditions imposed shall:
- 35               1.       Be designed to protect natural resources, the health, safety, and welfare,  
36               as well as the social and economic well-being, of those who will use the  
37               land use or activity under consideration, residents and landowners

1 immediately adjacent to the proposed land use or activity, and the  
2 community as a whole.

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

5 3. Be necessary to meet the intent and purpose of the zoning requirements,  
6 be related to the standards established in the zoning ordinance for the  
7 land use or activity under consideration, and be necessary to ensure  
8 compliance with those standards. The breach of any condition shall be  
9 grounds for revoking the site plan approval.

10 **8.4 EXPIRATION, REAPPLICATION, REVOCATION, AMENDMENT AND PERFORMANCE**  
11 **GUARANTEES:**

12 The provisions for expiration, reapplication, revocation, amendment and performance  
13 guarantees for a site plan approval shall be the same as the procedures for expiration,  
14 reapplication, revocation, amendment and performance guarantees for a special use.  
15 Those procedures are set forth in Section 9.1, below. However, the final decision on a  
16 major amendment to a site plan that is not related to a special use shall be made by the  
17 Planning Commission instead of the Township Board.  
18

T. C. RECORD-EAGLE, INC.  
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TRAVERSE CITY MI 49684  
(231)946-2000

ORDER CONFIRMATION

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Acct #: 6	Ad #: 431437	Status: N
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CATHY DYE, CLERK	Times Ord: 2	Times Run: ***
6042 ACME ROAD	STDAD 3.00 X 3.99	Words: 265
WILLIAMSBURG MI 49690	Total STDAD 11.97	
	Class: 147 LEGALS	
	Rate: LEGAL	Cost: 170.10
	# Affidavits: 1	

Contact:	Ad Descrpt: LEGAL NOTICE TOWNSHIP OF
Phone: (231)938-1350	Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510	Created: dling 04/21/16 09:43
Email: szollinger@acmetownship.org	Last Changed: dling 04/21/16 09:46
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PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
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IN	AIN	97	W	04/23/16	2	04/24/16	SMTWTFS

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No refunds or rebates will be issued if you cancel your ad prior to the stop date.

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ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

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Acct #: 6

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**LEGAL NOTICE  
TOWNSHIP OF ACME - NOTICE OF HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, May 9, 2016 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, to consider the following amendments to the Acme Township Zoning Ordinance.

**Amendment # 039 would amend Article VIII Site Plan Review of the Acme Township Zoning Ordinance.** The proposed amendment allows for an administrative review process for projects allowable by right that meet certain thresholds, incorporates additional requirements in the application submission process to reflect previous updates that have been adopted in the Zoning Ordinance, organizes and clarifies the format of required documentation, and addresses inefficiencies in the review process.

**Copies of the entire proposed Amendment #039 are available for inspection at the Acme Township hall.** All interested persons are invited to attend and be heard at public hearings before the Planning Commission. After each public hearing, the Planning Commission may or may not deliberate and take action. The entire Zoning Ordinance is available for inspection at the Acme Township Hall from 7:30 a.m. to 6:00 p.m. Monday through Thursday. Proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are also available for inspection via the Township's website, [www.acmetownship.org](http://www.acmetownship.org).

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

**Written comments may be directed to:**  
Shawn Winter, Zoning Administrator  
6042 Acme Road  
Williamsburg, MI 49690  
(231) 938-1350  
[swinter@acmetownship.org](mailto:swinter@acmetownship.org)

April 23, 24, 2016-2T

431437

## Section 6.6.4

### LAND USE TABLE

ORIGINAL

#### 6.6.4.1

##### Regulated Uses

Regulated uses are identified for each **ZONE** either as a Permitted Use (**P**) or a use requiring a Special Use Permit (**SUP**). If a use is blank with no designation or not listed it means it is not permitted in that zone. All uses requiring a Special Use Permit must address the General Standards listed below. If the SUP has additional standards over and above the General Standards the special provision column references that specific section of the Zoning Ordinance. Otherwise, SUP uses must meet the General Standards in 6.6.3.3.

Land Use Table					
Type	SFN	MHN	CS	C	CF
<b>Residential</b>					
Single Family	P	P	P		
Single Family Condominium Subdivisions		P			
Live / Work Unit		P		P	P
Open Space Preservation Development		P			
Duplex	P	P	P		
Multiple Family		P	SUP	P	P
Home Occupation 1	P	P	P	P	P
Home Occupation 2 or More Persons	SUP (7.7)	SUP (7.7)	SUP (7.7)		
Bed and Breakfast (5 Bedroom Maximum)	SUP (9.24)	SUP (9.24)	SUP (9.24)		
<b>Residential - Services</b>					
Nursing Home	SUP	P			
Adult Day Care Center	SUP	SUP	SUP		
Assisted Living Group Facilities	SUP	P	SUP		
State Licensed Residential	SUP	SUP	SUP		
Group Child Care Home	SUP	SUP	SUP		
<b>Public and Private</b>					
Marinas (Public or Private)			SUP		
Outdoor Public Owned Parks and Recreation Facilities	P	P	P	P	P
Public and Private Schools	P	P	P	P	P
Public Uses: Critical, Supporting and Essential	P	P	P	P	P
Churches with and without Assembly Halls		P		P	P
<b>Transportation / Utilities</b>					
Parking (Public or Private)		P	P	P	P
Wireless Telecommunication Facilities		SUP		SUP	
Public Transit Stop or Station			P	P	P

Land Use Table					
Type	SFN	MHN	CS	C	CF
<b>Office</b>					
Professional Offices			P	P	P
Medical / Dental Offices				P	P
Medical Urgent Care Facilities				P	P
Veterinary Clinic			P	P	
<b>Commercial</b>					
Mixed Use with Residential above the 1st floor				P	P
Bar / Tavern				P	P
General Retail; except with the following features				P	P
a. Alcoholic beverages				SUP	SUP
b. Floor area over 10,000 sq.ft.				SUP	SUP
c. On-site production of items sold in or out of store locations				SUP	SUP
d. Operating hours between 10pm and 7am				SUP	SUP
e. Outdoor sales and storage of cars, boats, trucks and RV's					
Restaurant, cafe and coffee shop except with the following features				P	P
a. Drive-thru facilities				SUP	
b. Drive-In facilities				SUP	
Micro brewery				P	P
Movie & Performance Theaters				SUP	P
Convenience market less than 3,500 sq.ft				P	P
Personal Services				P	P
Farmers Market				P	P
Banks and Financial; except with the following features				P	P
a. Drive-thru facilities				SUP	
Shopping Centers				SUP (9.12)	SUP (9.12)
Grocery Stores; except with the following features				P	P
a. Floor area over 10,000 sq.ft				SUP	P
b. Gasoline Service Station				SUP (9.6)	
Gasoline Service Station				SUP (9.6)	
Automotive Supply & Parts				P	
Automotive Service				SUP	
<b>Lodging</b>					
Hotel; except with the following features				P	P
a. Greater than 120 rooms				SUP	P
b. Conference and convention facilities				SUP	SUP



## Section 6.6.4

### LAND USE TABLE

**DRAFT**

#### 6.6.4.1

##### Regulated Uses

Regulated uses are identified for each **ZONE** either as a Permitted Use (**P**) or a use requiring a Special Use Permit (**SUP**). If a use is blank with no designation or not listed it means it is not permitted in that zone. All uses requiring a Special Use Permit must address the General Standards listed in **Section 6.6.3.3**. If the SUP has additional standards over and above the General Standards the special provision column references that specific section of the Zoning Ordinance. **All new projects, including those requiring a Special Use Permit (SUP), must adhere to the regulations of Section 6.6.5 Lot and Building Placement and Section 6.6.6 Special Provisions.**

(**SFN**-Single Family Neighborhood **MHN**-Mixed Housing Neighborhood **CS**-Corridor Shoreline **C**-Commercial Corridor **CF**-Corridor Flex)

Land Use Table					
Type	SFN	MHN	CS	C	CF
<i>Residential</i>					
Single Family	P	P	P		
Single Family Condominium Subdivisions		P			
Live / Work Unit		P		P	P
Open Space Preservation Development		P			
Duplex	P	P	P		
Multiple Family		P	SUP	P	P
Home Occupation 1	P	P	P	P	P
Home Occupation 2 or More Persons	SUP (7.7)	SUP (7.7)	SUP (7.7)		
Bed and Breakfast (5 Bedroom Maximum)	SUP (9.24)	SUP (9.24)	SUP (9.24)		
<i>Residential - Services</i>					
Nursing Home	SUP	P			
Adult Day Care Center	SUP	SUP	SUP		
Assisted Living Group Facilities	SUP	P	SUP		
State Licensed Residential	SUP	SUP	SUP		
Group Child Care Home	SUP	SUP	SUP		
<i>Public and Private</i>					
Marinas (Public or Private)			SUP		
Outdoor Public Owned Parks and Recreation Facilities	P	P	P	P	P
Public and Private Schools	P	P	P	P	P
Public Uses: Critical, Supporting and Essential	P	P	P	P	P
Churches with and without Assembly Halls		P		P	P
<i>Transportation / Utilities</i>					
Parking (Public or Private)		P	P	P	P
Wireless Telecommunication Facilities		SUP		SUP	
Public Transit Stop or Station			P	P	P

Land Use Table					
Type	SFN	MHN	CS	C	CF
<b>Office</b>					
Professional Offices			P	P	P
Medical / Dental Offices				P	P
Medical Urgent Care Facilities				P	P
Veterinary Clinic			P	P	
<b>Commercial</b>					
Mixed Use with Residential above the 1st floor				P	P
Bar / Tavern				P	P
General Retail; except with the following features				P	P
a. Alcoholic beverages				SUP	SUP
b. Floor area over 10,000 sq.ft.				SUP	SUP
c. On-site production of items sold in or out of store locations				SUP	SUP
d. Operating hours between 10pm and 7am				SUP	SUP
e. Outdoor sales and storage of cars, boats, trucks and RV's					
Restaurant, cafe and coffee shop except with the following features				P	P
a. Drive-thru facilities				SUP	
b. Drive-In facilities				SUP	
Micro brewery				P	P
Movie & Performance Theaters				SUP	P
Convenience market less than 3,500 sq.ft				P	P
Personal Services				P	P
Farmers Market				P	P
Banks and Financial; except with the following features				P	P
a. Drive-thru facilities				SUP	
Shopping Centers				SUP (9.12)	SUP (9.12)
Grocery Stores; except with the following features				P	P
a. Floor area over 10,000 sq.ft				SUP	P
b. Gasoline Service Station				SUP (9.6)	
Gasoline Service Station				SUP (9.6)	
Automotive Supply & Parts				P	
Automotive Service				SUP	
<b>Lodging</b>					
Hotel; except with the following features				P	P
a. Greater than 120 rooms				SUP	P
b. Conference and convention facilities				SUP	SUP

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CATHY DYE, CLERK	Times Ord: 2	Times Run: ***
6042 ACME ROAD	STDAD 3.00 X 3.88	Words: 253
WILLIAMSBURG MI 49690	Total STDAD 11.64	
	Class: 147 LEGALS	
	Rate: LEGAL	Cost: 167.10
	# Affidavits: 1	

Contact:	Ad Descrpt: LEGAL NOTICE TOWNSHIP OF
Phone: (231)938-1350	Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510	Created: dling 04/21/16 09:38
Email: szollinger@acmetownship.org	Last Changed: dling 04/21/16 09:41
Agency:	

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PUB	ZONE	EDT TP	START	INS	STOP	SMTWTFS
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IN	AIN	97 W	04/23/16	2	04/24/16	SMTWTFS

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(CONTINUED ON NEXT PAGE)

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ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

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Acct #: 6

Ad #: 431436

Status: N

**LEGAL NOTICE  
TOWNSHIP OF ACME - NOTICE OF HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, May 9, 2016 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, to consider the following amendments to the Acme Township Zoning Ordinance.

**Amendment # 040 §6.6.4.1 Regulated Uses in the US-31/M-72 Business District (Form-Based Code District).** The proposed amendment clarifies that new development projects in the District, including those requiring a Special Use Permit, must adhere to the regulations of §6.6.5 Lot and Building Placement and §6.6.6 Special Provisions when a conflict exists with requirements elsewhere in the Zoning Ordinance.

**Copies of the entire proposed Amendment #040 are available for inspection at the Acme Township hall.** All interested persons are invited to attend and be heard at public hearings before the Planning Commission. After each public hearing, the Planning Commission may or may not deliberate and take action. The entire Zoning Ordinance is available for inspection at the Acme Township Hall from 7:30 a.m. to 6:00 p.m. Monday through Thursday. Proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are also available for inspection via the Township's website, [www.acmetownship.org](http://www.acmetownship.org).

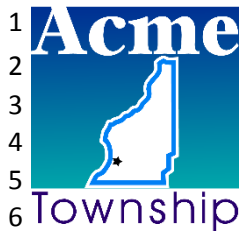
If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

**Written comments may be directed to:**

Shawn Winter, Zoning Administrator  
6042 Acme Road  
Williamsburg, MI 49690  
(231) 938-1350  
[swinter@acmetownship.org](mailto:swinter@acmetownship.org)

April 23, 24, 2016-T

431436



# Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

## PROPOSED POLICE POWER ORDINANCE FOR ACME TOWNSHIP MOBILE FOOD VENDING ORDINANCE NO. 2016-\_\_\_\_\_

### Section 1 INTENT

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Acme Township, while providing a framework under which such businesses operate, this ordinance is established.

### Section 2 DEFINITIONS

- a. *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- b. *Mobile Food Vending Unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- c. *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- d. *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business

### Section 3 PERMIT REQUIRED

No vendor shall engage in Mobile Food Vending without a permit from the Township Zoning Administrator authorizing such vending. The Township Zoning Administrator shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the Mobile Food Vending Unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance.

### Section 4 DURATION; NON-TRANSFERABILITY

Permits may be issued by the Township Zoning Administrator for a calendar year from the date of issuance. Any permit issued under this Ordinance is non-transferable from Vendor to Vendor, or from Mobile Food Vending Unit to Mobile Food Vending Unit.

1  
2 **Section 5 APPLICATION**  
3

4 Every vendor desiring to engage in Mobile Food Vending shall make a written application to the  
5 Township Zoning Administrator for a permit under this Ordinance. The applicant shall truthfully state, in  
6 full, all information requested by the Township Zoning Administrator and be accompanied by a fee  
7 established by resolution of the Acme Township Board. Additionally, the applicant shall provide all  
8 documentation, such as insurance, as required by the Township.  
9

10 **Section 6 FEES**  
11

12 An application for a permit under this Ordinance shall be accompanied by a fee in the amount established  
13 by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable  
14 once a permit has been issued by the Township Zoning Administrator. If operating on non-township  
15 property, no fee shall be charged to a business which is on the township's tax rolls whose normal business  
16 includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to  
17 evade the provisions of this Ordinance.  
18

19 **Section 7 INVESTIGATION BY THE TOWNSHIP ZONING ADMINISTRATOR**  
20

21 For Mobile Food Vending within residential areas, approval must be given by the Township Zoning  
22 Administrator prior to issuance of a permit by the Township Zoning Administrator.  
23

24 **Section 8 REQUIREMENTS**  
25

26 Any vendor engaging in Mobile Food Vending shall comply with the following requirements:  
27

- 28 1. Mobile Food Vending Units shall only operate in districts zoned Corridor Commercial (C),  
29 Corridor Flexible (CF), Material Processing and Warehousing (B-4), Planned Shopping Center  
30 (B-3) where not prohibited through condition of a special use permit; or on properties approved  
31 through a Special Open Space Use, Mixed Used Planned Development, Planned Development, or  
32 Institutional Uses.
- 33 2. Vendors shall not operate on Township-owned property or on public streets. If operating on a  
34 private street the customer service area for Mobile Food Vending Units shall be on the curb lawn  
35 or sidewalk when parked. No food service shall be allowed on the driving lane side of the Mobile  
36 Food Vending Unit.
- 37 3. No food shall be sold, prepared or displayed outside of the Mobile Food Vending Unit.
- 38 4. Not operate within 150 feet of a township-authorized street fair, public festival, farmers market or  
39 event being conducted without authorization from the event sponsor. For the purpose of this  
40 provision the measurement shall be taken from the nearest point on the existing restaurant  
41 building and the location of the Mobile Food Vending Unit.
- 42 5. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other  
43 waste attributable to the vendor on a daily basis.
- 44 6. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall  
45 contain opaque, hood shields to direct the illumination downward.
- 46 7. Not use loud music, amplification devices or "crying out" or any other audible methods to gain  
47 attention which causes a disruption or safety hazard as determined by the Township.
- 48 8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no  
49 height (with legs) greater than 4 feet, located within five feet of the unit; and under no  
50 circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle  
51 safety.

- 1 9. A Vendor may only operate between the hours of 7:00 am and 11:00 pm. Other restrictions  
2 regarding hours of operation may be established by resolution of the Acme Township Board.
- 3 10. Mobile Food Vending Units shall not be parked within 150 feet of an existing brick and mortar  
4 restaurant during the hours when such restaurant is open to the public for business. For the  
5 purpose of this provision the measurement shall be taken from the nearest point on the existing  
6 restaurant building and the location of the Mobile Food Vending Unit.
- 7 11. No Vendor shall provide or allow any dining area within ten (10) feet of the Mobile Food  
8 Vending Unit, including but not limited to tables and chairs, booths, stools, benches or stand up  
9 counters.
- 10 12. Shall not utilize any electricity or power without the prior written authorization of the power  
11 customer; no power cable or similar device shall be extended at or across any street or sidewalk  
12 except in a safe manner.
- 13 13. Comply with the Township's Noise Ordinance, Sign Ordinance and all other Township  
14 ordinances.
- 15 14. Comply with all applicable federal, state and county regulations.
- 16 15. Not represent the granting of a permit under this Ordinance as an endorsement by the Township.

## 17 **Section 9 OTHER PERMITS**

18 A permit obtained under this Ordinance shall not relieve any vendor of the responsibility for obtaining  
19 any other permit, or authorization required by any other ordinance, statute or administrative rule.

## 20 **Section 10 REVOCATION**

21 The Township Zoning Administrator shall revoke the permit of any vendor engaged in Mobile Food  
22 Vending who ceases to meet any requirement of this Ordinance or violates any other federal, state or local  
23 regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to  
24 the protection of the public health, safety and welfare. Immediately upon such revocation, the Township  
25 Zoning Administrator shall provide written notice to the permit holder by certified mail to their place of  
26 business or residence as indicated on the application. Immediately upon such revocation, the permit shall  
27 become null and void.

## 28 **Section 11 COMPLAINTS; APPEALS**

29 If a written complaint is filed with the Township Zoning Administrator alleging a Food Vendor has  
30 violated the provisions of this Ordinance, the Township Zoning Administrator shall promptly send a copy  
31 of the written complaint to the vendor together with a notice that an investigation will be made as to the  
32 truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and  
33 respond to evidence produced by the investigation. If the Township Zoning Administrator, after  
34 reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence,  
35 the complaint shall be certified. If a permit is denied or revoked by the Township Zoning Administrator,  
36 or if a written complaint is certified pursuant to this Ordinance, the applicant or holder of a permit may  
37 appeal to and have a hearing before the Township Supervisor. The Township Supervisor shall make a  
38 written determination, after presentation by the applicant and investigation by the Township Zoning  
39 Administrator, as to whether or not the grounds for denial, revocation or complaint are true. If the  
40 Township Supervisor determines that such grounds are supported by a preponderance of the evidence, the  
41 action of Township Zoning Administrator or filing of the complaint shall be sustained and the applicant  
42 may appeal the Township Supervisor's decision to a court of competent jurisdiction.

## 43 **Section 12 APPEARANCE TICKETS**



1 The County Sheriff and sworn officers of the Grand Traverse County Sheriff Department, or such other  
2 officials as designated by the Township Supervisor are authorized to issue and serve appearance tickets  
3 with respect to a violation of this Ordinance pursuant to Michigan law. Appearance tickets shall be in  
4 such form as determined by the Township Attorney and shall be in conformity with all statutory  
5 requirements.

6  
7 **Section 13 CIVIL INFRACTION**

8  
9 A vendor who violates this Ordinance is responsible for a civil infraction and subject to a fine of \$500 per  
10 day.

DRAFT

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The City of Traverse City

Office of the Clerk

GOVERNMENTAL CENTER  
400 Boardman Avenue  
Traverse City, MI 49684  
(231) 922-4480  
tcclerk@traversecitymi.gov



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Dear Mobile Food Vendor:

**Subject: Application for Mobile Food Vending License**

Thank you for your interest in adding to our community!

Enclosed is a Mobile Food Vending License Application packet which must be completed in its entirety in order to obtain a Mobile Food Vending License. A separate application is required for each Mobile Food Vending Unit. Please familiarize yourself with, and adhere to both the enclosed *Guidelines for Mobile Food Vending* and the Traverse City Code of Ordinances Chapter 865 Mobile Food Vending which can be viewed in its entirety at <http://www.traversecitymi.gov/downloads/865.pdf>.

Please refer to the enclosed *Checklist for Mobile Food Vending License* for the required documentation for submission with your application. Once your application and all required documents have been received, the City Clerk's Office will obtain approvals from the appropriate departments and agencies. Once all required departments and agencies have approved your request, the City Clerk's Office will issue you a formal ***Mobile Food Vending License*** which must be prominently displayed on the Mobile Food Vending Unit.

We hope this information is helpful! The City of Traverse City looks forward to working with you to compliment the living experience in Traverse City! Should you have any questions, please feel free to contact anyone in the City Clerk's Office at (231) 922-4480 or contact Kim Lautner, Registration/Licensing Clerk at [klautner@traversecitymi.gov](mailto:klautner@traversecitymi.gov).

Most Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Marentette", is written over a light blue circular stamp.

Benjamin C. Marentette, CMC  
City Clerk

**City of Traverse City**  
**Application for Mobile Food Vending Unit License**  
**(City ordinance Chapter 865)**



*A separate license and separate application is required for each unit*

Business name: \_\_\_\_\_

Name of Food Truck: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Name of individual representing business: \_\_\_\_\_

Mobile telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Will you be vending on city property? \_\_\_\_ Yes \_\_\_\_ No

*If yes, please attach a certificate of general liability insurance in the amount of \$1 million per occurrence, with the City of Traverse City named as certificate holder, along with an endorsement to the policy naming the City of Traverse City as additional insured.*

Is your business a licensed food service establishment based in the City of Traverse City?  
\_\_\_\_ Yes \_\_\_\_ No

Have you or anyone who will be working at the unit been convicted of a felony under the laws of the State of Michigan, United States or any other state within the United States? \_\_\_\_\_

Make of vending unit: \_\_\_\_\_ Model of vending unit: \_\_\_\_\_

Year of vending unit: \_\_\_\_\_ VIN \_\_\_\_\_

Do you have a fryer? \_\_\_\_ Yes \_\_\_\_ No Do you have a grill? \_\_\_\_ Yes \_\_\_\_ No

Do you have a griddle? \_\_\_\_ Yes \_\_\_\_ No Do you have a broiler? \_\_\_\_ Yes \_\_\_\_ No

How will you be disposing of grey water/untreated waste? \_\_\_\_\_

Will you be using cooking fuel? \_\_\_\_ Yes \_\_\_\_ No

***If yes, please complete the following:***

What type of cooking fuel are you using? \_\_\_\_\_

Where, on the unit, will the cooking fuel be located? \_\_\_\_\_

How much cooking fuel will be located on the unit? \_\_\_\_\_

Do you have an exhaust hood? \_\_\_\_ Yes \_\_\_\_ No

***If yes, please complete the following:***

Who installed the hood? \_\_\_\_\_

What is the address of the installer? \_\_\_\_\_

What is the code/standard/year used in design of the hood? \_\_\_\_\_

What is the mechanical license number? \_\_\_\_\_

Do you have a suppression system? \_\_\_\_ Yes \_\_\_\_ No

***If yes, please complete the following:***

Who installed the suppression system? \_\_\_\_\_

What is the address of the installer? \_\_\_\_\_

What is the code/standard/year used in design of the hood? \_\_\_\_\_

What is the mechanical license number? \_\_\_\_\_

Do you have fuel piping? \_\_\_\_ Yes \_\_\_\_ No

What code/standard/year used in fuel piping? \_\_\_\_\_

Who installed the fuel piping? \_\_\_\_\_

What is the mechanical license number of the fuel piping installer? \_\_\_\_\_

**Please attach the following:**

- \_\_\_\_\_ Fee (fees outlined on the next page)
- \_\_\_\_\_ Michigan Sales Tax License – or slip from Michigan Department of Treasury
- \_\_\_\_\_ Copy of Special Transfer Food Unit
- \_\_\_\_\_ Photograph of the mobile food vending unit
- \_\_\_\_\_ Copy of State issued photo ID for all employees working at the mobile food vending unit

**Fee Schedule:**

Please attach the appropriate fee with your application so it may be processed. (Fee is non-refundable once a permit has been issued by the City Clerk's Office; permits are valid for one year from the date of issuance.) Please submit only one fee.

- \$1,225 – if vending on city property (if you are also vending on private property, this fee applies)
- \$ 725 – if vending on private property only
- \$ 500 – if a city-based food service establishment operating on city property
- \$ 0 – if a city-based food service establishment operating on non-city property

**The undersigned, declares the following: that he/she wishes to be permitted to perform the operation, service or act stated hereon; that the statements made above are true and correct to the best of his\her knowledge and belief; that he/she will comply with all provisions of the ordinances of the city of Traverse City relative to the operation, service or act for which the license is requested; that he/she agrees to hold the city of Traverse City free and harmless from all liability which may be imposed upon it and to reimburse the city of Traverse City for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the license was issued.**

**The undersigned understands that vending is not permitted in City Parks including the water area of the parks, and acknowledges that he/she has received a copy of the rules for vending. Provided, however, that certain parking lots associated with parks have been designated for mobile food vending.**

**The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.**

---

Signature of applicant

---

Date signed

**CHECKLIST FOR MOBILE FOOD VENDING UNIT LICENSE**  
***THE FOLLOWING IS NEEDED BEFORE A MOBILE FOOD VENDING LICENSE WILL***  
***BE ISSUED:***

- \_\_\_ 1. Contact the Grand Traverse County Health Department. Depending on the classification of your unit and its status within the State of Michigan, an in-depth, review may be required which can take a few weeks to complete. Contact Grand Traverse County Health Department, 2650 LaFranier Road, between 8am and 4:30pm, Monday through Friday, (231) 995-6051. Or if fresh meats, frozen foods, etc. contact the Michigan Department of Agriculture and Rural Development, at (800)292-3939.
- \_\_\_ 2. Fee. Please attach the appropriate fee with your application so it may be processed. (Fee is non-refundable once a permit has been issued by the City Clerk's Office; permits are valid for one year from the date of issuance.) Please submit only one fee; the highest fee applies:
- \$1,225 – if vending on city property (if you are also vending on private property, this fee applies)
  - \$ 725 – if vending on private property only
  - \$ 500 – if a city-based food service establishment operating on city property
  - \$ 0 – if a city-based food service establishment operating on non-city property
- \_\_\_ 3. **If vending on City Property**, a certificate of your general liability insurance evidencing \$1 million per occurrence coverage, with the City of Traverse City, 400 Boardman Avenue, Traverse City, MI 49684 listed as certificate holder. Additionally, an Endorsement to your insurance policy, naming the City of Traverse City as additional insured is required.
- \_\_\_ 4. A copy of your Michigan Sales Tax License. If you do not have one, you must first go to the Michigan Department of Treasury, 701 S. Elmwood, between 8am and 12pm, Monday through Friday, (231) 922-5230.
- \_\_\_ 5. A photograph of your mobile food vending unit.
- \_\_\_ 6. Once you have completed steps 1 - 5, please provide the completed application and attachments to obtain your Mobile Food Vending License to the City Clerk's office, 400 Boardman Avenue, between 8am and 5pm, Monday through Friday, (231) 922-4480. Because various approvals are required, please be aware that Mobile Food Vending Unit Licenses may take a week or more to process.

## GUIDELINES FOR MOBILE FOOD VENDORS

1. **Proof of License.** When the City Clerk's Office receives a completed application, with all attachments required, we will begin processing your application. If approved, the City Clerk's Office will issue a City of Traverse City Mobile Food Vending Unit License. ***This license must be prominently displayed on the Mobile Food Vending Unit.***
2. **Vending on city property.** Vending on city property is only allowed with a valid license at locations and hours as authorized by resolution of the City Commission. Those locations include:
  - **Parking Lot RB** (adjacent to the West End Beach Volleyball Courts) – maximum of two units at one time; the first two that arrive during the designated hours may operate
  - **Parking Lot B** (at Grandview Parkway and Union Street – excluding during the Farmer's Market) - maximum of two units at one time; the first two that arrive during the designated hours may operate
  - **Parking Lot E** (behind the United States Post Office at State Street and Union Street) - maximum of two units at one time; the first two that arrive during the designated hours may operate
  - **Parking Lot J** (at Sixth Street and Union Street) - maximum of two units at one time; the first two that arrive during the designated hours may operate
  - **State Street, between Pine Street and Union Street**
  - **Streets directly adjoining city parks located outside of the Downtown District (DDA District) where parking is otherwise allowed.**
  - **Streets directly adjoining the following facilities where parking is otherwise allowed:**
    - Munson Medical Center's main campus on Sixth Street
    - Traverse City Central High School Main Campus
    - Grand Traverse County Civic Center
    - Northwestern Michigan College's main campus

*Please see the attached map that outlines the city property where mobile food vending is allowed. If you are parking in a metered parking spot, you must pay the meter the entire time you are located in the metered space(s). Provided you are operating within the times authorized by the City Commission for Mobile Food Vending, you may disregard any parking duration limitations indicated at the meter.*

3. ***Vending is prohibited on public property within one block of a city-authorized street fair, public festival, farmers market or event, unless authorized by the event sponsor.***
4. **Vending on non-city property.** Vending on non-city property is allowed with a valid license.
5. **Hours of Presence and/or operation.** For residential areas, vending may occur between the hours of 9 a.m. and 9 p.m. For commercial areas, vending may occur



between the hours of 7 a.m. and 11 p.m. For private property in commercial areas, vending may occur between the hours of 6 a.m. to 3 a.m. ***No mobile vending unit may be present or operate except during the specific hours mentioned in this section. This includes set up and tear down.***

6. **Other miscellaneous rules.** As outlined in the Traverse City Ordinance Chapter 865, all vendors must:

- Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis. Waste shall not be disposed of in city receptacles.
- If operating on city-owned or city property, may only locate on such property as established by resolution of the City Commission. If parked on public streets, vendors shall conform to all applicable parking restrictions. ***Provided, however, that a Mobile Food Vending Unit may disregard the duration restrictions if parked within a parking space that is metered.***
- When parked on a public street, not operate within thirty feet of any intersection or driveway.
- Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event except with the authorization of the event sponsor.
- Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward
- Not use loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the city.
- Comply with the city’s Noise Ordinance, Sign Ordinance and all other city ordinances.
- Comply with all applicable federal, state and county regulations.
- May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian/vehicle safety.
- Not leave any mobile food vending unit on city property unattended for more than 2 hours; and any mobile food vending unit on city property shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and between the hours of 9 p.m. and 9 a.m. in residential areas.
- Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.
- All grey water/untreated waste shall be disposed of in accordance with federal, state and local regulations, and under no circumstances shall dispose of untreated waste into the sewer.

*planning review*

Date: 05.03.2016

From: John Iacoangeli  
To: **Karly Wentzloff, Chairperson**  
ACME TOWNSHIP PLANNING COMMISSION  
6042 Acme Road  
Traverse City, MI 49690

Project: **Village at Grand Traverse  
Minor Amendment #4  
SUP 2004-11P**

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Background:

Applicant – The Village at Grand Traverse, LLC

Agent - Anderson Real Estate  
3805 Edwards Avenue  
Cincinnati, OH 45209

Property - 4550 East M-72, Williamsburg, MI

Zoning - R-3 (Urban Residential) with a SUP for the Village at Grand Traverse  
Mixed Use Permit.

Proposal - Rescind Minor Amendment #3

Request

Anderson Real Estate on behalf of The Village at Grand Traverse, LLC (VGT) is requesting a minor amendment to its Special Use Permit dated October 21, 2004 and recorded on November 11, 2004. The minor amendment request deals specifically with rescinding Minor Amendment #3.

Minor Amendment #3 was approved by the Planning Commission in September 2014 to accommodate a proposal from Redwood Acquisitions to build 130 attached single-story rental units on the southeastern portion of the project that was set aside for 430 multi-family units. In addition to this issue, subsection 5.14 "Residential Character" requires that the same parcel be designed as a neo-traditional, traditional neighborhood or new urbanism neighborhood.

The request before the Planning Commission is to rescind Minor Amendment #3. This would negate Minor Amendment #3 and restore the density from 130 dwelling units back to the original concept plan and land use table which contained 430 dwelling

*planning review*

units and reaffirm the new urbanism design of the residential development proposed for the southeast portion of the project as originally approved.

Recommendation

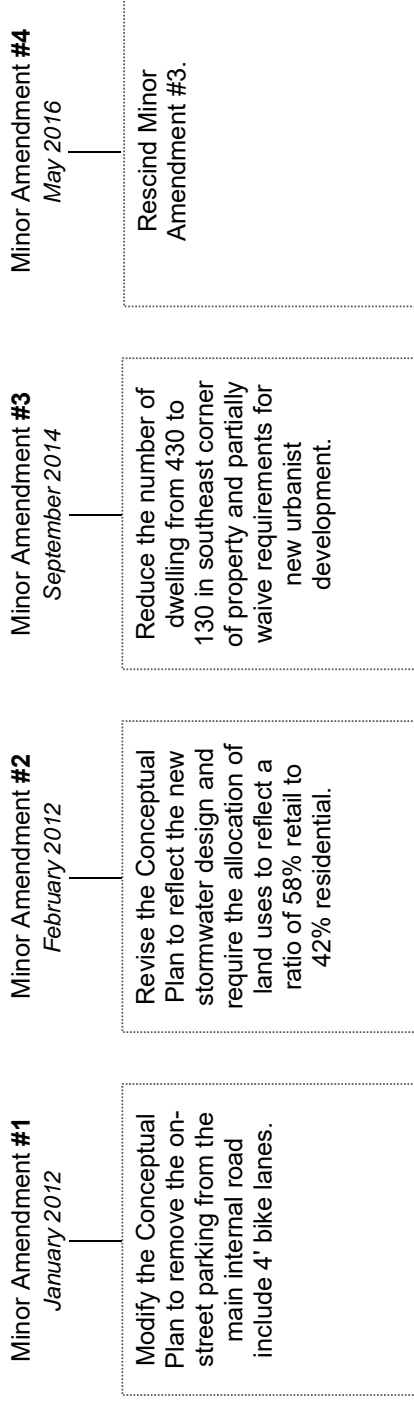
Approve Minor Amendment #4 as outlined in the letter of request submitted by Mr. Steve Schooler, agent for the Village at Grand Traverse, LLC.

Suggested Motion

Motion made by \_\_\_\_\_, Second by \_\_\_\_\_ to recommend to the Board of Trustees approval of Minor Amendment #4 which rescinds Minor Amendment #3 to SUP 2004-11P.

#####

Village at Grand Traverse  
MINOR AMENDMENTS to SUP2004-11P





# Site Plan Review

6042 Acme Road | Williamsburg, MI | 49690

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

Date: 04.25.2016

From: Shawn Winter  
To: Karly Wentzloff, Chairperson  
ACME TOWNSHIP PLANNING COMMISSION  
6042 Acme Road  
Williamsburg, MI 49690

Project: Hops Processing Barn  
MI Local Hops (5555 Arnold, LLC)  
5555 Arnold Rd  
Williamsburg, MI 49690

Request: Site Plan Review 2016-01

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Applicant: Peninsula Construction & Design

Parcel Address: 5720 Bates Rd

Parcel Number: 28-01-002-001-00

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## General Description

The Applicant is proposing to build a 180' x 80' (14,400 ft<sup>2</sup>) hops processing and storage barn to complement the existing agriculture activities on the property. The use is allowed by right in the A-1 Agricultural District.





# Site Plan Review

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The property was previously the Highpoint Golf Course and has since been converted into an active hops farm, allowable by right in A-1 Agricultural District. The proposed structure is a 180' x 80' foot processing pole barn that will be divided into two rooms:

- Processing Room
  - 100' x 80'
  - 31' 8 ¼" elevation
- Cooler Storage Room
  - 80' x 80'
  - 21' 8 ¼" elevation

The proposed use is complimentary to the existing agricultural use of the property and nearby structures. The site is located off of Bates Road adjacent to a recently constructed hops drying facility and an existing structure from the former golf course used for storage of equipment.

## Existing Permits

SPR 2015-01

- Site Plan Review approval for hops drying facility

LUP 2015-45

- Land Use Permit to construct hops drying facility

## Zoning Ordinance Compliance

The proposed use is compliant with the following section(s) of the Acme Township Zoning Ordinance for the A-1 Agricultural District:

### 6.12.2 Uses Permitted By Right

a. Agricultural and Farm Related Operations listed below:

1. Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises.
4. Agricultural processing. Activities which involve a variety of operations after harvest of crops to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are cleaning, milling, pulping, drying, roasting, hulling, storing, packaging, selling, and other similar activities. Also included are the facilities or buildings related to such activities.



# Site Plan Review

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A-1: Agricultural District			
Regulation	Requirement	Provided on Site Plan	
Minimum Lot Size	5 acres	321.4 acres	Yes
Minimum Lot Width	330 feet	≈ 3,950 feet	Yes
Front Yard Setback	50 feet	≈ 150 feet	Yes
Side Yard Setback	25 feet	> 500 feet	Yes
Rear Yard Setback	40 feet	> 500 feet	Yes
Building Height	100 feet (maximum)	31' 8 ¼"	Yes

## Agency Reviews

1. Soil Erosion and Sedimentation Control – permit No. 23476 issued on 04/10/2015 is still valid for this project
2. Grand Traverse Metro Emergency Services Authority – no review required per Assistant Chief/Fire Marshall due to agricultural use
3. Gosling Czubak Storm Water Review – fj

## Standards for Site Plan Review

Standards for Site Plan Review	
Standard	Finding
That the applicant may legally apply for site plan review.	<b>Satisfied:</b> The Applicant has been granted permission by the owner to apply for this Site Plan Review
That all required information has been provided.	<b>Satisfied</b>
That the proposed development conforms to all regulations of the zoning district in which it is located and all other applicable standards and requirements of this ordinance, including but not limited to all supplementary regulations.	<b>Satisfied:</b> The proposed use is allowed by right in the A-1 Agricultural District
That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.	<b>Satisfied:</b> Gosling Czubak – Favorable GT Metro Fire – Not applicable Soil Erosion – Favorable
That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.	<b>Satisfied:</b> Gosling Czubak – Favorable GT Metro Fire – Not applicable Soil Erosion – Favorable



# Site Plan Review

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Standards for Site Plan Review	
Standard	Finding
That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.	<b>Satisfied:</b> Areas previously developed will be left undisturbed as indicated on the site plan
That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.	<i>Not Applicable</i> – No floodplains present
That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.	<b>Satisfied:</b> Soil type and conditions were indicated on site plan and considered as part of the storm water review process. No problematic soil conditions indicated.
That the proposed development will not cause soil erosion or sedimentation problems.	<b>Satisfied:</b> SESC Permit No. 23476 issued. Topsoil, seed and mulch will be used on all disturbed areas.
That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.	<b>Satisfied:</b> Gosling Czubak review deemed the storm water plan acceptable.
That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.	<b>Satisfied:</b> The current site is a former golf course that has been converted to a hop farm.
That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.	<b>Satisfied:</b> Located in the A-1 Agricultural District adjacent to an existing drying facility and storage/maintenance building
That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.	<i>Not Applicable</i> – No phasing required
That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.	<b>Satisfied:</b> No connection to public water or sewer. Sufficiently set back from County Road Easement (Bates Rd)
That landscaping, fences or walls may be required when appropriate to meet the objectives of this Ordinance.	<b>Satisfied:</b> No landscaping requirements
That the exterior lighting plan conforms to the requirements of this Ordinance.	<b>Satisfied:</b> One exterior wall pack light above each personnel door, same style as the drying facility (spec sheet enclosed)
That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.	<b>Satisfied:</b> No impact





# Site Plan Review

6042 Acme Road | Williamsburg, MI | 49690

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

Standards for Site Plan Review	
Standard	Finding
That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.	<b>Satisfied:</b> Gravel drive, parking and turnaround area indicated on site plan, providing sufficient circulation
That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.	<i>Not Applicable</i> – No outdoor dumpster or waste receptacle indicated on site plan
That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.	<b>Satisfied:</b> The proposed use meets the intent of the A-1 zoning district

## Summary of Review

The proposed site plan and associated use is allowed by right in the A-1 Agricultural District, as well as a complimentary use to existing hops farming operation. The proposed barn will be located adjacent to the hops drying facility and in close proximity to the farm's equipment storage building, effectively concentrating farm's accessory buildings and processing in one location on the property.

## Suggested Motion

Motion to approve the site plan submitted by Peninsula Construction and Design, on behalf of MI Local Hops, for the construction of a 14,400 square foot hops processing and storage barn with the stipulation that the final approved site plans be sealed by the Applicant's engineer, and signed by the Applicant and Planning Commission Chair.

# NEW HOPS COOLER FACILITY:

# MI HOPS

5720 BATES RD.  
WILLIAMSBURG, MI 49690

Structural Notes:

1. Do not backfill earth retaining walls until concrete or grout has reached (75% of its 28 day strength), and all bracing elements are in place (lower and upper floors).
2. All work shall be performed in accordance with the specifications and contract drawings. Prior to implementation, any discrepancies between the specifications and the contract drawings shall be reported to the engineer for clarification.
3. In the event that certain details of construction are not indicated or noted in the drawings, details for similar conditions that are indicated or noted shall be reported to the engineer for clarification.
4. The structural engineer prior to fabrication, erection, and/or construction shall review openings and penetrations through structural elements that are not indicated in the structural drawing.
5. Materials or equipment shall not be placed on unfinished floors or roofs in excess of 20 psf or on finished floors or roofs in excess of the design live loads that are indicated in the structural drawings. Impact loading shall be avoided.
6. The structure has been designed for the in-service loads only. The method, procedures and sequences of construction are the responsibility of the contractor. Contractor shall take all necessary precautions to maintain and ensure the integrity of the structure at all stages of construction. Contractor shall immediately notify the structural engineer of any condition, which, in their opinion, might endanger the stability of the structure, or cause distress in the structure.
7. Erector is to provide temporary bracing sufficient to hold frame in position until all construction necessary for building stability is complete.
8. All existing conditions and all related dimensions indicated in the contract documents should be field verified prior to fabrication, erection, and/or construction. Any condition that differs from that indicated in the contract documents shall be submitted the engineer for review prior to fabrication, erection, and/or construction.
9. Cold Weather concrete shall conform to to ACI-306-02 guidelines

General Notes:

BUILDING DESCRIPTION

1. WIDESPAN, as manufactured by Butler Manufacturing Company.
2. Building design loads:

42 psf roof snow loadCe = 1.0

60 psf ground snow loadCt = 1.0

115 mph wind load exp. "C"Cs = 1.0
3. Building Type: 2B
4. Suppression: NON-SUPPRESSED
5. New Building Height: 31'-11" ft
6. New Building Area: 14,400SF

CONCRETE DESCRIPTION

1. Concrete footings are designed for a soil bearing pressure of 2,000 psf. Verify site conditions. Soil not meeting this requirement shall be replaced below foundations and building slabs with engineered fill and compacted to to 95% of the Modified Proctor Value. Depth of engineered fill shall be determined by encountered site conditions.
2. All reinforcing shall consist of deformed bars, grade 60 ksi, conforming to ASTM A615. All wire fabric shall consist of welded, smooth wire fabric conforming to ASTM A185.
3. All anchor bolts must be set by means of a template. All bolts shall be ASTM grade A307, for type see anchor bolt details. DO NOT HAND SET!
4. Run continuous footing reinforcement through column foundations. Do not break continuity at column locations. Mats in column foundation pads must be set on brick chairs to assure placement in pads as shown in footing details.
5. All required hairpins shall be centered in adjacent floor slabs Thicken the floor slab as required at pier locations to provide minimum 3" cover at all hairpin locations.
6. All concrete material and installation shall conform to ACI 318, Building Code Requirements for Structural Concrete.
7. DO NOT SCALE PRINTS, Contact the design department if there is a dimensional conflict.

Concrete Masonry Units (CMU):

Field construction shall conform to the requirements of the Building Code Requirements for Masonry Structures (ACI 530-02).

All hollow, load bearing concrete masonry units (CMU) shall conform to ASTM C-90 Class I (normal weight), Type I (moisture controlled). (Fm = 1,500 psi for all bearing walls, unless specified otherwise on the drawings)

Mortar in non-reinforced and reinforced concrete masonry unit walls shall conform to ASTM C-270, Type S, unless specified otherwise on the drawings

Grout in non- reinforced and reinforced concrete unit walls shall conform to ASTM C-476, fine or coarse grout. Minimum compressive strength shall be 2,500 psi unless specified otherwise.

Cold weather construction shall follow referenced specifications.

Concrete Specifications:

Footings	
fc	3000 psi
Foundation & Retaining Walls	
fc	3000 psi
Exterior Concrete	
fc	3500 psi
Air	6% +/- 1%

Sheet Legend:

- C1: SITE PLAN
- C2: STORM WATER & GRADING PLAN
- A1: FLOOR PLAN
- ~~A2: EQUIPMENT PLAN~~
- A3: ELEVATIONS
- ~~F1: FOUNDATION PLAN~~
- ~~F2: FOUNDATION DETAILS~~
- ~~F3: FOUNDATION DETAILS~~
- ~~F4: FOUNDATION DETAILS~~
- S1: BUILDING SECTIONS



www.PENINSULAConstruction.com  
P: (231) 947-7951  
1125 BUSINESS PARK DR. TRAVERSE CITY, MI 49686

JOB NAME:  
**MI HOPS #2**

LOCATION:  
5. BATE RD.  
ACME, MICHIGAN

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REVISIONS:

DATE:	NOTES:

DRAFTER:

GTS

PRJ. MGR:

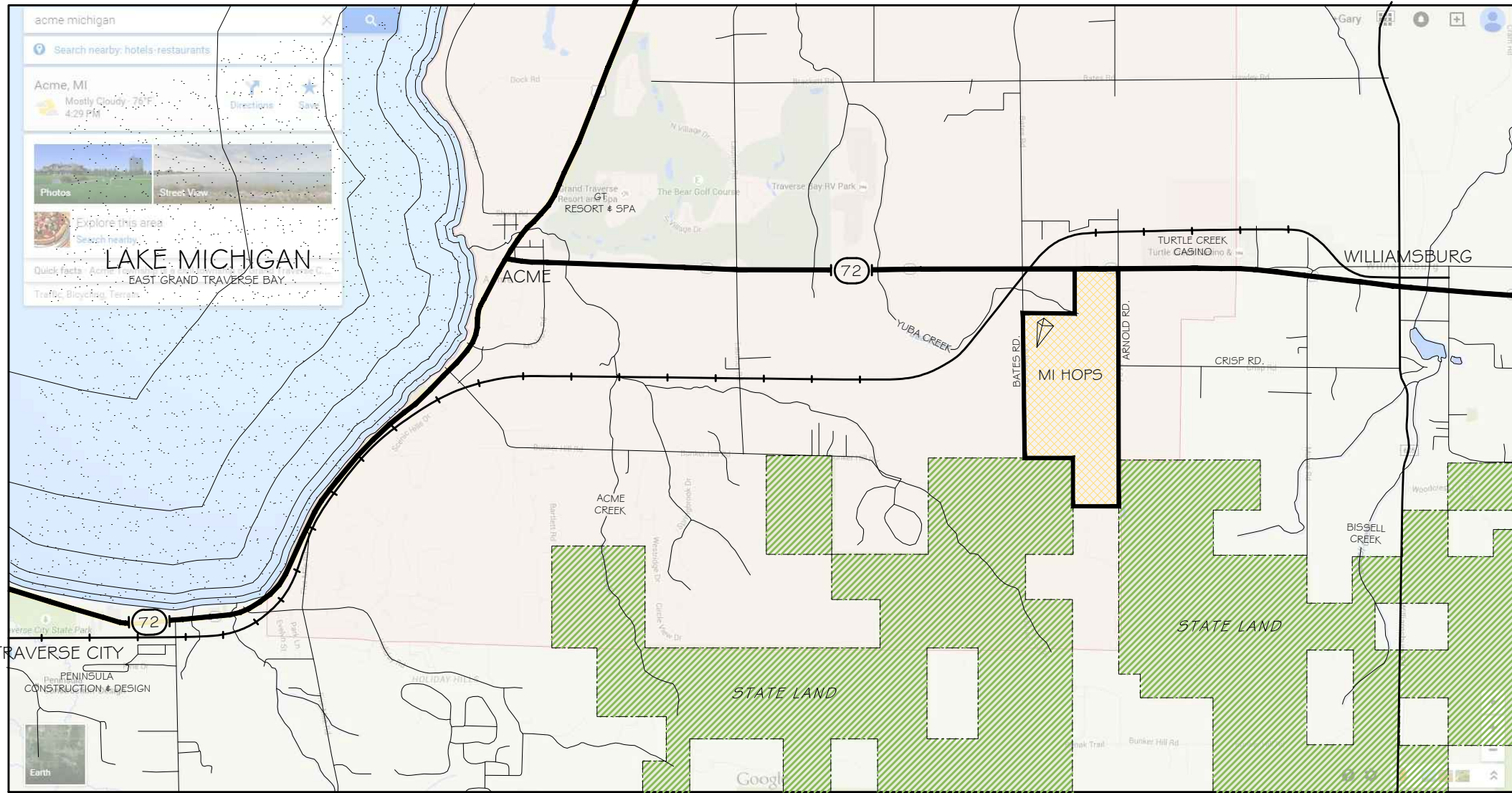
SJR

CONTACT:

KEVIN  
REFFITT

DATE:	5.4.2016
PHASE:	BUILD SET
SCALE:	N.T.S
JOB #	0000
SHEET #	COVER





## LOCUST MAP

SCALE: N.T.S.

### TAX I.D. NUMBERS:

PARCEL # - 01 - 002 - 001 - 00  
ADDRESS: 5720 BATES RD. WILLIAMSBURG, MI 49690  
ZONED: A (Agricultural)

### SITE COVERAGE:

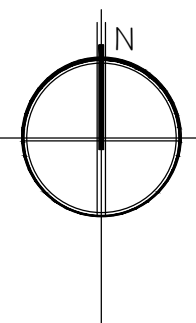
PARCEL SIZE:	14,000,184 SQ. FT. (321.4 ACRES)
EXISTING STORAGE BUILDING AREAS:	6,900 SF
EXISTING HOPS BUILDING AREA:	28,800 SF
PROPOSED HOPS BUILDING AREA:	14,400 SF
TOTAL COVERED AREA (BY BUILDING)	50,100 S.F.
% OF BLDG / LOT COVERAGE	50,100 S.F. / 14,000,184 S.F. =
NOTE: LANDSCAPED R.O.W.'S NOT INCLUDED	.3%
B-3b ALLOWABLE COVERAGE	.3% < 50% ALLOWABLE - OK

### SITE LIGHTING:

PACK LIGHTS ON BUILDING  
LOCATED @ PERSONNEL DOORS  
(SEE PLAN DRAWING)

### GENERAL NOTES:

1. ALL GRADES TO BE VERIFIED BEFORE CONSTRUCTION
3. RETENTION AREAS TO BE CONSTRUCTED WITH FLAT BOTTOMS & MAXIMUM 1/3 SIDE SLOPES.
4. DO NOT SCALE PRINTS
5. ALL DISTURBED AREAS TO RECEIVE TOP SOIL, MULCH & SEED.
6. ALL BUILDING UTILITY LOCATIONS ARE ONLY PROPOSED AND MAY VARY.
7. PLACE SILT FENCE AT TOE OF ALL FILL SLOPES ADJACENT TO WET LAND AREAS AND PROPERTY LINES.
8. CONTRACTOR SHALL PROVIDE PERIODIC STREET SWEEPING OR OTHER ON-SITE CONTAINMENT MEASURES TO PREVENT SEDIMENT FROM LEAVING SITE.
9. SEE PLANT LIST FOR THE PROVIDED LANDSCAPING MATERIALS
10. ALL LANDSCAPED BEDS TO RECEIVE WEED BARRIER AND MINIMUM 4" CEDAR MULCH
11. ALL PLANTINGS AND LAWN AREAS TO RECEIVE IRRIGATION
12. WALL PACK LIGHTING TO MATCH EXISTING
13. SEE PLAN FOR LIGHTING DISTRIBUTION



## SITE PLAN - PROPERTY LINES

SCALE: N.T.S.

DO NOT SCALE DRAWING



www.PENINSULACONSTDESIGN.com  
P. (231) 947-7951  
1125 BUSINESS PARK DR. TRAVERSE CITY, MI 49686

JOB NAME:  
**MI HOPS #2**  
LOCATION:  
5. BATE RD.  
ACME, MICHIGAN

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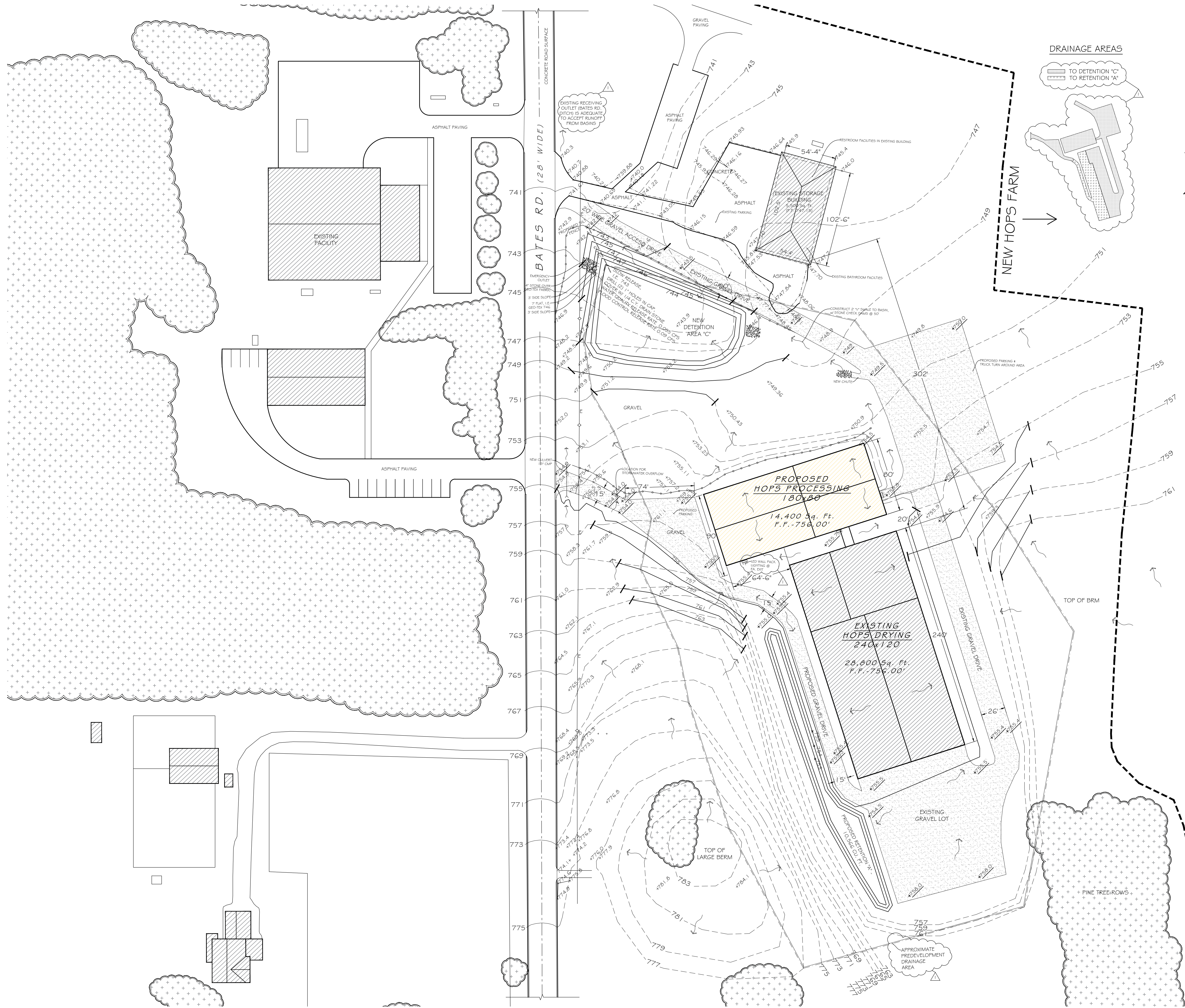
### REVISIONS:

DATE:	NOTES:

DRAFTER:  
GTS  
PRJ. MGR:  
SJR  
CONTACT:  
KEVIN REFFITT

DATE:	5.4.2016
PHASE:	BUILD SET
SCALE:	N.T.S.
JOB #	0000
SHEET #	CI





## LEGEND

- FOUND SURVEY MARKER AS NOTED
- PREVIOUSLY SET CORNER BY OTHERS NOT FOUND THIS SURVEY
- PROPERTY LINE
- NEW BUILDING
- EXISTING BUILDING
- EMERGENCY ACCESS
- FENCE
- SILT FENCE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- NEW PAVED SURFACE
- GRAVEL DRIVE
- NEW SIDEWALK
- MEASURED THIS SURVEY
- J.H. GREEN RECORD CALL
- G.E. YOUNG RECORD CALL
- SIGN
- LATH
- CATCH BASIN
- EXISTING GRADE
- NEW PROPOSED GRADE
- WATER DIRECTION

## STORM WATER CALCULATIONS

REVISED DESIGN BASIS PER ACME TOWNSHIP STORM WATER CONTROL ORDINANCE  
25 YEAR 24 HR. STORM ON HARD SURFACE WITH DETENTION SLOW RELEASES

BASINS A:  
TRIBUTARY AREA = 25614 SF WEST SIDE HOPS DRYING UNIT,  
WEST DRIVE, AND WEST SIDE OF SOUTH GRAVEL DRIVE/ PARKING  
REQUIRED VOLUME PER BASIN =  $3.89' / 12 \times .95 \times 25614$   
= 7888 CF

### RETENTION A:

VOLUME PROVIDED:  
EXCAVATED BASIN: 3' DEEP  
7,286 Sq. Ft.  
5,263 Sq. Ft.  
3,300 Sq. Ft.  
 $((7,286 + 5,263 + 3,300) / 3) \times 2 =$   
10,566 Cu. Ft.

### RETENTION B:

REMOVED FROM SITE  
BASIN 'C' INCREASED TO HANDLE  
EXTRA DRAINAGE FROM EXISTING HOPS  
DRYING

CONSTRUCT NEW BASIN 'C' SOUTH OF NEW DRIVE  
TRIBUTARY AREA = 76,096 SF EAST SIDE BLDG #1, BLDG #2, EAST SIDE OF SOUTH GRAVEL LOT,  
EAST GRAVEL DRIVE, EAST TRUCK TURNAROUND

REQUIRED VOLUME =  $3.89' / 12 \times .95 \times 76,096$   
= 23,434 CF

BY CONSTRUCTING BERM AT 747  
ELEV 746 AREA = 14,714  
ELEV 745 AREA = 12,578  
ELEV 744 AREA = 10,386  
VOLUME =  $(14,714 + 12,578 + 10,386) / 3 \times 2 = 25,132 \text{ C.F.}$

## SOIL EROSION CONTROLS

INSTALL SILT FENCE BEFORE COMMENCING WITH EARTH CHANGE ACTIVITIES  
PROVIDE TOPSOIL, SEED AND MULCH FOR ALL DISTURBED AREAS

## SOIL TYPE

EMMET SANDY LOAM  
MODERATE TO SEVERELY ERODED  
EXISTING COVER GRASSES  
SOIL GROUP B

## REVISIONS:

DATE:	NOTES:
5.3.2016	PLAN REVIEW

## DRAFTER:

GT5

## PRJ. MGR:

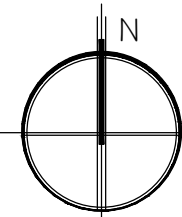
SJR

## CONTACT:

KEVIN

REFFITT

DATE:	5.4.2016
PHASE:	BUILD SET
SCALE:	1"=50'-0"
JOB #	0000
SHEET #	C2



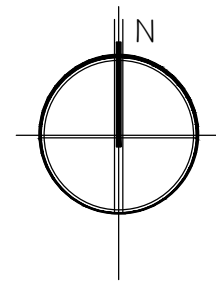
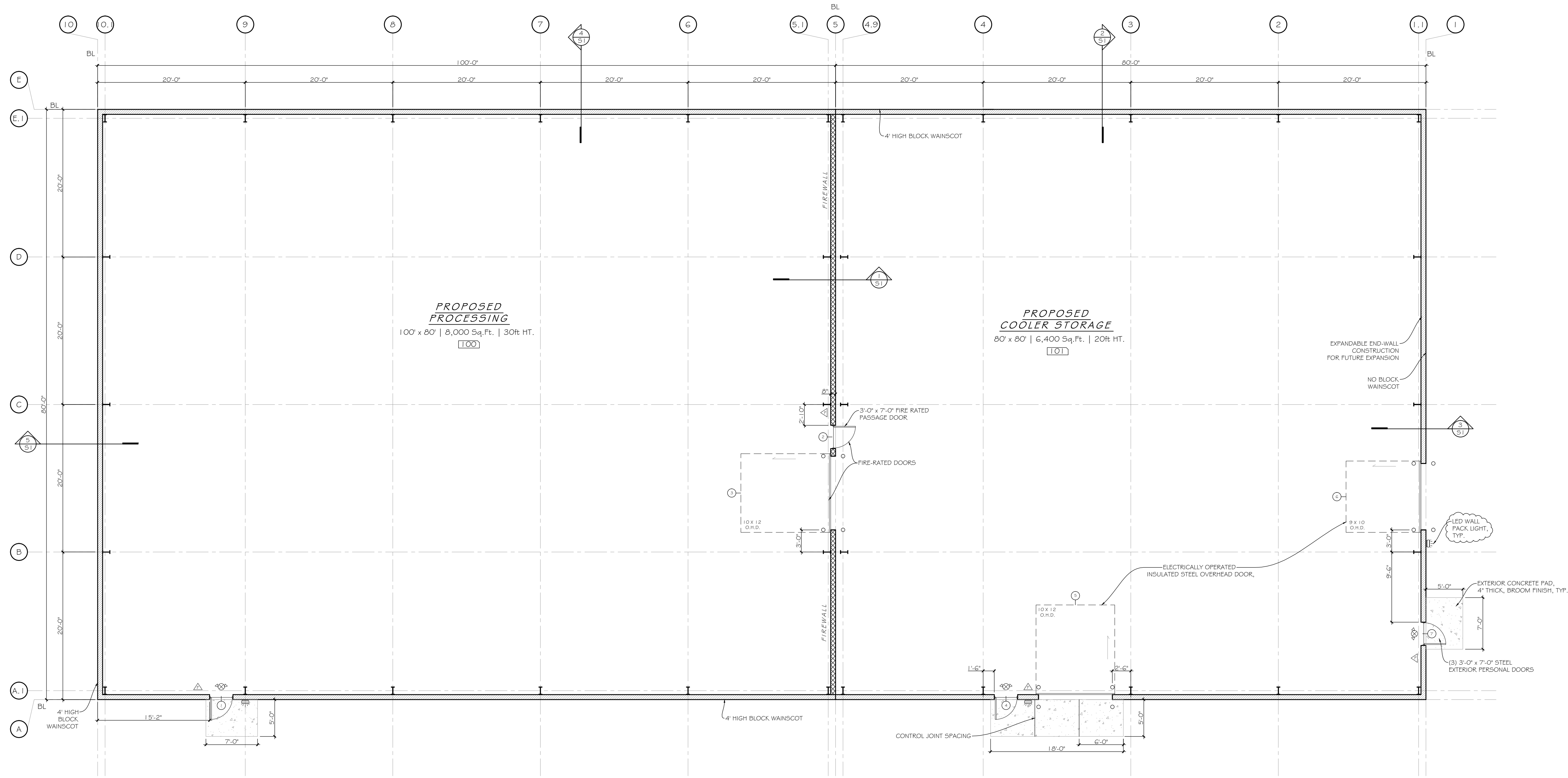
## STORM WATER & GRADING PLAN

SCALE: 1"= 50'-0"

\*NOTE: SITE CONTOURS ARE APPROX. ONLY, & INTENDED FOR ILLUSTRATIVE PURPOSES.  
(SEE GRADE SPOT ELEVATION TO VERIFY)

DO NOT SCALE DRAWING





# FLOOR PLAN

SCALE: 1/8" = 1'-0"

LEGEND: MEANS OF EGRESS LIGHTING	
	EXIT SIGN
	EMERGENCY LIGHTS
	EXIT SIGN W/ LIGHT
	EXTERIOR WALL PACK
	FIRE EXTINGUISHER

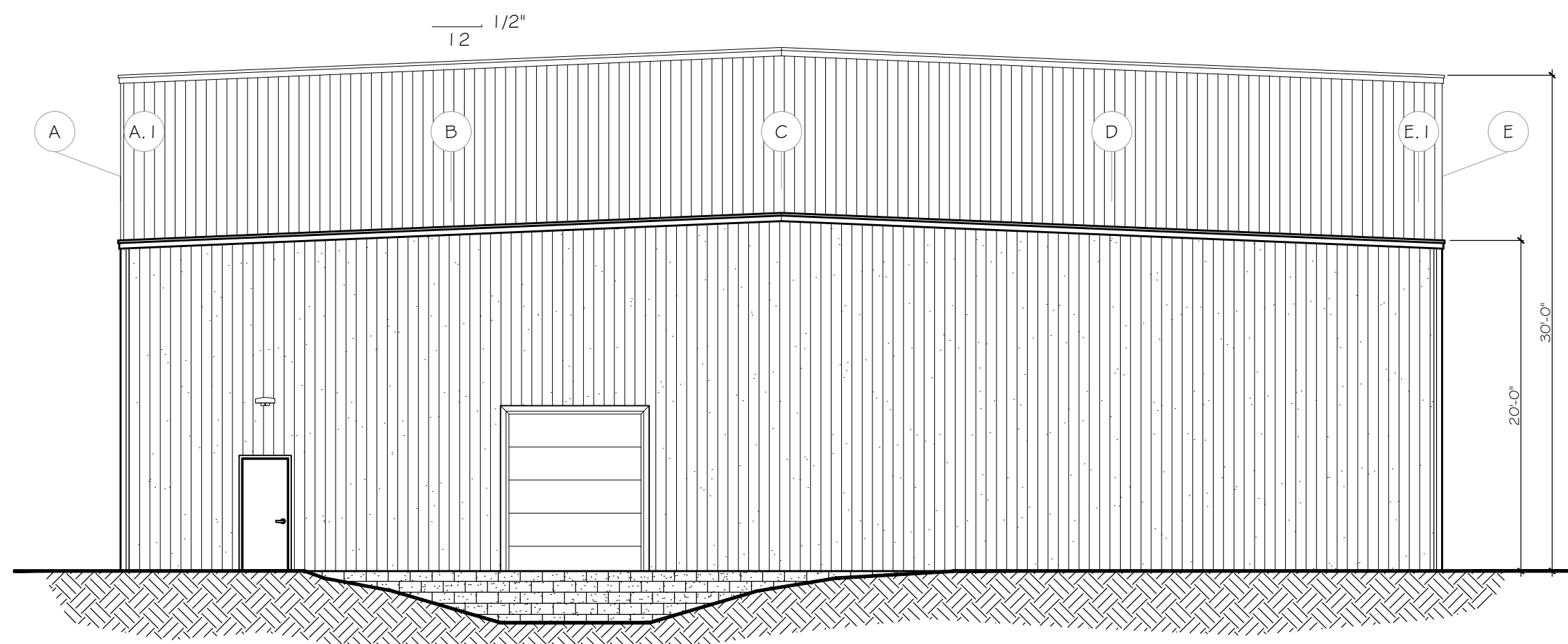
JOB NAME: **MI HOPS #2**  
LOCATION: **S. BATE RD.  
ACME, MICHIGAN**

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REVISIONS:	
DATE:	NOTES:

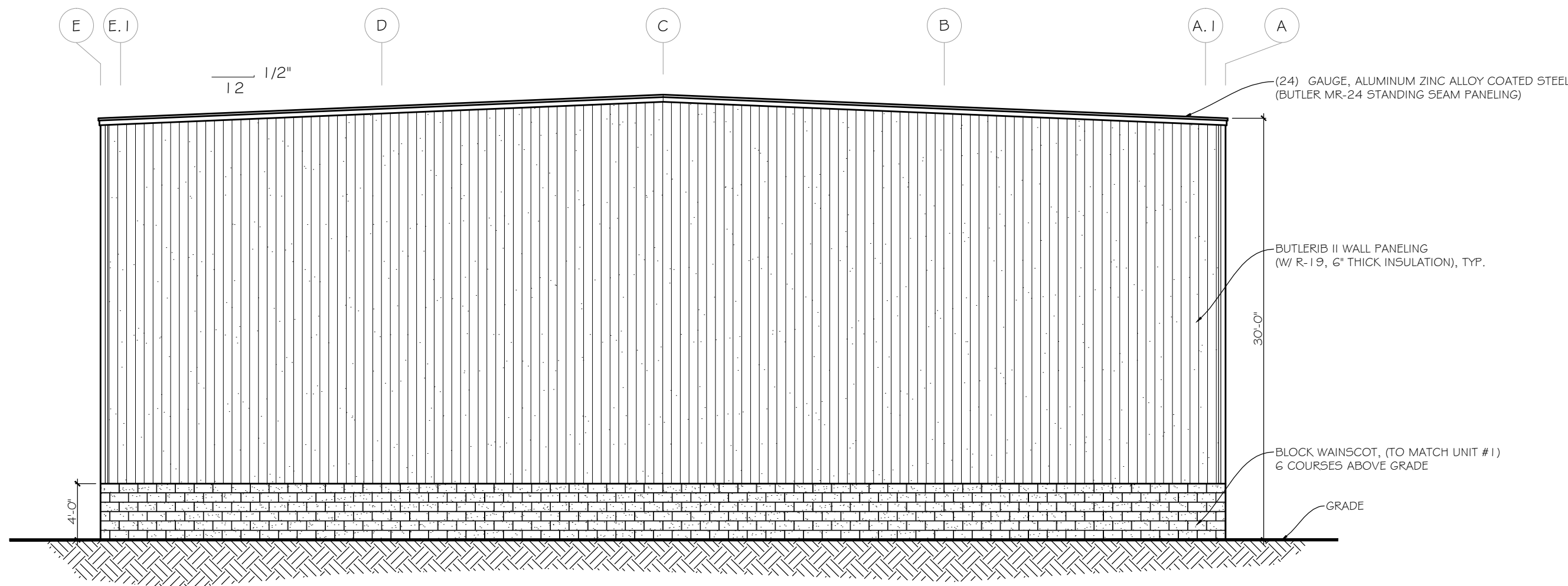
DRAFTER: **GTS**  
PRJ. MGR: **SJR**  
CONTACT: **KEVIN REFFITT**

DATE:	5.4.2016
PHASE:	BUILD SET
SCALE:	1/8" = 1'
JOB #	0000
SHEET #	



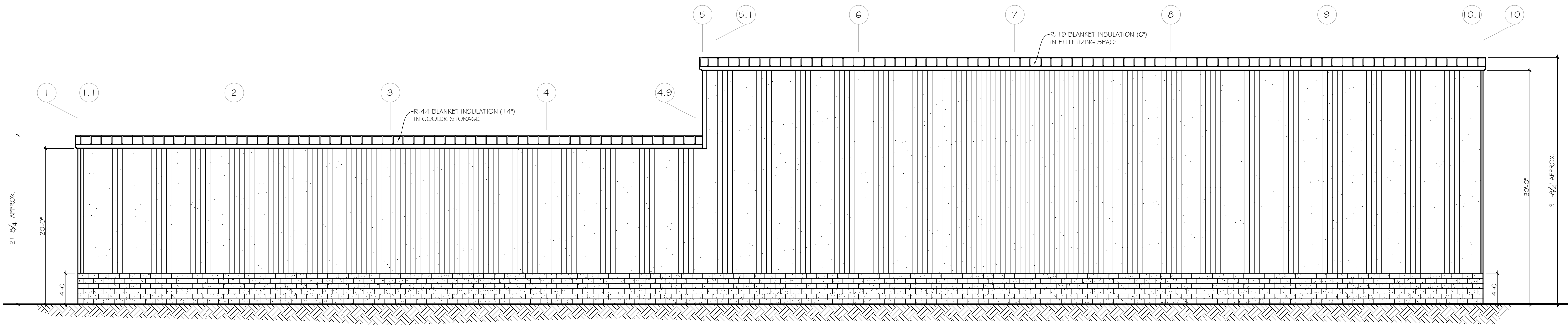
EAST ELEVATION

SCALE: 1/8" = 1'-0"



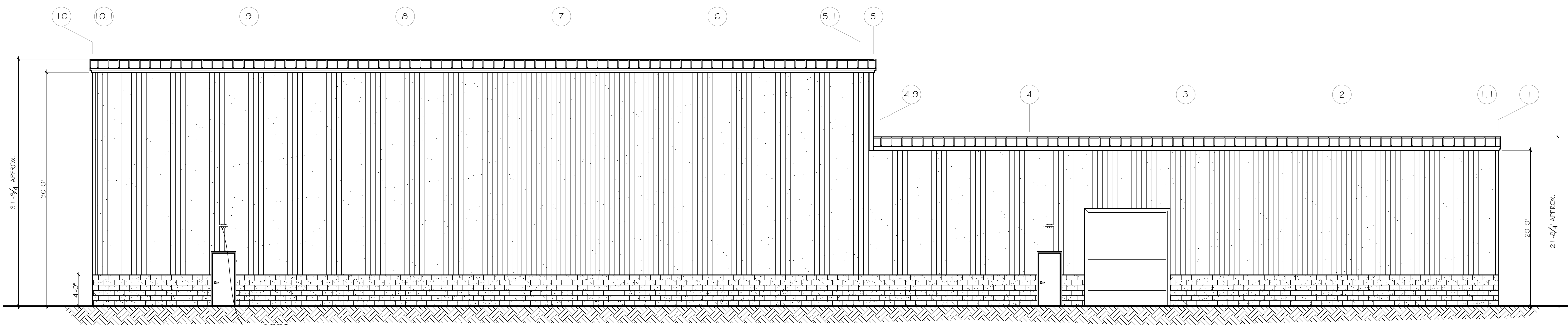
WEST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

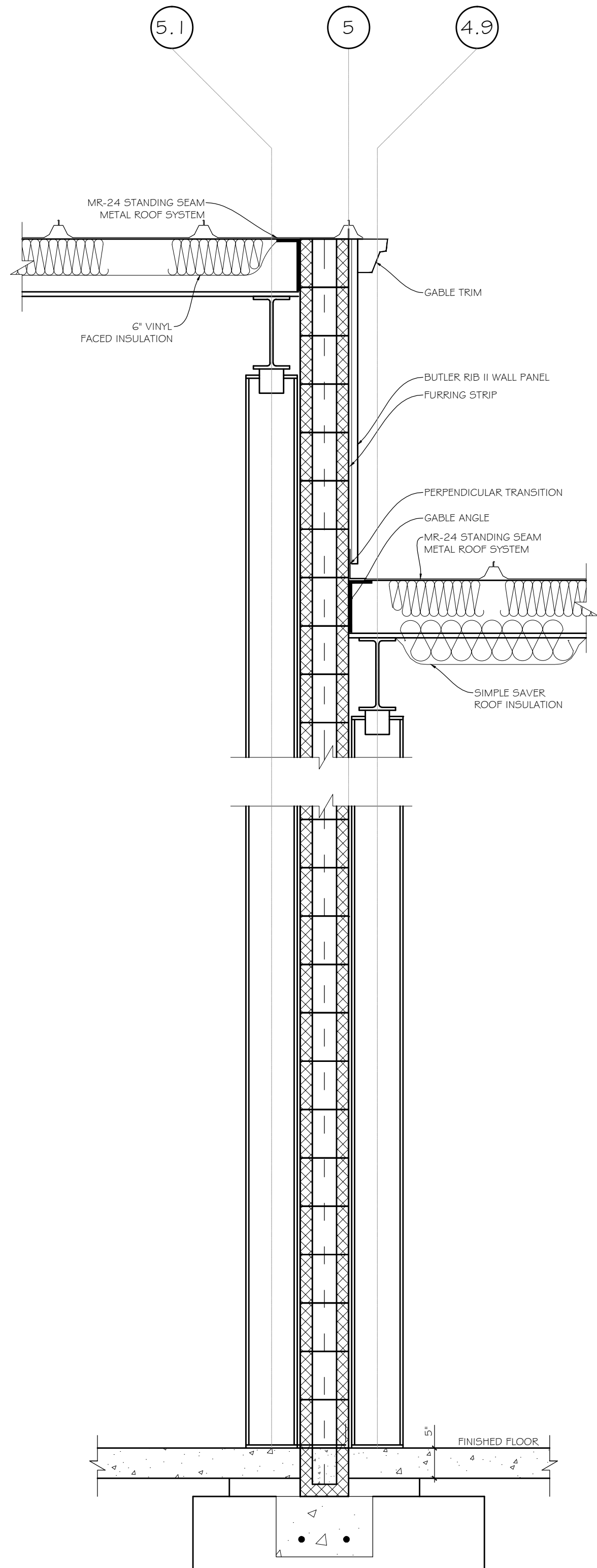
SCALE: 1/8" = 1'-0"

REVISIONS:	
DATE:	NOTES:

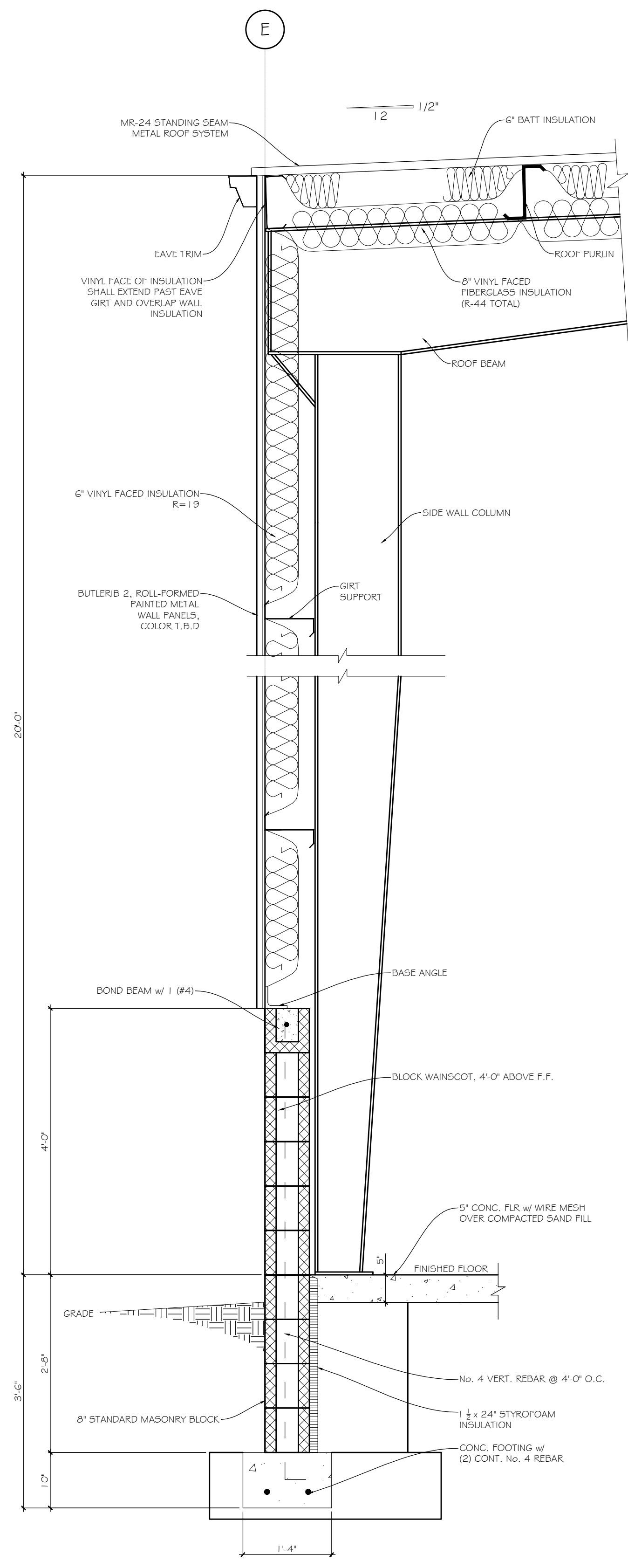
DRAFTER:	GTS
PRJ. MGR:	SJR
CONTACT:	KEVIN REFFITT

DATE:	5.4.2016
PHASE:	BUILD SET
SCALE:	1/8" = 1'
JOB #	0000
SHEET #	A3

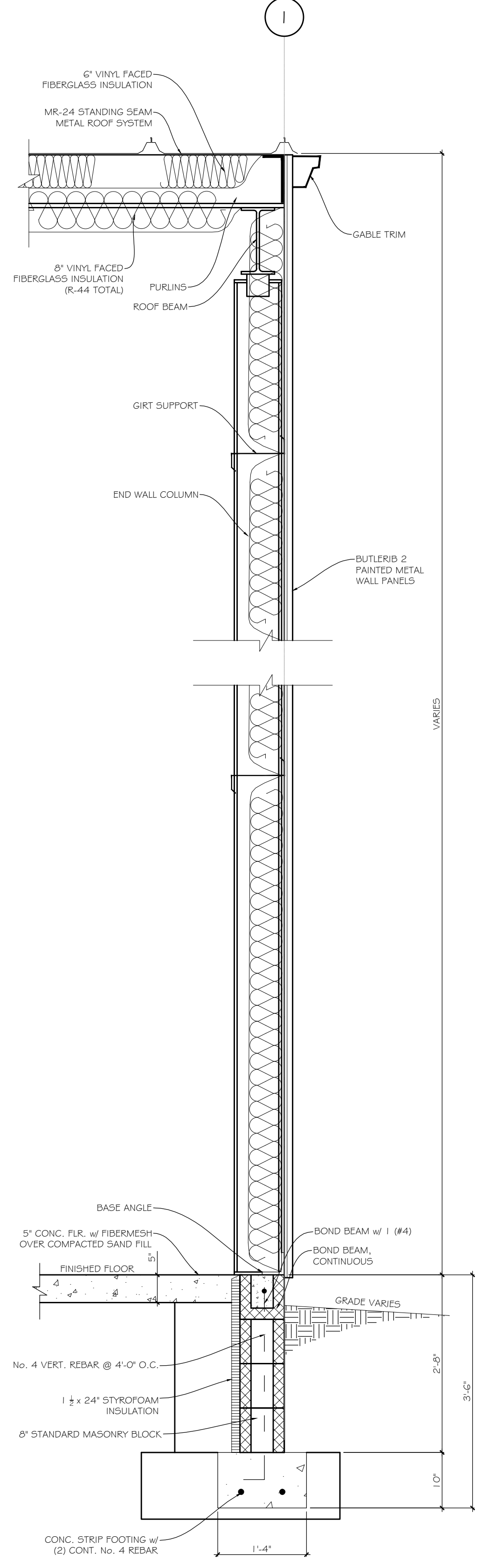




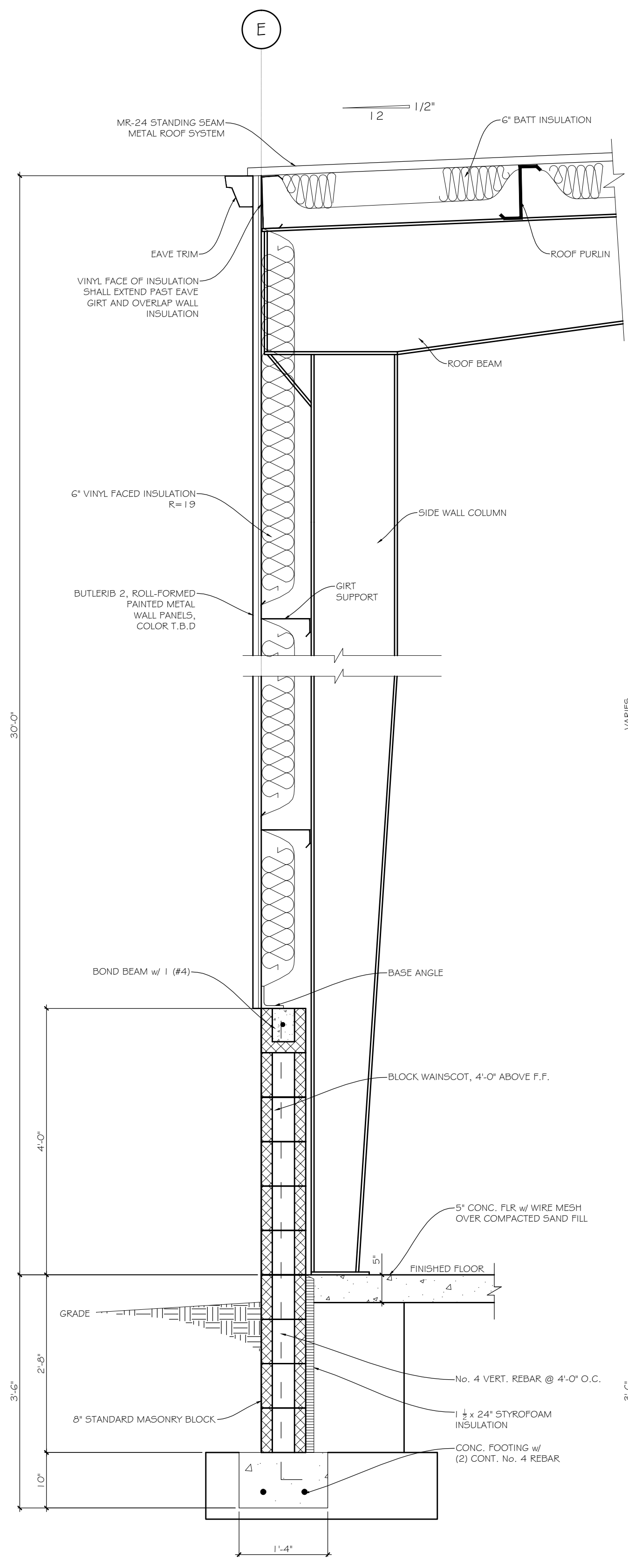
1 WALL SECTION  
SCALE: 3/4" = 1'-0"



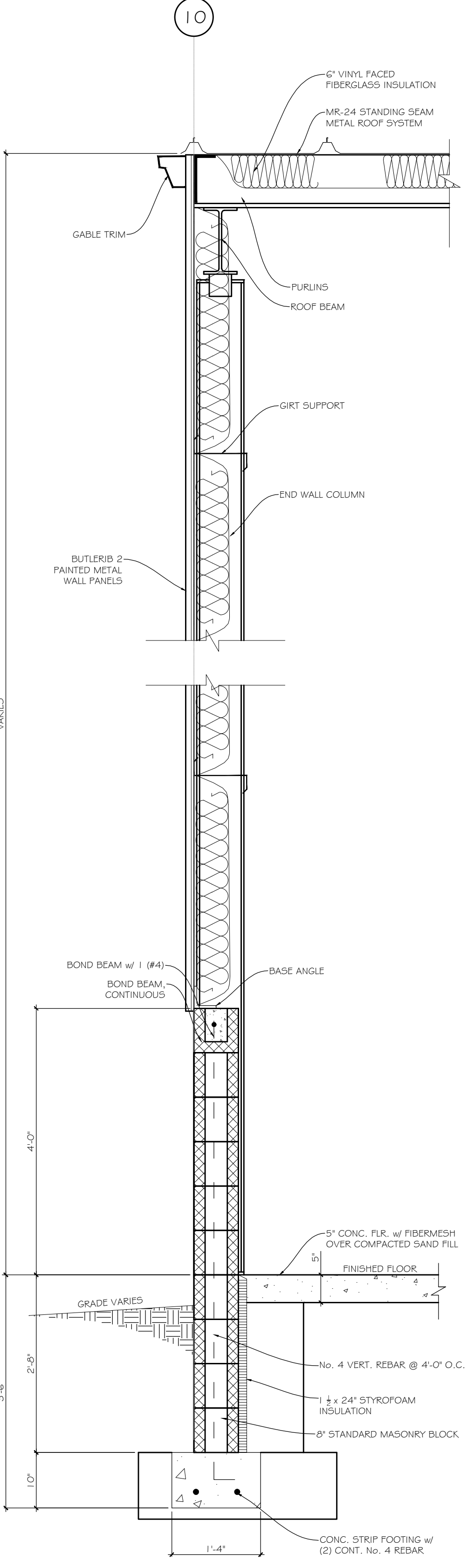
2 WALL SECTION  
SCALE: 3/4" = 1'-0"



3 WALL SECTION  
SCALE: 3/4" = 1'-0"



4 WALL SECTION  
SCALE: 3/4" = 1'-0"



5 WALL SECTION  
SCALE: 3/4" = 1'-0"

JOB NAME: MI HOPS #2  
LOCATION: S. BATE RD.  
ACME, MICHIGAN

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REVISIONS:	
DATE:	NOTES:

DRAFTER: GTS  
PRJ. MGR: SJR  
CONTACT: KEVIN REFFITT

DATE:	5.4.2016
PHASE:	BUILD SET
SCALE:	3/4" = 1'
JOB #	0000
SHEET #	51



# D-Series Size 1 LED Wall Luminaire



d#series

## Specifications Luminaire

**Width:** 13-3/4"  
(34.9 cm) **Weight:** 12 lbs  
(5.4 kg)

**Depth:** 10"  
(25.4 cm)

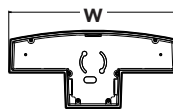
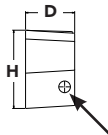
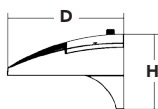
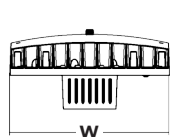
**Height:** 6-3/8"  
(16.2 cm)

## Back Box (BBW, ELCW)

**Width:** 13-3/4"  
(34.9 cm) **BBW Weight:** 5 lbs  
(2.3 kg)

**Depth:** 4"  
(10.2 cm) **ELCW Weight:** 10 lbs  
(4.5 kg)

**Height:** 6-3/8"  
(16.2 cm)



For 3/4" NPT side-entry  
conduit (BBW only)

Catalog  
Number

Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

## Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

## Ordering Information

**EXAMPLE:** DSXW1 LED 20C 1000 40K T3M MVOLT DDBTXD

DSXW1 LED									
Series	LEDs	Drive Current	Color temperature	Distribution	Voltage	Mounting	Control Options	Other Options	Finish (required)
DSXW1 LED	10C 10 LEDs (one engine)	350 350 mA	30K 3000 K	T2S Type II Short	MVOLT <sup>1</sup>	Shipped included (blank) Surface mounting bracket BBW Surface-mounted back box (for conduit entry) <sup>3</sup>	Shipped installed PE Photoelectric cell, button type <sup>4</sup> DMG 0-10V dimming driver (no controls) PIR 180° motion/ambient light sensor, <15' mtg ht <sup>5</sup> PIRH 180° motion/ambient light sensor, 15-30' mtg ht <sup>5</sup> ELCW Emergency battery backup (includes external component enclosure) <sup>6</sup>	Shipped installed SF Single fuse (120, 277 or 347V) <sup>7</sup> DF Double fuse (208, 240 or 480V) <sup>7</sup> HS House-side shield <sup>8</sup> SPD Separate surge protection <sup>9</sup>	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone
		530 530 mA	40K 4000 K	T2M Type II Medium	120 <sup>1</sup>				
		700 700 mA	50K 5000 K	T3S Type III Short	208 <sup>1</sup>				
	20C 20 LEDs (two engines)	1000 1000 mA (1 A)	AMBPC Amber phosphor converted	T3M Type III Medium	240 <sup>1</sup>				
				T4M Type IV Medium	277 <sup>1</sup>				
				TFTM Forward Throw Medium	347 <sup>2</sup>				
				ASYDF Asym-metric diffuse	480 <sup>2</sup>				

### NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF options), or photocontrol (PE option).
- Only available with 20C, 700mA or 1000mA. Not available with PIR or PIRH.
- Back box ships installed on fixture. Cannot be field installed. Cannot be ordered as an accessory.
- Photocontrol (PE) requires 120, 208, 240, 277 or 347 voltage option. Not available with motion/ambient light sensors (PIR or PIRH).
- PIR specifies the Sensor Switch SBGR-10-ODP control; PIRH specifies the Sensor Switch SBGR-6-ODP control; see Motion Sensor Guide for details. Includes ambient light sensor. Not available with "PE" option (button type photocell). Dimming driver standard. Not available with 20 LED/1000 mA configuration (DSXW1 LED 20C 1000).
- Cold weather (-20C) rated. Not compatible with conduit entry applications. Not available with BBW mounting option. Not available with fusing. Not available with 347 or 480 voltage options. Emergency components located in back box housing. Emergency mode IES files located on product page at [www.lithonia.com](http://www.lithonia.com)
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option. Not available with ELCW.
- Also available as a separate accessory; see Accessories information.
- See the electrical section on page 3 for more details.

## Accessories

Ordered and shipped separately.

DSXWHS U	House-side shield (one per light engine)
DSXWBSW U	Bird-deterrent spikes
DSXW1WG U	Wire guard accessory
DSXW1VG U	Vandal guard accessory





## Performance Data

### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K					40K					50K					AMBER				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
10C (10 LEDs)	530mA	20 W	T2S	1,843	1	0	1	92	1,956	1	0	1	98	1,729	1	0	1	86	1,264	0	0	1	63
			T2M	1,756	1	0	1	88	1,864	1	0	1	93	1,648	1	0	1	82	1,205	0	0	1	60
			T3S	1,822	0	0	1	91	1,934	0	0	1	97	1,710	0	0	1	86	1,250	0	0	1	63
			T3M	1,804	1	0	1	90	1,914	1	0	1	96	1,693	1	0	1	85	1,237	0	0	1	62
			T4M	1,767	1	0	1	88	1,876	1	0	1	94	1,658	0	0	1	83	1,212	0	0	1	61
			TFTM	1,837	0	0	1	92	1,950	0	0	1	98	1,724	0	0	1	86	1,260	0	0	1	63
			ASYDF	1,642	1	0	1	82	1,743	1	0	1	87	1,541	1	0	1	77	1,127	0	0	1	56
			T2S	2,272	1	0	1	84	2,409	1	0	1	89	2,421	1	0	1	90	1,544	0	0	1	57
	700mA	27 W	T2M	2,165	1	0	1	80	2,296	1	0	1	85	2,307	1	0	1	85	1,472	0	0	1	55
			T3S	2,247	1	0	1	83	2,382	1	0	1	88	2,394	1	0	1	89	1,527	0	0	1	57
			T3M	2,224	1	0	1	82	2,358	1	0	1	87	2,370	1	0	1	88	1,512	0	0	1	56
			T4M	2,179	1	0	1	81	2,310	1	0	1	86	2,322	1	0	1	86	1,481	0	0	1	55
			TFTM	2,265	1	0	1	84	2,401	1	0	1	89	2,413	1	0	1	89	1,539	0	0	1	57
			ASYDF	2,025	1	0	1	75	2,147	1	0	1	80	2,158	1	0	1	80	1,376	1	0	1	51
			T2S	3,011	1	0	1	75	3,190	1	0	1	80	3,202	1	0	1	80	2,235	1	0	1	58
			T2M	2,870	1	0	1	72	3,040	1	0	1	76	3,051	1	0	1	76	2,130	1	0	2	55
	1000mA	40 W	T3S	2,978	1	0	1	74	3,155	1	0	1	79	3,166	1	0	1	79	2,210	1	0	2	57
			T3M	2,948	1	0	1	74	3,123	1	0	1	78	3,134	1	0	1	78	2,187	1	0	2	56
			T4M	2,888	1	0	1	72	3,059	1	0	1	76	3,071	1	0	1	77	2,143	1	0	2	55
			TFTM	3,002	1	0	1	75	3,180	1	0	1	80	3,192	1	0	1	80	2,228	1	0	2	57
			ASYDF	2,684	1	0	1	67	2,843	1	0	1	71	2,854	1	0	1	71	1,991	1	0	2	51
			T2S	3,649	1	0	1	101	3,876	1	0	1	108	3,429	1	0	1	95	2,504	1	0	1	70
			T2M	3,478	1	0	1	97	3,694	1	0	1	103	3,267	1	0	1	91	2,387	1	0	1	66
			T3S	3,609	1	0	1	100	3,833	1	0	1	106	3,390	1	0	1	94	2,477	1	0	1	69
20C (20 LEDs)	530mA	36 W	T3M	3,572	1	0	1	99	3,794	1	0	1	105	3,356	1	0	1	93	2,451	1	0	2	68
			T4M	3,500	1	0	2	97	3,717	1	0	2	103	3,288	1	0	1	91	2,402	1	0	1	67
			TFTM	3,638	1	0	1	101	3,864	1	0	1	107	3,418	1	0	1	95	2,496	1	0	1	69
			ASYDF	3,252	1	0	2	90	3,454	1	0	2	96	3,056	1	0	2	85	2,232	1	0	1	62
	700mA	47 W	T2S	4,502	1	0	1	96	4,776	1	0	1	102	4,794	1	0	1	102	3,065	1	0	1	65
			T2M	4,290	1	0	1	91	4,552	1	0	1	97	4,569	1	0	1	97	2,921	1	0	1	62
			T3S	4,452	1	0	1	95	4,723	1	0	2	100	4,741	1	0	2	101	3,031	1	0	1	64
			T3M	4,407	1	0	2	94	4,675	1	0	2	99	4,693	1	0	2	100	3,000	1	0	1	64
			T4M	4,318	1	0	2	92	4,581	1	0	2	97	4,598	1	0	2	98	2,939	1	0	1	63
			TFTM	4,488	1	0	2	95	4,761	1	0	2	101	4,779	1	0	2	102	3,055	1	0	1	65
			ASYDF	4,012	1	0	2	85	4,257	1	0	2	91	4,273	1	0	2	91	2,732	1	0	1	58
	1000mA	74 W	T2S	5,963	1	0	1	80	6,327	1	0	1	84	6,351	1	0	1	85	4,429	1	0	1	61
			T2M	5,683	1	0	2	76	6,029	1	0	2	80	6,052	1	0	2	81	4,221	1	0	2	58
			T3S	5,896	1	0	2	79	6,256	1	0	2	83	6,280	1	0	2	84	4,380	1	0	2	60
			T3M	5,837	1	0	2	78	6,193	1	0	2	83	6,216	1	0	2	83	4,335	1	0	2	59
			T4M	5,719	1	0	2	76	6,067	1	0	2	81	6,090	1	0	2	81	4,248	1	0	2	58
			TFTM	5,944	1	0	2	79	6,307	1	0	2	84	6,330	1	0	2	84	4,415	1	0	2	60
			ASYDF	5,314	1	0	2	71	5,638	2	0	2	75	5,660	2	0	2	75	3,947	1	0	2	54

## Performance Data

### Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
<b>25°C</b>	<b>77°F</b>	<b>1.00</b>
30°C	86°F	1.00
40°C	104°F	0.98

### Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **DSXW1 LED 20C 1000** platform in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.95	0.93	0.88

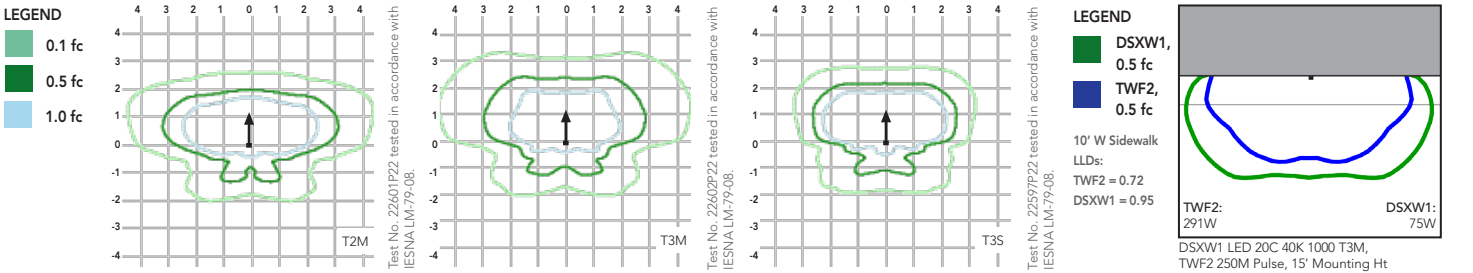
### Electrical Load

LEDs	Drive Current (mA)	System Watts	Current (A)					
			120V	208V	240V	277V	347V	480V
10C	350	14 W	0.13	0.07	0.06	0.06	-	-
	530	20 W	0.19	0.11	0.09	0.08	-	-
	700	27 W	0.25	0.14	0.13	0.11	-	-
	1000	40 W	0.37	0.21	0.19	0.16	-	-
20C	350	25 W	0.23	0.13	0.12	0.10	-	-
	530	36 W	0.33	0.19	0.17	0.14	-	-
	700	47 W	0.44	0.25	0.22	0.19	0.15	0.11
	1000	75 W	0.69	0.40	0.35	0.30	0.23	0.17

## Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [D-Series Wall Size 1 homepage](#).

Isofootcandle plots for the DSXW1 LED 20C 1000 40K. Distances are in units of mounting height (15').



## Options and Accessories



T3M (left), ASYDF (right) lenses



HS - House-side shields



BSW - Bird-deterrent spikes



WG - Wire guard



VG - Vandal guard



DDL - Diffused drop lens

## FEATURES & SPECIFICATIONS

### INTENDED USE

The energy savings, long life and easy-to-install design of the D-Series Wall Size 1 make it the smart choice for building-mounted doorway and pathway illumination for nearly any facility.

### CONSTRUCTION

Two-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED driver is mounted to the door to thermally isolate it from the light engines for low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65).

### FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in textured and non-textured finishes.

### OPTICS

Precision-molded proprietary acrylic lenses provide multiple photometric distributions tailored specifically to building mounted applications. Light engines are available in 3000 K (80 min. CRI), 4000 K (70 min. CRI) or 5000 K (70 CRI) configurations.

### ELECTRICAL

Light engine(s) consist of 10 high-efficacy LEDs mounted to a metal-core circuit board to maximize heat dissipation and promote long life (L88/100,000 hrs at 25°C). Class 1 electronic drivers have a

power factor >90%, THD <20%, and a minimum 2.5KV surge rating. When ordering the SPD option, a separate surge protection device is installed within the luminaire which meets a minimum Category C Low (per ANSI/IEEE C62.41.2).

### INSTALLATION

Included universal mounting bracket attaches securely to any 4" round or square outlet box for quick and easy installation. Luminaire has a slotted gasket wireway and attaches to the mounting bracket via corrosion-resistant screws.

### LISTINGS

CSA certified to U.S. and Canadian standards. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at [www.designlights.org](http://www.designlights.org) to confirm which versions are qualified.

### WARRANTY

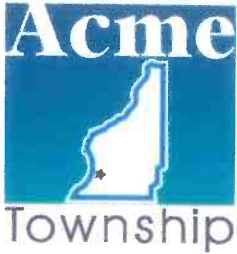
Five year limited warranty. Full warranty terms located at [www.acuitybrands.com/CustomerResources/Terms\\_and\\_conditions.aspx](http://www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx).

**Note:** Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.



1000<sup>00</sup> + 1500<sup>00</sup> + 1 ELECTRONIC  
+ 2 LARGE

Application Number: SPR 2016-01



## Special Use Permit/Site Plan Review Application

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

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

Zoning Administrator: Shawn Winter Email: [swinter@acmetownship.org](mailto:swinter@acmetownship.org)

### Owner Information (please type or print clearly):

Name: 5555 ARNOLD LLC Phone: \_\_\_\_\_

Mailing Address: 5555 ARNOLD ROAD

City: WILLIAMSBURG State: MI Zip: 49690

Email Address: \_\_\_\_\_

### Applicant Information (please type or print clearly):

Name: PENINSULA CONSTRUCTION Phone: 231 947 7951

Mailing Address: 1125 BUSINESS PARK DRIVE

City: TRAVERSE CITY State: MI Zip: 49686

Email Address: \_\_\_\_\_

### A. Property Information:

1. Address: 5720 BATES RD

2. Parcel Number/Property Description: 28-01-002-001-00

3. Current Zoning of Property: AG

4. If this project is one phase of a larger development and/or property subject to an existing/previous Site Plan Review, Special Use Permit, or Variance, what is/are the applicable permit number(s)?

LUP 2015-45

SPR 2015-01

5. Provide proof of current property ownership. If applicant is not the current property owner, also provide written permission to act as agent of, and complete contact information for the current property owner.

ON FILE ALREADY

6. **Proposed Use/Change to Property**

*ADD BARN TO PACKAGE/FILL  
Hops AFTER DRYING*

7. **Estimated Start and Completion Dates:**

*START. MAY 9*

**B. Application Packet Requirements: REFER TO ACME TOWNSHIP ZONING ORDINANCE AND COMPLETE ATTACHED CHECKLIST**

**C. Fees:** Include initial fee as required by the Acme Township Ordinance #2004-01

**D. Fee Escrow Policy Acknowledgement:** Provide completed and signed form with initial escrow fee deposit.

**E. Affidavit:** The undersigned affirms that he/she is the AGENT (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials, staff and consultants of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future Special Use Permit and Zoning Ordinance compliance.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

*4.18.16*

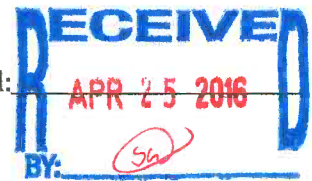
**FOR TOWNSHIP USE ONLY**

Application Number: SPR 2016-01

Public Hearing/Meeting: 05/10/16

Date of Advertising: N/A

Date Received: \_\_\_\_\_



T&A Account: 075

**NOTES:**



June 23, 2015

To : Whom It May Concern

From: Daniel Taber, Chief Operations Officer

Re: Authorization For Building Permits To Peninsula Construction

Effective the above date, MI Local Hops LLC authorizes Peninsula Construction to conduct whatever activities necessary to apply and secure permits related to the construction of agriculture processing buildings they are contracted to build for MI Local Hops at their property in Williamsburg, MI.

If necessary, feel free to contact Daniel Taber at 231-357-6830. Thank you.

A handwritten signature in black ink, appearing to read "Daniel B. Taber".

Daniel B. Taber  
Chief Operations Officer

CONTACT NUMBERS

P 231-590-2554

E [jason.warren@wsjinvestmentsinc.com](mailto:jason.warren@wsjinvestmentsinc.com)

HEADQUARTERS

250 E. Front Street, Suite 402  
Traverse City, MI 49684 U.S.A.

# SESC PERMIT

Under the provisions of PART 91, SOIL EROSION & SEDIMENTATION CONTROL ACT (SESC) (1994 PA 451 as amended) and/or GRAND TRAVERSE COUNTY SESC ORDINANCE, as amended.

GRAND TRAVERSE COUNTY  
SOIL EROSION & SEDIMENTATION  
2650 LAFRANIER RD  
TRAVERSE CITY MI 49686  
Phone # (231) 995-6042

Permit #: 23476  
Type: COMM/IND  
Issued: 4/10/2015  
Expires: 4/07/2016  
Fee: 1,357  
Receipt #: 37642  
Applied: 4/07/2015

Owner:  
5555 ARNOLD LLC  
5555 ARNOLD RD  
WILLIAMSBURG MI 49690

7/8/15 Amend for building  
GZ, HR

Contractor/On-Site responsible person:

DEQ Permit #:

Issue Date:

Authority is hereby granted to make the following earth changes:

GRADING AND LEVELING FOR FUTURE HOPS FARM SITE 7 ACRES  
AMEND ADD 5 A 5/8/15 GZ AMEND ADD POLE BUILDING & ACCESS DRIVE 7/7/15

Located at: 5555 ARNOLD RD  
In ACME Twp, Sect 6 Town 27 Range 9 Lot # Block  
Sub:  
Property Tax #: 28 - 01 - 002 - 001 - 00

Work to be done under authority of this permit is subject to the following special instructions and requirements:

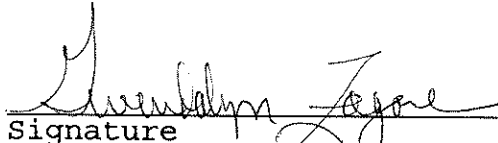
This permit does not obviate the need for any other state or local permits or authority to conduct these activities. This permit is approved according to the site plan received on April 7, 2015 with the following conditions:

1. Install silt fence where shown on site plan, properly trenched.
2. Allow no sediment to be tracked onto any of the adjacent roadways. Sweep the road at the end of the work day if any tracking does occur.
3. Stabilize the site as planned with plantings between rows to prevent future erosion.
4. Install gravel access paths as planned to prevent erosion from agricultural equipment.

## AMENDMENT:

1. Grade hill as planned, directing sediment and storm water away from Bates Rd - leaving hill by road undisturbed.
2. Balance site according to the amended site plan.

All Earth Change permits require a final site inspection. The landowner/applicant is responsible for contacting our office, PRIOR TO THE EXPIRATION DATE, to request a final inspection when all permit

  
Signature

THIS PERMIT ALONG WITH THE SITE PLAN MUST BE POSTED AT THE PROJECT SITE  
Continued on Next Page

Continued from Previous Page  
**SESC PERMIT**

Under the provisions of PART 91, SOIL EROSION & SEDIMENTATION CONTROL ACT (SESC) (1994 PA 451 as amended) and/or GRAND TRAVERSE COUNTY SESC ORDINANCE, as amended.

GRAND TRAVERSE COUNTY  
SOIL EROSION & SEDIMENTATION  
2650 LAFRANIER RD  
TRAVERSE CITY MI 49686  
Phone # (231) 995-6042

Permit #: 23476  
Type: COMM/IND  
Issued: 4/10/2015  
Expires: 4/07/2016  
Fee: 1,357  
Receipt #: 37642  
Applied: 4/07/2015

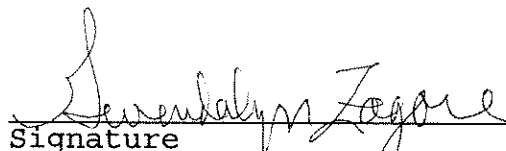
Owner:  
5555 ARNOLD LLC  
5555 ARNOLD RD  
WILLIAMSBURG MI 49690

Contractor/On-Site responsible person:

Located at: 5555 ARNOLD RD

Work to be done under authority of this permit is subject to the following special instructions and requirements:

requirements are met and the site is stabilized for the permit to be closed.

  
Signature

THIS PERMIT ALONG WITH THE SITE PLAN MUST BE POSTED AT THE PROJECT SITE



# GRAND TRAVERSE COUNTY

SOIL EROSION & SEDIMENTATION

Receipt Number 37642

Date 7/07/2015  
Received of PENINSULA CONSTRUCTION & DESIGN  
Notes SOIL PERMIT# 23476 SITE INSP FEE AMEND PERMIT

Cash Amount		Credit	N
Check Amount	55.00	Check/Doc#	19969

Description	Amount
SPECIAL SITE EVALUATIONS	55.00
	=====
_____ /DMILLER	Total 55.00



## Technical Memo – Storm water Calculation Review

To: Shawn Winter, Zoning Administrator  
Jay Zollinger, Supervisor – Acme Township

From: Robert Verschaeve, P.E.

Date: May 3, 2016

RE: MI Hops #2, Bates Road, Williamsburg, MI  
Stormwater Calculation Review

---

This review is being provided as requested by Acme Township and is limited to storm water control for the referenced project. This review does not address any of the soil erosion and sedimentation control measures and review and permitting of those measures will need to be obtained from the county SESC office.

Plan drawings C2 (Storm Water & Grading Plan) submitted for review were prepared by Peninsula Construction and Design and are dated 4-22-16 and noted as "Build Set".

The proposed hops processing facility is a new 14,400 square foot building to be built on the north side of the hops drying facility constructed last year.

The plans show the retention basin (Basin A) along the west side of the existing hops drying facility being enlarged to handle runoff for half of the building and a new drive. Basin B constructed with the drying facility last year is being removed and the existing detention basin C at the north end of the site is shown being enlarged to accommodate runoff from the new processing facility and the remaining existing building and drives that basin B handled.

Calculated runoff volumes for each of the basins are shown as the difference in runoff between the 25 year 24 hour storm on the developed area and the 2 year 24 hour storm on the undeveloped area. The required volume of Basin A is given as 7,888 cubic feet and the provided volume is 10,566 cft. The required volume of Basin B is given as 23,434 cubic feet and the provided volume is 25,132 cubic feet. The storage volume of each basin exceeds the runoff calculated for these criteria.

Updated sealed calculations were also provided by the design engineer regarding the slow release from Basin C. The calculations provided show the release rates are below the maximum allowed for the treatment and flood controls. Calculated volumes also are below the allowed.

In general the storm water controls proposed on the plans appear fairly typical of what might be seen on similar sites in Grand Traverse County and Acme Township. The proposed storm water control plan meets the Acme Township Stormwater Control Ordinance and can be approved.

## Shawn Winter

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**From:** Brian Belcher <bbelcher@gtmetrofire.org>  
**Sent:** Monday, May 02, 2016 11:19 AM  
**To:** Shawn Winter  
**Subject:** RE: MI Hops

Because it is considered agricultural we won't be doing a review on it. Ag is exempted from our code. We did do reviews on the original building but then it was determined to be ag so our reviews were not applicable. Any questions let me know.

*Brian Belcher*, CFPS

Assistant Chief/ Fire Marshal  
Grand Traverse Metro Fire Department

**Smoke Alarms Save Lives, Check Yours Today!**

---

**From:** Shawn Winter [mailto:swinter@acmetownship.org]  
**Sent:** Monday, May 02, 2016 11:13 AM  
**To:** Brian Belcher  
**Subject:** MI Hops

Good morning Brian,

I'm following up to see if you still anticipate the MI Local Hops review being completed by Tuesday or Wednesday this week in order to be included on the next PC agenda.

Thanks!

**Shawn Winter**

**Zoning Administrator**

Acme Township

6042 Acme Rd | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510

[swinter@acmetownship.org](mailto:swinter@acmetownship.org)

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~~ARTICLE I:~~     ARTICLE  
9 SPECIAL USES

1.1.9.1. GENERAL STANDARDS:

1.1.19.1.1 RULES GOVERNING ARTICLE IX:

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

1.1.29.1.2 PERMIT PROCEDURES:

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

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

Township Board. If a separate document is not prepared, the Planning Commission's meeting minutes will serve as its findings.

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

#### **1.1.39.1.3 BASIS FOR DETERMINATIONS:**

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

**a. General Standards:**

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

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

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

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

#### **1.1.49.1.4 AMENDMENTS AND MODIFICATIONS:**

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

**1.2. MOBILE HOME PARK DEVELOPMENTS:**

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



This land development option should go into a Land Development Option article and not be located in the SUP Article

### **1.3. CONSERVATION DEVELOPMENT**

#### **1.3.1 STATEMENT OF INTENT:**

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

#### **1.3.2 REQUIREMENTS:**

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

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

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

### ~~1.3.3 STREETS:~~

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

### ~~1.3.4 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS:~~

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

### ~~1.3.5 TREES:~~

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

### ~~1.3.6 WETLAND AND FLOODPLAIN RESTRICTIONS:~~

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

### ~~1.3.7 EROSION AND SEDIMENTATION:~~

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

### ~~1.3.8 LAND PRESERVED IN AN UNDEVELOPED STATE:~~

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

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

~~forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to MCL 324.2140–2144, shall be granted to the Township, with the approval of the Township Board, or to a qualified not for profit conservation organization acceptable to the Township Board. Such conservation easement shall be approved by the Township Board and shall be required as a condition of municipal approval. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded in the office of the Register of Deeds prior to or simultaneously with the recording of any Plat or Master Deed in the office of the Register of Deeds. In the case of developments of less than five lots or sites, a recorded restrictive covenant enforceable by the Township Board may be substituted for a conservation easement.~~

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

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

#### **~~1.3.9 DENSITY TRANSFER:~~**

~~Aeme Township encourages flexibility in the location and layout of development, within the overall density standards of this Ordinance. The Township therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel") through the creation of land preserved in an undeveloped state on the sending parcel, as provided below. All sending parcel(s) and receiving parcel(s) for a particular project shall be considered together as one planned unit development.~~



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

~~in the density transfer is preserved and all other zoning ordinance requirements are satisfied.~~



### 1.4.9.2. CAMPGROUNDS:

#### ~~1.4.1 STATEMENT OF INTENT:~~

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

#### 1.4.29.2.1 REQUIREMENTS:

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

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

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

Can be handles through the general standards

## ~~1.5. INSTITUTIONAL USES IN THE RESIDENTIAL AND AGRICULTURAL DISTRICTS:~~

### ~~1.5.1 STATEMENT OF INTENT:~~

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

### ~~1.5.2 REQUIREMENTS:~~

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

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

### **1.6.9.3. GASOLINE SERVICE STATIONS:**

#### **1.6.1—STATEMENT OF INTENT:**

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

#### **1.6.29.3.1 REQUIREMENTS:**

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

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

## **1.7. DWELLING UNITS IN COMMERCIAL DISTRICTS:**

### **1.7.1 STATEMENT OF INTENT:**

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

### **1.7.2 REQUIREMENTS:**

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

This can be handles through a  
Planned Development option

## **1.8. PLANNED AGRICULTURAL UNITS:**

### **1.8.1 STATEMENT OF INTENT:**

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

### **1.8.2 OBJECTIVE:**

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

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

### **1.8.3 REQUIREMENTS:**

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

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

#### **1.9.9.4. INDEPENDENT HOUSING FACILITIES:**

##### **1.9.19.4.1 REQUIREMENTS FOR INDEPENDENT HOUSING FACILITIES:**

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

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

- a. All relevant requirements of 9.9.1 are met.
- b. Minimum lot size shall be 2 acres.
- c. No facility shall be established on a lot or parcel having a width less than 150 feet, PROVIDED, however, that the average lot area per family or dwelling unit shall not be less than required for other residential development in the same zone.
- d. Total coverage of all buildings, including dwelling units and related buildings shall not exceed 35% of the total site.

##### **~~e. Yards and Other Open Space:~~**

- ~~1. Between Buildings: The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be 50 feet for buildings one story in height. The distance shall be increased by not less than five feet for every story added. The minimum distance between buildings may be decreased by as much as ten feet toward one end if it is increased by a similar distance at the other; and consistent modifications are permitted by the Township Board to accommodate plans which are not conventional in their outline or in their relations to other buildings.~~

2. ~~Between Sides of Buildings: The horizontal distance between sides of buildings shall be 20 feet or more for one or two story buildings. These distances shall be increased by not less than five feet for every story added.~~

3. ~~Yard Dimensions: For buildings up to 35 feet in height, no building shall be closer than 25 feet to any street; 35 feet to any rear property line; or 20 feet to an interior side property line. For each one foot of building height above 35 feet, one foot shall be added to required front, side, and rear yards.~~

4. ~~Other Dimensions: No dwelling unit shall be closer to a street or private access drive than 25 feet; or shall be further from a street or private access drive than 150 feet.~~

**f.e.** Useable Open Space: A minimum of 200 square feet of open space is required per dwelling unit. Open space shall not be occupied by principal buildings, accessory buildings, driveways, parking or loading space. Open space shall be available to all occupants of the development. Each open space area so provided shall have a minimum total area of 1,200 square feet and shall be used for recreational space and other leisure activity normally carried on outdoors.

**g.f.** Maximum Building Height: The maximum height of buildings housing the principal use shall be governed by the requirements in the zoning district. Accessory buildings shall not exceed fifteen feet in height.

**h.g.** Private Streets: Private streets or private access drives may be permitted within group housing developments, PROVIDED that the following minimum requirements are met.

1. All streets, roadways, or private access drives meet all other private street requirements under the ordinance and shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Grand Traverse County Road Commission for private roads.
2. Satisfactory arrangements have been made with the Planning Commission regarding the maintenance and repair of streets, roadways or access drives.

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



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

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

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

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

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

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

## **1.10. HOTEL, MOTEL, AND TRANSIENT LODGING FACILITIES:**

### **1.10.1 REQUIREMENTS:**

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

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

**1.11. MINIATURE GOLF, TRAMPOLINE, DRIVE-IN THEATERS:****1.11.1 REQUIREMENTS:**

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

#### **1.12.9.5. PLANNED SHOPPING CENTERS:**

##### **1.12.19.5.1 APPLICATION**

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

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

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

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

##### **1.12.29.5.2 REQUIREMENTS:**

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

- a. Minimum Lot Area: The minimum lot area for a Planned Shopping Center shall be five acres.
- b. Types of Structures: All permitted activities shall be conducted entirely within wholly enclosed permanent buildings, except as noted in the following:
  1. The parking of customers' and employees' automobiles
  2. The loading and unloading of commercial vehicles, which must take place directly into or out of a building
  3. Temporary exhibitions and special quasi-civic events, PROVIDED they are conducted in spaces designated for such possible purposes on the final plans submitted with the application for a building permit, and PROVIDED FURTHER that they may not be operated for a profit.

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

**1.13. GOLF COURSES AND COUNTRY CLUBS:****1.13.1 REQUIREMENTS:**

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

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

#### **1.14.9.6. PRIVATE NON-COMMERCIAL RECREATION AREAS:**

##### **1.14.19.6.1 REQUIREMENTS:**

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

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



**1.15. SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS:****1.15.1 REQUIREMENTS:**

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

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

**1.16. SPECIAL OPEN SPACE USES:****1.16.1 REQUIREMENTS:**

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

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

#### **1.17.9.7. SAND OR GRAVEL PITS, QUARRIES:**

##### **1.17.19.7.1 REQUIREMENTS:**

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

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

**1.18.9.8. FARMER'S ROADSIDE MARKETS:****1.18.19.8.1 REQUIREMENTS:**

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

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

#### **1.19.9.9. FOOD PROCESSING PLANTS INCLUDING COOLING STATIONS:**

##### **1.19.9.9.1 REQUIREMENTS:**

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

- a. Required information: The following additional information shall be submitted as a basis for judging the suitability of the proposed operation:
  1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening, fences, or walls, and other construction features which shall be proposed.
  2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter.
  3. Engineering and Architectural Plans for:
    - a) The treatment and disposal of sewage and industrial waste or unusable by-products.
    - b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazard, or emission of potentially harmful or obnoxious matter.
  4. The proposed number of shifts to be worked and the maximum number of employees on each shift
- b. The landscaped buffer required by Section 7.5.6e of this Ordinance shall be 200 feet in width where any use permitted herein abuts a highway. Otherwise, there shall be a 100 foot wide landscaped buffer from any adjacent property line. The buffer shall be provided as described in Section 7.5.6d.

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

##### **1.20.19.10.1 DATA REQUIRED:**

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

- a. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any active potentially harmful or obnoxious matter, or radiation or radioactive materials.
- b. Engineering and Architectural Plans For the proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter, or radiation or radioactive materials.
- c. The proposed number of shifts to be worked and the maximum number of employees on each shift

##### **1.20.29.10.2 USE REQUIREMENTS:**

- a. Enclosed Buildings: All activities related to this use shall be carried out in completely enclosed buildings. Storage may be permitted out-of-doors by the Township, PROVIDED that within 100 feet of the Residential District, all storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates.
  - 1. Such fence or wall shall be at least six feet in height, but in no case shall the required fence be higher than eight feet. Such storage shall not be deemed to include the parking of licensed motor vehicles. The Township may approve a screening of plant materials and berming, provided the approved screening will have the immediate effect of screening the proposed use. Plans and specifications for such screening shall be a part of plans required under Section 9.1.2.
- b. Noise emanating from this use shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise.
- c. This use shall conform to the following additional requirements:
  - 1. Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.
  - 2. Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.

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

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

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

**1.20.39.10.3 SUPPLEMENTAL LANDSCAPE REGULATIONS M-72 CORRIDOR:**

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

This land development option should go into a Land Development Option article and referenced as a SUP needing to meet the land development option requirements.

#### **1.21.9.11. MIXED USE PLANNED DEVELOPMENT:**

##### **1.21.49.11.1 STATEMENT OF INTENT:**

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

##### **1.21.29.11.2 SUPPLEMENTAL APPROVAL STANDARDS:**

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

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

##### **1.21.39.11.3 DIMENSIONAL & USE RESTRICTIONS:**

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

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

##### **1.21.49.11.4 QUALIFYING CONDITIONS:**

A Mixed Use Planned Development is intended to accommodate developments: (a) with mixed or varied uses, (b) sites with unusual topography or unique settings within the community, and (c) land which provides a unique opportunity to develop with an atmosphere which can accommodate a variety of civic functions as well as mixed land uses which add interest and flavor to the living and working environment while protecting fragile areas having high natural values. Approval will not be granted when



the Mixed Use Planned Development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this Section. Additionally, no Mixed Use Planned Development shall be approved unless the development meets in addition to the standards set forth in Section 9.1 the following standards:

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

#### 1.21.59.11.5 APPLICATION:

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

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

- f. Computation of total property area, open space, parking and building or structure areas.
- g. A written impact assessment in accord with Section 8.2.3d

**1.21.69.11.6 PROCEDURE:**

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

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

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

**1.21.89.11.8 MIXED USE PLANNED DEVELOPMENT EFFECT:**

After approval of a Mixed Use Planned Development site plan, the land to which it pertains shall be used only as authorized in the special use permit for the Mixed Use Planned Development or as authorized by the provisions of this Ordinance which would apply if the special use permit had not been issued.

**1.21.99.11.9 AMENDMENT:**

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

**1.21.109.11.10 EXTENSION, CANCELLATION OR REVOCATION:**

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

**1.21.119.11.11 ORDINANCE AMENDMENT:**

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

## **1.22.9.12. REGULATION OF BILLBOARDS:**

### **1.22.9.12.1 STATEMENT OF INTENT:**

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

### **1.22.9.12.2 REQUIRED STANDARDS:**

- a. Not more than two billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of the Township where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection b below.
- b. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
- c. No billboard shall be located within 200 feet of Residential Zoning Districts and/or an existing dwelling. If the billboard is illuminated, this required distance shall be 300 feet.
- d. No billboard shall be located closer than the required front yard width from a property line adjoining a public right-of-way or a side yard width from any interior boundary lines of the premises on which the billboard is located.
- e. The surface display area of any side of a billboard may not exceed 300 square feet. If a billboard abuts a portion of a two-lane road with a posted speed limit of 45 m.p.h. or less, the surface display area limits set forth above shall be 75 square feet instead of 300 square feet.
- f. The height of a billboard shall not exceed 20 feet above the natural grade of the ground on which the billboard sits.
- g. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

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

## **1.23. HISTORIC PARKS**

### **1.23.1 STATEMENT OF INTENT:**

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

### **1.23.2 OBJECTIVES:**

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

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

### **1.23.3 USES THAT MAY BE PERMITTED:**

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

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

### **1.23.4 REQUIREMENTS:**

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

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

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

### **1.24.9.13. BED AND BREAKFAST ESTABLISHMENTS**

#### **1.24.19.13.1 STATEMENT OF INTENT:**

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

#### **1.24.29.13.2 PERMITTED USES:**

- a. Bed and Breakfast Homes: in addition to the requirements in Section 9.24.3, the following additional requirements shall be met:
  - 1. No more than five rooms shall be available for rent at any time.
  - 2. Such Homes shall not be located on property less than one acre in size.
- b. Bed and Breakfast Inns: in addition to the requirements in Section 9.24.3, the following additional requirements shall be met:
  - 1. No more than ten rooms shall be available for rent at any time.
  - 2. Such Inns shall not be located on property less than five acres in size.

#### **1.24.39.13.3 REQUIREMENTS:**

The following requirements for all Bed and Breakfast Homes and Inns together with any other applicable requirements of this Ordinance shall be complied with:

- a. The minimum lot size shall be one acre for Bed and Breakfast Homes and five for Bed and Breakfast Inns.
- b. Off-street parking shall be provided at one space per rental sleeping room and one additional space for the owner occupant.
- c. In addition to the standards set forth in Section 7.4, Signage, for Bed and Breakfast Homes and Inns shall meet the following requirements:
  - 1. Signs for Bed and Breakfast Inns shall not exceed sixteen square feet in size. Signs for Bed and Breakfast Homes shall not exceed sixteen square feet in size. Such signage may not be internally lit, but may have external sign lighting from an overhead position only shining downward onto the sign face in such a way that there results in a minimum reflection of light off the sign face. Light sources shall be shielded from view from adjacent streets and properties by light fixture shields and polarizing devices.
  - 2. No sign shall be located closer than ten feet from the road right-of-way.



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

**1.25. WINERIES****1.25.1 STATEMENT OF INTENT:**

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

**1.25.2 OBJECTIVES:**

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

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

**1.25.3 DEFINITIONS:**

- ~~a. Winery parcel: A parcel of land within Acme Township not less than 20 acres in size on which a winery is located.~~
- ~~b. Wine: The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit or agricultural product with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes, honey, rhubarb etc., and mixed wine drinks in accordance with 27CFR part 4 as amended.~~
- ~~c. Wine Related Beverages: Fortified wines, wine brandy, and mixed wine drinks.~~
- ~~d. Mixed Wine Drink: A drink or similar product containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, carbonated water, and containing any one or more of the following:~~
  - ~~1. Non alcoholic beverages~~
  - ~~2. Flavoring~~
  - ~~3. Coloring materials~~

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

#### **~~1.25.4 LICENSING:~~**

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

#### **~~1.25.5 PARCEL REQUIREMENTS:~~**

- a. ~~\_\_\_\_\_ Operation of a winery requires ownership and/or recorded lease of land within Acme Township of 40 acres, whether contiguous or non contiguous, or contiguous land comprising a quarter quarter section containing not less than 30 acres or a government lot containing not less than 30 acres. These minimum requirements shall be exclusive of access easements. If any portion of the winery or winery parcel is leased, the lease must:~~
  1. ~~\_\_\_\_\_ Be for a term of at least five years~~

2. ~~Provide that in the event of any default that Aceme Township must also receive notice of the default, and~~
  3. ~~Be approved by Aceme Township's attorney.~~
  4. ~~In addition, if any such lease is terminated or lapses for any reason, the operation of the winery must immediately cease unless Aceme Township approves a subsequent application for a winery.~~
- b. ~~The winery may include property used for growing wine fruit or other agricultural products.~~
  - c. ~~The winery parcel may contain one single family dwelling for the exclusive private residential use of the vintner and family. Such use shall not require special use permit approval. If freestanding, the private single family dwelling may utilize a private driveway in addition to and distinct from the winery entrances provided for in Section 9.26.5j below.~~
  - d. ~~The winery parcel shall maintain a minimum 10% of its acreage in planted crops, with a minimum of two acres producing wine fruit associated with the wine processing facility, maintained pursuant to generally accepted management practices.~~
  - e. ~~The total land area covered by buildings and structures used for wine processing, storage and sales shall not exceed two percent of the contiguous winery parcel area, provided no individual building shall be larger than 20,000 square feet.~~
  - f. ~~All winery buildings used for processing, tasting or other public use shall be set back at least 100 feet from any lot line. Accessory farm buildings may be located in compliance with the standards set forth in Section 6.12.1. Existing buildings that do not meet these standards may only be used if approved by the Township Board after consideration by the Planning Commission. Preservation and use of pre-existing buildings possessing historic significance shall be encouraged. Standard parking lot setback requirements must still be met.~~
  - g. ~~Tasting rooms may be located on a parcel of land other than the winery parcel. Tasting rooms are permitted in Business Zoning Districts, subject to separate special use permit/ approval under Section 9.1 and the requirements of the specific Zoning District in which the tasting room is proposed to be located.~~
  - h. ~~The winery parcel shall not qualify as land preserved in an undeveloped state for purposes of Section 9.3, Conservation Development, however, the development rights may be sold in accordance with Aceme Township or Michigan regulations.~~
  - i. ~~Wineries shall be permitted EITHER one freestanding sign not to exceed sixteen square feet in size OR two freestanding signs not to exceed nine square feet each in size. Such signage shall not be lit. The number of signs shall be limited to one per winery entrance.~~
  - j. ~~Winery parcels shall be permitted no more than two winery entrances from a public right of way. Entrances shall be spaced at least 500 feet apart.~~

~~Necessary permits shall be acquired from the County Road Commission or MDOT for all driveways.~~

**~~1.25.6 ADDITIONAL ALLOWABLE USES:~~**

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

#### **1.26.9.14. MEDICAL MARIHUANA DISPENSARY**

##### **1.26.19.14.1 STATEMENT OF INTENT:**

The purpose of a Medical Marihuana Dispensary is to allow an establishment or place of business to undertake the following “Medical uses” of Medical Marihuana on the property: acquisition, possession, delivery or transfer of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety and welfare of the general public. A Medical Marihuana Dispensary must satisfy the general standards in Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

##### **1.26.29.14.2 REQUIRED STANDARDS:**

- a. The acquisition, possession, delivery or transfer of marihuana or paraphernalia shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- b. The transfer of Medical Marihuana shall be only allowed to a Qualifying Patient by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- c. A Medical Marihuana Dispensary shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- d. No Medical Marihuana Cultivation shall occur on the parcel.
- e. Except for parents or guardians of a Qualifying Patient and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall not be permitted within the facility when Medical Marihuana is being transferred.
- f. A Medical Marihuana Dispensary shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.
- g. No use by way of smoking, ingestion, consumption, or any other method of taking Medical Marihuana into the body shall occur at a Medical Marihuana Dispensary.
- h. No person under the age of 18 shall be permitted into a Medical Marihuana Dispensary at any time unless that person is a Qualifying Patient and is accompanied by that person’s parent or guardian.
- i. Medical Marihuana Dispensaries shall be considered a Retail store for purposes of determining Off-Street Parking and Loading requirements under the Zoning Ordinance.
- j. A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of another existing Medical Marihuana Dispensary.

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

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

## ARTICLE 9 SPECIAL USES

### 9.1. GENERAL STANDARDS:

#### 9.1.1 RULES GOVERNING ARTICLE IX:

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

#### 9.1.2 PERMIT PROCEDURES:

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

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



may also refer the application back to the Planning Commission for further consideration. The Township Board shall incorporate its final decision on a special use permit in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. If a separate document is not prepared, the Township Board's meeting minutes (and, to the extent it concurs with the recommendations, the Planning Commission's meeting minutes) will serve as the Township Board's findings.

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

### 9.1.3 BASIS FOR DETERMINATIONS:

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

- a. General Standards:

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

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

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the special use permit.

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

#### **9.1.4 AMENDMENTS AND MODIFICATIONS:**

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

## 9.2. CAMPGROUNDS:

### 9.2.1 REQUIREMENTS:

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

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

### 9.3. GASOLINE SERVICE STATIONS:

#### 9.3.1 REQUIREMENTS:

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

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

#### **9.4. INDEPENDENT HOUSING FACILITIES:**

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

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

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

- a. All relevant requirements of 9.9.1 are met.
- b. Minimum lot size shall be 2 acres.
- c. No facility shall be established on a lot or parcel having a width less than 150 feet, PROVIDED, however, that the average lot area per family or dwelling unit shall not be less than required for other residential development in the same zone.
- d. Total coverage of all buildings, including dwelling units and related buildings shall not exceed 35% of the total site.
- e. Useable Open Space: A minimum of 200 square feet of open space is required per dwelling unit. Open space shall not be occupied by principal buildings, accessory buildings, driveways, parking or loading space. Open space shall be available to all occupants of the development. Each open space area so provided shall have a minimum total area of 1,200 square feet and shall be used for recreational space and other leisure activity normally carried on outdoors.
- f. Maximum Building Height: The maximum height of buildings housing the principal use shall be governed by the requirements in the zoning district. Accessory buildings shall not exceed fifteen feet in height.

- g.**     Private Streets: Private streets or private access drives may be permitted within group housing developments, PROVIDED that the following minimum requirements are met.
1.       All streets, roadways, or private access drives meet all other private street requirements under the ordinance and shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Grand Traverse County Road Commission for private roads.
  2.       Satisfactory arrangements have been made with the Planning Commission regarding the maintenance and repair of streets, roadways or access drives.

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

## **9.5. PLANNED SHOPPING CENTERS:**

### **9.5.1 APPLICATION**

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

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

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

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

### **9.5.2 REQUIREMENTS:**

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

- a. Minimum Lot Area: The minimum lot area for a Planned Shopping Center shall be five acres.
- b. Types of Structures: All permitted activities shall be conducted entirely within wholly enclosed permanent buildings, except as noted in the following:
  1. The parking of customers' and employees' automobiles
  2. The loading and unloading of commercial vehicles, which must take place directly into or out of a building
  3. Temporary exhibitions and special quasi-civic events, PROVIDED they are conducted in spaces designated for such possible purposes on the final plans submitted with the application for a building permit, and PROVIDED FURTHER that they may not be operated for a profit.



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

**9.6. PRIVATE NON-COMMERCIAL RECREATION AREAS:****9.6.1 REQUIREMENTS:**

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

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

**9.7. SAND OR GRAVEL PITS, QUARRIES:****9.7.1 REQUIREMENTS:**

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

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

**9.8. FARMER'S ROADSIDE MARKETS:****9.8.1 REQUIREMENTS:**

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

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

## **9.9. FOOD PROCESSING PLANTS INCLUDING COOLING STATIONS:**

### **9.9.1 REQUIREMENTS:**

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

- a.** Required information: The following additional information shall be submitted as a basis for judging the suitability of the proposed operation:
  - 1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening, fences, or walls, and other construction features which shall be proposed.
  - 2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter.
  - 3. Engineering and Architectural Plans for:
    - a) The treatment and disposal of sewage and industrial waste or unusable by-products.
    - b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazard, or emission of potentially harmful or obnoxious matter.
  - 4. The proposed number of shifts to be worked and the maximum number of employees on each shift
- b.** The landscaped buffer required by Section 7.5.6e of this Ordinance shall be 200 feet in width where any use permitted herein abuts a highway. Otherwise, there shall be a 100 foot wide landscaped buffer from any adjacent property line. The buffer shall be provided as described in Section 7.5.6d.

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

### **9.10.1 DATA REQUIRED:**

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

- a. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any active potentially harmful or obnoxious matter, or radiation or radioactive materials.
- b. Engineering and Architectural Plans For the proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter, or radiation or radioactive materials.
- c. The proposed number of shifts to be worked and the maximum number of employees on each shift

### **9.10.2 USE REQUIREMENTS:**

- a. Enclosed Buildings: All activities related to this use shall be carried out in completely enclosed buildings. Storage may be permitted out-of-doors by the Township, PROVIDED that within 100 feet of the Residential District, all storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates.
  - 1. Such fence or wall shall be at least six feet in height, but in no case shall the required fence be higher than eight feet. Such storage shall not be deemed to include the parking of licensed motor vehicles. The Township may approve a screening of plant materials and berming, provided the approved screening will have the immediate effect of screening the proposed use. Plans and specifications for such screening shall be a part of plans required under Section 9.1.2.
- b. Noise emanating from this use shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise.
- c. This use shall conform to the following additional requirements:
  - 1. Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety or general welfare; except for those produced by internal combustion engines under designed operating conditions.
  - 2. Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.

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

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

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

**9.10.3 SUPPLEMENTAL LANDSCAPE REGULATIONS M-72 CORRIDOR:**

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

## **9.11. MIXED USE PLANNED DEVELOPMENT:**

### **9.11.1 STATEMENT OF INTENT:**

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

### **9.11.2 SUPPLEMENTAL APPROVAL STANDARDS:**

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

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

### **9.11.3 DIMENSIONAL & USE RESTRICTIONS:**

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

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

### **9.11.4 QUALIFYING CONDITIONS:**

A Mixed Use Planned Development is intended to accommodate developments: (a) with mixed or varied uses, (b) sites with unusual topography or unique settings within the community, and (c) land which provides a unique opportunity to develop with an atmosphere which can accommodate a variety of civic functions as well as mixed land uses which add interest and flavor to the living and working environment while protecting fragile areas having high natural values. Approval will not be granted when



the Mixed Use Planned Development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this Section. Additionally, no Mixed Use Planned Development shall be approved unless the development meets in addition to the standards set forth in Section 9.1 the following standards:

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

#### **9.11.5 APPLICATION:**

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

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

- f. Computation of total property area, open space, parking and building or structure areas.
- g. A written impact assessment in accord with Section 8.2.3d

**9.11.6 PROCEDURE:**

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

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

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

**9.11.8 MIXED USE PLANNED DEVELOPMENT EFFECT:**

After approval of a Mixed Use Planned Development site plan, the land to which it pertains shall be used only as authorized in the special use permit for the Mixed Use Planned Development or as authorized by the provisions of this Ordinance which would apply if the special use permit had not been issued.

**9.11.9 AMENDMENT:**

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

**9.11.10 EXTENSION, CANCELLATION OR REVOCATION:**

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

**9.11.11 ORDINANCE AMENDMENT:**

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

## **9.12. REGULATION OF BILLBOARDS:**

### **9.12.1 STATEMENT OF INTENT:**

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

### **9.12.2 REQUIRED STANDARDS:**

- a.** Not more than two billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of the Township where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection b below.
- b.** No billboard shall be located within 1,000 feet of another billboard abutting either side of the same highway.
- c.** No billboard shall be located within 200 feet of Residential Zoning Districts and/or an existing dwelling. If the billboard is illuminated, this required distance shall be 300 feet.
- d.** No billboard shall be located closer than the required front yard width from a property line adjoining a public right-of-way or a side yard width from any interior boundary lines of the premises on which the billboard is located.
- e.** The surface display area of any side of a billboard may not exceed 300 square feet. If a billboard abuts a portion of a two-lane road with a posted speed limit of 45 m.p.h. or less, the surface display area limits set forth above shall be 75 square feet instead of 300 square feet.
- f.** The height of a billboard shall not exceed 20 feet above the natural grade of the ground on which the billboard sits.
- g.** No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- h.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

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

## **9.13. BED AND BREAKFAST ESTABLISHMENTS**

### **9.13.1 STATEMENT OF INTENT:**

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

### **9.13.2 PERMITTED USES:**

- a. Bed and Breakfast Homes: in addition to the requirements in Section 9.24.3, the following additional requirements shall be met:
  - 1. No more than five rooms shall be available for rent at any time.
  - 2. Such Homes shall not be located on property less than one acre in size.
- b. Bed and Breakfast Inns: in addition to the requirements in Section 9.24.3, the following additional requirements shall be met:
  - 1. No more than ten rooms shall be available for rent at any time.
  - 2. Such Inns shall not be located on property less than five acres in size.

### **9.13.3 REQUIREMENTS:**

The following requirements for all Bed and Breakfast Homes and Inns together with any other applicable requirements of this Ordinance shall be complied with:

- a. The minimum lot size shall be one acre for Bed and Breakfast Homes and five for Bed and Breakfast Inns.
- b. Off-street parking shall be provided at one space per rental sleeping room and one additional space for the owner occupant.
- c. In addition to the standards set forth in Section 7.4, Signage, for Bed and Breakfast Homes and Inns shall meet the following requirements:
  - 1. Signs for Bed and Breakfast Inns shall not exceed sixteen square feet in size. Signs for Bed and Breakfast Homes shall not exceed sixteen square feet in size. Such signage may not be internally lit, but may have external sign lighting from an overhead position only shining downward onto the sign face in such a way that there results in a minimum reflection of light off the sign face. Light sources shall be shielded from view from adjacent streets and properties by light fixture shields and polarizing devices.
  - 2. No sign shall be located closer than ten feet from the road right-of-way.
  - 3. No internally lit signs will be permitted. External sign lighting shall be from an overhead position only shining downward onto the sign

face. Light sources shall be shielded from view from adjacent streets and properties by light fixture shields.

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

#### **9.14. MEDICAL MARIHUANA DISPENSARY**

##### **9.14.1 STATEMENT OF INTENT:**

The purpose of a Medical Marihuana Dispensary is to allow an establishment or place of business to undertake the following “Medical uses” of Medical Marihuana on the property: acquisition, possession, delivery or transfer of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety and welfare of the general public. A Medical Marihuana Dispensary must satisfy the general standards in Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

##### **9.14.2 REQUIRED STANDARDS:**

- a. The acquisition, possession, delivery or transfer of marihuana or paraphernalia shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- b. The transfer of Medical Marihuana shall be only allowed to a Qualifying Patient by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- c. A Medical Marihuana Dispensary shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- d. No Medical Marihuana Cultivation shall occur on the parcel.
- e. Except for parents or guardians of a Qualifying Patient and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall not be permitted within the facility when Medical Marihuana is being transferred.
- f. A Medical Marihuana Dispensary shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.
- g. No use by way of smoking, ingestion, consumption, or any other method of taking Medical Marihuana into the body shall occur at a Medical Marihuana Dispensary.
- h. No person under the age of 18 shall be permitted into a Medical Marihuana Dispensary at any time unless that person is a Qualifying Patient and is accompanied by that person’s parent or guardian.
- i. Medical Marihuana Dispensaries shall be considered a Retail store for purposes of determining Off-Street Parking and Loading requirements under the Zoning Ordinance.
- j. A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of another existing Medical Marihuana Dispensary.



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

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

## Shawn Winter

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**From:** Jeff Brooks <jeff@bravozulubrewing.com>  
**Sent:** Monday, April 25, 2016 11:11 AM  
**To:** Shawn Winter  
**Subject:** Small Wine Makers License for Bravo Zulu Brewing

Shawn-

Bravo Zulu Brewing would like to add a small wine makers license to its Special Use Permit.

Background:

The difference between a brewer's license and a small wine maker's license is; in a brewer's license, at least 50% of the fermentable sugars come from grain and in a small wine maker's license at least 50% of the fermentable sugars come from fruit or honey. The process for making the two beverages is the same. No additional brewing equipment is needed.

We would like this amendment because it will reach a wider customer base and we'd be able to meet more of the requests from our local residents; who have repeatedly asked us to carry meads and ciders.

We have already been approved by the TTB (federal) to carry this license and in order to get the MLCC (state) approval we need to get local approval.

Any help you and the board can offer would be greatly appreciated.

Very respectfully,

Jeff Brooks  
Bravo Zulu Brewing  
231.590.0489



Michigan Department of Licensing & Regulatory Affairs  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
525 W. Allegan P.O. Box 30005  
Lansing, Michigan 48909

## **Michigan Brewer & Micro Brewer Requirements and General Information**

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A "Brewer" license, as defined by MCL 436.1105(11), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture and sell to licensed wholesalers, beer produced at the licensed brewery facility.

- May sell beer it manufacturers to licensed Michigan wholesalers who may resell it to licensed Michigan retailers.
- May have multiple brewing facilities. Each brewing facility located in Michigan requires a separate Brewer license.
- A Brewer may sell to consumers for on-premises consumption at not more than two of the brewers licensed locations in Michigan.
- A Brewer that has more than one licensed brewery premises may sell for on-premises consumption beer that it has produced at one licensed brewery premise at any of its other licensed brewery locations
- May offer free samples to consumers from the brewery facility.
- May sell beer it manufactures to consumers for off-premises consumption (take-out) from the brewery premises with no additional license.
- May not sell beer directly to retail licensees. All distribution to retailers must be done through licensed wholesalers.
- Must enter into exclusive territory agreement with each wholesaler.
- Must obtain a "Brewer's Notice" from the Alcohol, Tobacco, Tax & Trade Bureau (TTB).

A "Micro Brewer" license, as defined by MCL 436.1109(3), is issued by the Commission to a person located in Michigan to manufacturer no more than 60,000 barrels per year and sell to licensed wholesalers, beer produced at the licensed brewery facility.

- May sell beer it manufactures to licensed Michigan wholesalers who may resell it to licensed Michigan retailers.
- May have multiple brewing facilities. Each brewing facility located in Michigan requires a separate Micro Brewer license.
- In determining the 60,000-barrel limit for a Micro Brewer, the combined production of all brewing facilities, including those located outside Michigan shall be considered.
- A Micro Brewer that produces in total 30,000 barrels of beer or more per year may sell its beer for on-premises consumption at not more than three of the micro brewers licensed locations in Michigan.
- A Micro Brewer that has more than one licensed brewery premises may sell for on-premises consumption beer that it has produced at one licensed brewery premise at any of its other licensed brewery locations
- May offer free samples to consumers from the brewery facility.
- May sell beer it manufactures to consumers for on-premises consumption from the brewery premises without any additional license.
- May sell beer it manufacturers to consumers for off-premises consumption (take-out) from the brewery premises with no additional license.
- May not sell beer directly to retail licensees. All distribution to retailers must be done through wholesalers unless Micro Brewer meets the definition of a "qualified micro brewer" under MCL 436.1203 (14)(j) who may self-distribute to retail accounts.
- Must enter into an exclusive territory agreement with each wholesaler.
- Must obtain a "Brewer's Notice" from the Alcohol, Tobacco, Tax & Trade Bureau (TTB).

### **How To Apply For A License:**

Please refer to the "Manufacturers & Wholesale License Application Process" information sheet for applicable forms and required documents.

All forms are available on our website at: [www.michigan.gov/lcc](http://www.michigan.gov/lcc) ---> Commission Forms ---> Manufacturers & Wholesalers.

### **Licensing Requirements:**

#### **Federal Basic Permit:**

Receipt of a Federal "Brewer's Notice" issued by the Alcohol and Tobacco Tax and Trade Bureau ("TTB") is required prior to the issuance of a Brewer/Micro Brewer license.

- Administrative rule R 436.1609(1)

For Brewer's Notice info contact: Alcohol and Tobacco Tax and Trade Bureau  
550 Main St. Room 8002  
Cincinnati, OH 45202  
(513) 684-3337  
[www.ttb.gov](http://www.ttb.gov)

#### **Bond Application:**

A Surety Bond (Form MW-816) executed by an insurance company authorized to do business in Michigan in the amount of \$1,000.00 for the first year licensed is required prior to issuance of the license. Each subsequent year of licensure bond amount is based upon an average of excise taxes paid in the last calendar year, with a minimum amount of \$1,000.00. Bond form (MW-816) & instructions can be found on our website. Bond does not need to be submitted until applicant has received notification from our office of approval for their license application by our Commission.

- MCL 436.1801 (1)(a)

#### **Proof of Financial Responsibility:**

A statutory requirement to provide security for liability of not less than \$50,000. May be in the form of cash, unencumbered securities, liquor liability insurance, constant value bond, or membership in a group self-insurance pool authorized by law that provides security for liability under Section 436.803 of the Liquor Control Code. Proof of Financial Responsibility Form LC-95 & instructions can be found on our website. Does not need to be submitted until applicant has received notification from our office of approval for their license application by our Commission.

- MCL 436.1803(1)

#### **Server Training Requirement**

A licensee authorized to sell or sample alcoholic beverages for on-premises consumption is required to have present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program approved by the Commission. Server Training forms will be mailed upon Commission approval of the license application.

- MCL 436.1501(1), Administrative rule R 436.1060

#### **License Fee:**

The initial license fee for a Brewer or a Micro Brewer is \$50.00. The annual renewal fee for a Brewer or Micro Brewer will be \$50.00 for manufacturers of less than 15,000 barrels during the preceding calendar year. The renewal fee for manufacturers of more than 15,000 barrels during the preceding calendar year shall be \$50.00 per 1,000 barrels, or fraction of a barrel, produced annually with a maximum fee of \$1,000.00. Licensing year is May 1 - April 30. License fee may not be prorated for part year licensure and is payable at the time of initial application.

- MCL 436.1525

## **Food Establishment License**

The Michigan Food Law (Act 92, P.A. of 2000) requires all food establishments, including processing operations such as wineries, breweries and distilleries to obtain a food establishment of one type or another. Contact the Michigan Department of Agriculture & Rural Development ("MDARD") for details on the specific food establishment license required for your operation. The MDARD may be contacted as follows:

MDARD Central Licensing  
P.O. Box 30746  
Lansing, MI 48909  
(517) 241-6666  
[www.michigan.gov/mda](http://www.michigan.gov/mda)

## **General Information:**

### **Age:**

A person must be 21 years of age or older to have any ownership interest in a Brewer or Micro Brewer license. A person must be 18 years of age or older to sell, serve or promote alcoholic beverages for a Brewer or Micro Brewer.

- Administrative rule R 436.1105(1)(a)

### **Church and School:**

A new application to sell alcoholic beverages at retail (including manufacturers), or a request to transfer location of an existing license, may be denied if the contemplated location is within 500' of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school files an objection, the Commission will hold a hearing before making a decision on the issuance of the license.

- MCL 436.1503

### **Manufacturing & Labeling:**

Beer must be manufactured in accordance with federal beer regulations published in the Code of Federal Regulations (CFR) Title 27, Part 25. Contact the TTB for details.

- Administrative rule R 436.1611

### **Label Registration:**

All beer products sold in Michigan must have labels approved by the Commission prior to being sold. All beer sold in Michigan must be labeled in accordance with TTB regulations. The Commission uses an on-line label registration process which requires prior registration with the TTB. Upon licensure, you will be provided with a password and instructions to access the on-line registration site. There is no fee for Michigan label registration.

- Administrative rule R 436.1611

### **Mandatory Label Information (Pursuant to TTB Regulations):**

- Brand name.
- Class, type or, in lieu of, a truthful & adequate statement of composition shall appear on the brand label of the product.
- Name and address of bottler or packer where bottled or packed.
- Net contents.
- Government Warning Statement.
- Alcohol content by volume is optional.

For Federal Labeling information contact:

Alcohol and Tobacco Tax and Trade Bureau  
Alcohol Labeling & Formulation  
650 Massachusetts Ave., N.W.  
Washington, DC 20226  
(866) 927-2533  
[www.ttb.gov](http://www.ttb.gov)

**Container Deposits:**

Beer, mixed wine drink (wine coolers) & mixed spirit drink (spirit coolers) sold in containers of one (1) gallon or less must comply with the Beverage Container Act (Initiated Law of 1976) by requiring a deposit of not less than 10 cents per container when sold to consumers. Containers must be clearly labeled with the name of this state and the deposit amount. "MI" or "MICH" are acceptable abbreviations for Michigan. The wholesaler who sells the returnable containers to their retail customers initiates the container deposit.

- MCL 445.571 – MCL 445.576

**Beer Excise Tax Reports:**

Michigan beer excise tax rate is \$6.30 per barrel. A barrel contains 31 gallons. The excise tax equates to approximately 46 cents for a case containing 24/12 ounce containers. Brewers and Micro Brewers shall pay the Michigan beer excise tax or may designate a wholesaler to pay the tax on their behalf for all beer manufactured and sold in this state. Taxes are collected on a monthly basis (biweekly if your monthly tax liability averages \$50,000 or more). Sales and shipments made to military installations, Indian reservations or out-of-state by Brewers/Micro Brewers are nontaxable. Beer that is provided as samples in a hospitality room of a brewery or beer damaged in the process of brewing is also nontaxable. Beer that is sold for on-premise consumption by a Micro Brewer is subject to the beer excise tax and must be submitted by the brewer regardless if a wholesaler has been designated to pay tax on wholesale shipments to retailers.

A report of operations (copy of TTB - Report of Operations) is due in the Commission's Lansing office not later than the fifteenth day of the month for the preceding month's activity. Copies of invoices verifying sales to Michigan wholesalers or a summary report of wholesaler sales are submitted with your monthly beer excise tax report. Payment of the beer excise tax shall accompany the report. Monthly reporting forms are available on our web site at: [www.michigan.gov/lcc](http://www.michigan.gov/lcc).

Brewers & Micro Brewers who manufacture less than 50,000 barrels of beer per year, are eligible for a credit against future beer excise taxes in the amount of \$2.00 per barrel for the first 30,000 barrels per year.

- MCL 436.1409, administrative rule R 436.1621

For further questions relating to beer tax, please contact our Financial Management Division at: (517) 284-6352.

**Sales to Wholesalers:**

All sales must be made through licensed wholesalers. A Micro Brewer may self-distribute to a retail account if they meet the definition of a "qualified micro brewer" (noted below), under MCL 436.1203 (13).

Brewers and Micro Brewers must grant each of their wholesalers with an exclusive sales territory. A Brewer or Micro Brewer must give each of their wholesalers a written agreement specifying the brand or brands to be distributed and the territory where exclusive sales are granted. There can be no overlapping of sales territories between wholesalers of similar brands.

There is no prohibition against offering wholesalers quantity discounts as long as the discounts are uniformly offered to all wholesalers. All sales made to wholesalers must be for cash only.

- MCL 436.1105(11), MCL 436.1109(3), MCL 436.1401, MCL 436.1403

**Self-Distribution to Retailers:**

A "qualified micro brewer" or an out-of-state entity that is substantial equivalent of a micro brewer may sell and deliver beer to a retailer.

"Qualified micro brewer" means a micro brewer that produces less than 1,000 barrels of beer per year. All brands of the micro brewer, whether brewed in this state or outside of Michigan, shall be combined.

A micro brewer that self-distributes to retail licensees must comply with the following:

- 1) Must file a schedule of net cash prices to retailers with the Commission office.
- 2) Beer must be delivered by employees of the Micro Brewer.
- 3) Must obtain a delivery decal from the Commission office for any vehicles used to deliver beer to retailers. \$50.00 fee per vehicle.
- 4) Cannot deliver beer in a sales territory that the micro brewer has granted to a wholesaler.

- MCL 436.1203 (13)(14)(j)

**Sale to Consumers by the Glass:**

A Micro Brewer that produces less than 30,000 barrels of beer per year may sell beer it manufactures to consumers for on-premises consumption at any of its licensed brewery locations. A Micro Brewer that produces 30,000 barrels of beer or more per year may sell its beer to consumers for on-premises consumption at not more than three licensed locations in Michigan.

A Brewer may sell beer it manufactures to consumers for on-premises consumption at not more than two licensed locations in Michigan.

- MCL 436.1109, MCL 436.1411

**Take-Out Sales from Brewery:**

A Micro Brewer by definition may sell beer that it produces to consumers for off-premises consumption (take-out).

- MCL 436.1109(3), MCL 436.1537(k)

A Brewer may sell beer that it produces to consumers for off-premises consumption (take-out).

- MCL 436.1537 (k)

**Sales for Cash Only:**

The Liquor Control Code requires the sale and purchase of all alcoholic beverages to be for cash only, at the time of delivery to wholesalers. Consumers may use bona-fide credit cards to pay for purchases from the brewery.

- MCL 436.2013

**Hospitality Room – Sampling by Consumers:**

A Brewer or Micro Brewer may allow persons 21 years of age or older to sample beer manufactured by that brewery in a hospitality room located on the brewery premises. Beer may not be served to persons in an intoxicated condition.

- MCL 436.2025, administrative rule R 436.1613

**Barrel Deposits:**

Manufacturers of beer are required to collect a barrel deposit of \$30.00 for all barrels, 1/2 barrels and 1/4 barrels of beer sold to wholesalers. A refund of \$30.00 shall be made to a licensee who has made the deposit and returned the barrels for refund. The Rule does not allow a deposit in excess of \$30.00.

- Administrative rule R 436.1629

**Interest in another License:**

Michigan statute strictly prohibits a Brewer/Micro Brewer from holding any interest, directly or indirectly, in a **wholesale or retail license**. Examples of prohibited interests include: stock ownership, leasing real estate to/from a wholesale or retail licensee; interlocking officers or directors between licensees; financial interest such as a moneylender with a wholesale or retail licensee. A Michigan manufacturer **may** hold interest in another licensed supplier under MCL 436.1603. The combined production from all facilities owned by a Micro Brewer may not exceed 60,000 barrels per calendar year. The Commission may also approve a Brewer or Micro Brewer participating with one or more Brewers or Micro Brewers in an alternating proprietor operation subject to the written approval of the Alcohol, Tobacco, Tax and Trade Bureau (TTB), in accordance with 27 CFR part 25, subpart F, section 25.52.

- MCL 436.1603

**Other Manufacturing licenses:**

A Micro Brewer may obtain other manufacturing licenses including a Small Wine Maker, Brandy Manufacturer, Manufacturer of Spirits, Manufacturer of Mixed Spirit Drink or a Small Distiller which allows the manufacture and sale of wine, brandy, mixed spirit drinks or distilled spirits.

- MCL 436.1111(9), MCL 436.1109 (6), MCL 436.1113(9)

**Permits:**

There are additional permits that a Brewer or Micro Brewer might want to apply for to be held in conjunction with their primary license.

- **Beer and Wine Tasting Permit** - A Brewer/Micro Brewer may obtain a Beer and Wine Tasting Permit which allows beer and wine tastings to be conducted on licensed off-premises accounts that hold a Specially Designated Merchant (SDM) license. There is a one time \$70.00 fee for this permit. Upon issuance of this permit notification of sampling events must be received at least 10 days prior to the event and all employees or licensed agents conducting the sampling event must have successfully completed a server training program approved by the MLCC.
- **Outdoor Service Permit** - Permit allows the sale and consumption of alcoholic beverage in outdoor patio areas. The area must be under the control of the licensee.
- **Specific Purpose Permit** - Permit required to remain open for business after the legal closing hour of 2:00am, or to be open for business before 7:00am Monday through Saturday, or to open before 12:00 noon on Sunday, for the sale of food.
- **Direct Connection** - Technically this is not a Permit but rather permission from the Commission to maintain a direct connection between licensed premises and nonlicensed premises. This permission will be required if your operations include multiple license holders who maintain inside connections to either nonlicensed premises or licensed premises under the control of another licensee.
- **Living Quarters Permit** - Permit required when living quarters are directly connected to the licensed premises.
- **Dance Permit** - Permit required for dancing by customers on the licensed premises. Dance floor must be clearly marked, void of tables and chairs when in use and a minimum of 100 square feet in dimension. Permit allows for dancing during the legal hours for the sale of alcoholic liquor only.
- **Entertainment Permit** - Permit required for monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises. An Entertainment Permit does not allow topless entertainment. Permit allows for entertainment only during the legal hours for the sale of alcoholic liquor. You do not need an Entertainment Permit for live bands, the playing of an orchestra, piano, or other types of musical instruments, singing or the viewing of any publicly broadcast television of a federally licensed station.
- **Sunday Sales AM** – Permit required for the sale of beer from 7:00 a.m.- 12:00 noon, unless prohibited in the county and local governmental unit where the licensed establishment is located. \$160.00 fee.

**Salesperson License:**

Any person employed by a Brewer/Micro Brewer to sell, deliver, promote, or otherwise assist in the sale of alcoholic liquor in this state is required to hold a Salesperson license issued by the Commission. Employees who work exclusively at the brewery premises and have no personal contact with wholesalers, retailers or consumers, off brewery premises, do not need a Salesperson license. Salesperson licenses are available from the Manufacturers & Wholesalers Section. Salesperson licenses are currently \$35.00 for a three-year licensure period. Salespersons must be at least 18 years of age. Licensed Salespersons are prohibited from being employed by a retail licensee on a paid or any other basis.

- Administrative rule R 436.1853

**Aid & Assistance Prohibition:**

MCL 436.1609, and Rule 436.1035 prohibit alcoholic beverage manufacturers, suppliers, wholesalers or warehousemen from aiding or assisting any other licensee by giving them anything of value. Further, a licensee is prohibited from accepting aid and assistance from another industry member. Alcoholic beverage suppliers are prohibited from giving anything of value to their wholesalers or retailers. Likewise, alcoholic beverage wholesalers are prohibited from giving anything of value to their retailers. This principle is the cornerstone of Michigan's trade practices regulatory structure. It is designed to provide a level playing field for all industry members. Suppliers, wholesalers and warehousemen are prohibited from giving anything of value to retail licensees, including but not limited to: alcoholic beverages, merchandise, furniture, fixtures, equipment, uniforms, cash or loans, labor, etc.

This same principle prohibits suppliers and wholesalers from providing free advertising, incentive programs, free or discounted product, draft system installation and maintenance, etc. Violations in the aid and assistance statute will result in all participants (retailer, wholesaler and supplier) being cited before the Commission.



Section 609 (3) of the Code, includes exceptions to the prohibition of items and services that a licensed supplier, wholesaler or warehouse, may provide to any other vendor. Some of these exceptions include allowing suppliers, wholesalers, and warehousemen to provide advertising items that have no use or value beyond actual brand and price advertising, including, but not limited to: mirrors, napkin holders, and table tents to licensees. Further, Section 609 (5) allows retailers to possess and use beer and wine brand logoed barware, including, but not limited to: glassware, coasters, and napkins if they have been purchased from a third party barware retailer and also allows retailers to possess and use spirit brand logoed barware, such as: glassware, coasters, and napkins if purchased from a manufacturer of spirits, vendor of spirits, a licensed salesperson, or broker, or a third party barware retailer.

- MCL 436.1609, Administrative rule R 436.1035

#### **Record Retention:**

All licensees are required to maintain all sales, purchase and salesperson expense records for a minimum of four (4) years. Records may be maintained electronically or otherwise as long as a hard copy of the record can be created upon demand.

- Administrative rules R 436.1007, R 436.1641, R 436.1865

#### **Consumer Participatory Brewery (“Brew-On-Premise”) Operation:**

The Michigan Liquor Control Code (“Code”) requires a license to manufacture and sell beer. While the Code does allow for home brewing for personal consumption, the home brewing must be done at a person’s residence. Therefore, a Brew-On-Premise operation whereby a person provides a facility and equipment allowing consumers to participate in the brewing process is not recognized as home brewing and is allowable in Michigan only under a Micro Brewer or Brewer license. The Commission recognizes the licensed Brewer or Micro Brewer to be the manufacturer of the beer and holds that licensee accountable for all actions on its licensed premises. The licensee may not lease out their licensed premises or equipment to any person; however, consumers may participate in the brewing process under the supervision of the licensee. The Commission recognizes the licensee to be selling the finished beer product to the participating consumer. The licensee may however collect the money up-front from the participating consumer. The licensee will be responsible for paying the appropriate beer excise taxes on all beer manufactured and sold in this state. The licensee will also be responsible for registering all beer brands with TTB and the Commission and labeling all containers in accordance with TTB standards. The Commission will allow Brew-On-Premise operations to register a ‘generic label’ approved by TTB and registered with the Commission with the very basic required information (name and address of bottler, net contents & government warning statement), and allow such labels to be further customized by the customer or licensee with additional brand name or fanciful name addition.

#### **Inspection of Premises and Books & Records:**

A licensee must make the licensed premises available for inspection and search by a Commission Investigator or any law enforcement officer empowered to enforce the Commission’s rules and code during regular business hours or when the premises is occupied. The Commission or its duly authorized agent may examine the books, records or papers of a licensee.

- MCL 436.1217, administrative rule R 436.1645

#### **Advertising and Promotions:**

Inside signs advertising alcoholic liquor utilized by a retail licensee must not exceed 3,500 square inches in dimension. Alcoholic beverage advertising provided by suppliers and wholesalers to retailers shall not have any use or value beyond the actual advertising of brands and prices of the alcoholic liquor, other than the exceptions provided in MCL 436.1609(2)(3)(4).

- Administrative rules R 436.1303 – R 436.1331 MCL 436.1609

#### **Samples:**

Brewers, Micro Brewers and Wholesalers are allowed to sample their products with on-premises or off-premises retail licensees and the retailer’s employees. All containers used to sample products with retailers must be marked with the word “Sample” with lettering at least ½-inches high and may not be sampled by consumers. Samples from multiple beverages may be offered, however only one (1) sample container of 750 ml size or smaller may be left with a retail licensee for sampling by the retailer and their staff. A sample container must be removed from the premises within 24 hours.

- Administrative rules R 436.1001, R 436.1421, R 436.1513, R 436.1863

**Purchasing Drinks for Consumers:**

A licensed Salesperson of beer, for promotional purposes, may purchase one (1) drink for each customer of an on premises retail licensee only. Maximum spending limit of \$50.00 per day at one account; and not more than twice per month at the same licensed retail location. The drink shall be purchased from the on-premises licensee and shall be of a brand represented by the salesman.

- Administrative rule R 436.1865

**Contract Brewing:**

A Brewer or Micro Brewer may contract brew beer for another person. Such contract-brewed beer is basically treated like any other beer. The Brewer or Micro Brewer producing the beer is responsible for registering the product and trade name with TTB and the Commission; paying the beer excise taxes to the Commission for the beer sold in Michigan; assigning sales territories to wholesalers; and selling the beer only to licensed Michigan wholesalers. Contract brewed beer is no different than any other beer except that some one else may own the trade name, formula and label rights. Brewers may produce private labeled beer for retail licensees under this scenario.

- Administrative rule R 436.1615

**Compliance with Laws, Zoning & Ordinances**

A Brewer/Micro Brewer must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules and ordinances.

- Administrative rules R 436.1003, R 436.1105(3), R 436.1702

How to Contact the Michigan Liquor Control Commission:

Questions relating to Brewer/Micro Brewer licenses and other non-retail licenses may be directed to:

Michigan Liquor Control Commission  
Manufacturers & Wholesalers Section  
P.O. Box 30005 Lansing, MI 48909-7505  
Toll free 1-866-813-0011 (517) 763-0060 (fax)  
E-mail: [MLCCMWapplications@michigan.gov](mailto:MLCCMWapplications@michigan.gov) Website: [www.michigan.gov/lcc](http://www.michigan.gov/lcc)



Michigan Department of Licensing & Regulatory Affairs  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
525 W. Allegan Lansing, MI 48933  
P.O. Box 30005 Lansing, MI 48909

## **Michigan Small Distiller License Requirements and General Information**

### **A Small Distiller license:**

- License issued by the Liquor Control Commission to manufacture spirits, not to exceed 60,000 gallons annually of all brands combined.
- License also includes the manufacture of Brandy.
- May offer free samples to consumers on the manufacturing premises.
- May sell spirits to consumers for consumption on the manufacturing premises.
- May sell spirits to consumers for off-premises consumption (take-out) for not less than the uniform price set by the Commission.
- May **not** sell spirits directly to Michigan retail licensees.
- May sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.
- Must contract with an Authorized Distribution Agent ("ADA") to warehouse and deliver spirits to retailers through the Commission's spirit distribution system.
- Must obtain a "Distilling, Rectifying, Blending and/or Bottling Spirits" Basic Permit from Alcohol and Tobacco Tax and Trade Bureau ("TTB").
- \$100.00 annual license fee. License renews annually on May 1. License fee may not be prorated for part-year licensure and is payable at the time of initial application.

### **How To Apply For A License:**

Please refer to the "Manufacturers & Wholesale License Application Process" information sheet for applicable forms and required documents.

All forms are available on our website at: [www.michigan.gov/lcc](http://www.michigan.gov/lcc) ---> Commission Forms ---> Manufacturers & Wholesalers.

### **Licensing Requirements:**

#### **Federal Basic Permit:**

Receipt of a Federal "Distilling, Rectifying, Blending and/or Bottling Spirits" Basic Permit, issued by the Alcohol and Tobacco Tax and Trade Bureau ("TTB") is required prior to the issuance of a Small Distiller license.

•Administrative rule R 436.1827

For Federal Basic Permit info contact: Alcohol and Tobacco Tax and Trade Bureau  
550 Main St. Room 8002  
Cincinnati, OH 45202  
(513) 684-3337  
[www.ttb.gov](http://www.ttb.gov)

#### **Proof of Financial Responsibility:**

A statutory requirement to provide security for liability of not less than \$50,000. May be in the form of cash, unencumbered securities, liquor liability insurance, constant value bond, or membership in a group self-insurance pool authorized by law that provides security for liability under Section 436.803 of the Liquor Control Code. Proof of Financial Responsibility Form LC-95 & instructions can be found on our website. Proof of Financial Responsibility does not need to be submitted until applicant has received notification from our office of approval for their license application by our Commission.

- MCL 436.1803

**Server Training Requirement:**

A licensee authorized to sell or sample alcoholic beverages for on-premises consumption is required to have present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program approved by the Commission. Server Training forms will be mailed upon Commission approval of the license application.

- MCL 436.1501(1), Administrative rule R 436.1060

**Food Establishment License**

The Michigan Food Law (Act 92, P.A. of 2000) requires all food establishments, including processing operations such as wineries, breweries and distilleries to obtain a food establishment of one type or another. Contact the Michigan Department of Agriculture & Rural Development ("MDARD") for details on the specific food establishment license required for your operation. The MDARD may be contacted as follows:

MDARD Central Licensing  
P.O. Box 30746  
Lansing, MI 48909  
(517) 241-6666  
[www.michigan.gov/mda](http://www.michigan.gov/mda)

**General Information:****Michigan Spirit Distribution System:**

Michigan operates as a "control" state for the sale of spirits. The Commission acts as the wholesaler for all spirit products. A Vendor of Spirits sells spirits to the Commission. The Commission then resells the spirits to both on and off-premises retail licensees. Spirit products are warehoused and delivered to retail licensees by Authorized Distribution Agents ("ADA"). An ADA is required to be certified by the Commission and is also required to have a contract with each Vendor of Spirits they represent to deliver their particular spirit products. Spirit products that are sold to consumers for off-premise consumption by licensed Specially Designated Distributors ("SDD") are sold statewide at uniform prices set by the Commission. The uniform price set by the Commission is determined by the cost of the spirit product to the Commission plus a 65% mark-up, plus a combination of specific taxes. All of the aforementioned components of the system are further described below.

**Vendor of Spirits:**

A Small Distiller must also register with the Commission as a "Vendor of Spirits" in order to sell their spirit products to the Michigan Liquor Control Commission. Michigan is a "control" state, which means the Michigan Liquor Control Commission acts as the wholesaler for all spirit products, excluding mixed spirit drinks. The Commission purchases spirits from Vendors of Spirits. The Vendor of Spirits is responsible for registering product lines and filing quotations with the Commission. The Commission then adds the statutory mark-up (currently 65%) and specific taxes (currently totaling 12%) and sells the spirits to licensed retailers who in turn may sell to consumers. There is no fee for registering as a Vendor of Spirits. There is also no licensing investigation for registering as a Vendor of Spirits. Additional information on registering as a Vendor of Spirits may be found at the Commission's Website [www.michigan.gov/lcc](http://www.michigan.gov/lcc) --> "Products" --> "New Vendor Application Packet".

**Authorized Distribution Agents:**

A Small Distiller who wishes to sell its spirits through the Commission's spirit distribution system as a Vendor of Spirits must contract with an Authorized Distribution Agent ("ADA") to warehouse and distribute their spirits. The ADA is required to be certified by the Commission to store and deliver spirits. A signed contract with a Certified ADA is required to be filed prior to the Commission approving any product distribution. **If a Small Distiller only intends to sell their product directly to consumers from their licensed manufacturing premises, they do not need to contract with an ADA.**

An ADA must have a written contract with each Vendor of Spirits they represent. The contract must specify the following:

- The contract must designate each brand of spirits the ADA is authorized to warehouse and deliver.
- The contract must specify the ADA's authorized geographical delivery area. Statewide distribution must be covered by an individual ADA or by contracting with multiple ADA's.
- The contract must indicate the responsibilities of both parties.
- The contract must have a specific beginning and ending date.
- The contract must specify the amount per case to be paid to the ADA by the Vendor of Spirits. This

warehouse/delivery fee must be a minimum of \$8.85 per case. (The MLCC pays the Vendor of Spirits \$7.50 per case to partially offset this warehousing/delivery fee.) .

- Both the ADA and the Vendor of Spirits must sign the contract.

An ADA is required to make weekly deliveries to any retail licensee making a one case or more minimum order. An ADA may not charge any split case fees nor may they charge any delivery fee except for emergency orders placed by retail licensees in addition to their weekly delivery. In such cases, an ADA may charge a \$20.00 delivery fee. The ADA is responsible for collecting payment from the retail licensee on behalf of the Commission and is responsible for submitting various sales documents to the Commission. An ADA may not have any interest, directly or indirectly in any Vendor of Spirits or in any retail licensee. A Vendor of Spirits must make each of its products available statewide to all retail licensees. While a Vendor of Spirits may utilize more than one ADA to cover the state, all document transmittals required by the Commission must be done by only one ADA.

#### **Vendor Representative:**

Vendors of Spirits are required to license an individual as a Vendor Representative who will represent them in transactions with the Commission. The Vendor Representative license fee is \$50.00 for a three year period. Additional information and application for Vendor Representative licenses may be found at the Commission's Website [www.michigan.gov/lcc](http://www.michigan.gov/lcc).

#### **DEFINITIONS:**

"**Alcoholic liquor**" means any spirituous, vinous, malt or fermented liquor, powder, liquids and compounds, or compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more alcohol by volume that are fit for food purposes or beverage purposes.

"**Spirits**" means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

- MCL 436.1105(3), MCL 436.1111(14)

#### **Manufacturing & Labeling:**

Spirits must be manufactured, identified and labeled in accordance with federal spirit regulations published in Code of Federal Regulations Title 27, part 19 and Title 27, part 5. Contact the TTB for details.

- Administrative rules R 436.1825, R 436.1827, R 436.1829

#### **Product Registration:**

All spirit products must be registered with the Commission prior to their introduction in Michigan. All spirits are now registered on-line through the Commission's E-Quote system. Each Vendor of Spirits is provided with a User Name, Password and Database Identifier to access the on-line E-Quote spirit registration system. For more information on Michigan's on-line spirit product registration system, visit the Liquor Control Commission's Website at [www.michigan.gov/lcc](http://www.michigan.gov/lcc) or contact the Commission's Financial Management Division at (866) 813-0011.

- Administrative rule R 436.1829

#### **Mandatory Label Information (Pursuant to TTB Regulations):**

- Brand name.
- Class, type or, in lieu of, a truthful & adequate statement of composition shall appear on the brand label of the product.
- Name and address of bottler or packer where bottled or packed.
- Net contents.
- Government Warning Statement.
- Alcohol content.

For Federal Labeling information contact:

Alcohol and Tobacco Tax and Trade Bureau  
Alcohol Labeling & Formulation  
650 Massachusetts Ave., N.W.  
Washington, DC 20226  
(866) 927-2533  
[www.ttb.gov](http://www.ttb.gov)

### **Sales To Consumers From Distillery**

A Small Distiller is authorized to sell brands manufactured by the distiller from the licensed premises to consumers for on premises consumption and off-premises consumption (take-out sales) with no additional license.

A Small Distiller may also sell spirits made by that distiller in a restaurant for consumption on or off the distillery premises that is owned by the Small Distiller or operated by another person under an approved agreement by the Commission. Spirits sold for off premises consumption shall be sold at the uniform price set by the Commission.

- MCL 436.1534, MCL 436.1537(1)(p)(9), MCL 436.1603 (5)(6)

### **Hospitality Room – Sampling by Consumers:**

A Small Distiller may allow persons 21 years of age or older to sample spirits manufactured by them at no charge in a hospitality room located at the manufacturing premises.

- MCL 436.2025

### **Church and School:**

A new application to sell alcoholic beverages at retail (including manufacturers), or a request to transfer location of an existing license, may be denied if the contemplated location is within 500' of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school files an objection, the Commission will hold a hearing before making a decision on the issuance of the license.

- MCL 436.1503

### **Tasting Room Location:**

Licensed Small Distillers may apply for a Spirit Tasting Room location approval located off the distillery licensed premises. The Small Distiller may offer free tastings to the consumer and may sell for off premise consumption only, spirit products made by the Small Distiller. Under no circumstances may any other alcoholic beverage products other than those produced by the Small Distiller be sampled in the Tasting Room. Spirit products cannot be sold by the glass for consumption at the tasting room premises. Only samples may be provided. An annual license fee for the Tasting Room location is \$100.00.

- MCL 436.1537(9)

### **Other Manufacturing licenses:**

A Small Distiller may obtain other manufacturing licenses including a Small Wine Maker, Brewer/Micro Brewer, Manufacturer of Spirits, and Manufacturer of Mixed Spirit Drink which allows the manufacture and sale of wine, beer and mixed spirit drinks.

- MCL 436.1113(9), MCL 436.1105(11), MCL 436.1109(6)

### **Permits**

There are additional permits that a Small Distiller may apply for to be held in conjunction with their primary license.

- **Consumer Sampling Event license** - A Small Distiller, a Manufacturer of Spirits or Vendor of Spirits may obtain a Consumer Sampling Event license which allows spirit samplings to be conducted on licensed off-premises accounts that hold a Specially Designated Distributor (SDD) license. There is a one time \$70.00 fee for this permit. Upon issuance of this permit notification of sampling events must be received at least 10 days prior to the event and all employees or licensed agents conducting the sampling event must have successfully completed a server training program approved by the MLCC.
- **Outdoor Service Permit** - Permit allows the sale and consumption of alcoholic beverage in outdoor patio areas. The area must be under the control of the licensee.
- **Specific Purpose Permit** - Permit required to remain open for business after the legal closing hour of 2:00am, or to be open for business before 7:00am Monday through Saturday, or to open before 12:00 noon on Sunday, for the sale of food.
- **Direct Connection** - Technically this is not a Permit but rather permission from the Commission to maintain a direct connection between licensed premises and non-licensed premises. This permission will be required if your operations include multiple license holders who maintain inside connections to either non-licensed premises or licensed premises under the control of another licensee.
- **Living Quarters Permit** - Permit required when living quarters are directly connected to the licensed premises.
- **Dance Permit** - Permit required for dancing by customers on the licensed premises. Dance floor must be clearly marked, void of tables and chairs when in use and a minimum of 100 square feet in dimension. Permit allows for dancing during the legal hours for the sale of alcoholic liquor only.

- **Entertainment Permit** - Permit required for monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises. An Entertainment Permit does not allow topless entertainment. Permit allows for entertainment only during the legal hours for the sale of alcoholic liquor. You do not need an Entertainment Permit for live bands, the playing of an orchestra, piano, or other types of musical instruments, singing or the viewing of any publicly broadcast television of a federally licensed station.
- **Sunday Sales AM** – Permit required for the sale of spirits, mixed spirit drink, beer and wine from 7 a.m.-12:00 noon, unless prohibited in the county and local governmental unit where the licensed establishment is located. \$160 fee.
- **Sunday Sales PM** – Permit required for the sale of spirits and mixed spirit drink from 12 noon-2:00 a.m. Monday morning, unless prohibited in the county and local governmental unit where the licensed establishment is located. \$15 fee – 15% of the license fee.

### Interest In Another License

Michigan statute strictly prohibits a Small Distiller from holding any interest, directly or indirectly, in a **wholesale or retail license**. Examples of prohibited interests include: stock ownership, leasing real estate to/from a wholesale or retail licensee; interlocking officers or directors between licensees; financial interest such as a moneylender with a wholesale or retail licensee. A Michigan manufacturer **may** hold interest in another licensed supplier under MCL 436.1603 (8).

### Aid and Assistance

MCL 436.1609, and Rule 436.1035 prohibit alcoholic beverage manufacturers, suppliers, wholesalers or warehousemen from aiding or assisting any other licensee by giving them anything of value. Further, a licensee is prohibited from accepting aid and assistance from another industry member. Alcoholic beverage suppliers are prohibited from giving anything of value to their wholesalers or retailers. Likewise, alcoholic beverage wholesalers are prohibited from giving anything of value to their retailers. This principle is the cornerstone of Michigan's trade practices regulatory structure. It is designed to provide a level playing field for all industry members. Suppliers, wholesalers and warehousemen are prohibited from giving anything of value to retail licensees, including but not limited to: alcoholic beverages, merchandise, furniture, fixtures, equipment, uniforms, cash or loans, labor, etc.

This same principle prohibits suppliers and wholesalers from providing free advertising, incentive programs, free or discounted product, draft system installation and maintenance, etc. Violations in the aid and assistance statute will result in all participants (retailer, wholesaler and supplier) being cited before the Commission.

Section 609 (3) of the Code, includes exceptions to the prohibition of items and services that a licensed supplier, wholesaler, or warehouseman may provide to any other vendor. Some of these exceptions include allowing suppliers, wholesalers, and warehousemen to provide advertising items that have no use or value beyond actual brand and price advertising, including, but not limited to: mirrors, napkin holders, and table tents to licensees. Further, Section 609 (5) allows retailers to possess and use beer and wine brand logoed barware, including, but not limited to: glassware, coasters, and napkins if they have been purchased from a third party barware retailer and also allows retailers to possess and use spirit brand logoed barware, such as: glassware, coasters, and napkins if purchased from a manufacturer of spirits, vendor of spirits, a licensed salesperson, or broker, or a third party barware retailer.

- MCL 436.1609, Administrative rule R 436.1035

### Salesperson License:

Any person employed by a Small Distiller to sell, deliver, promote, or otherwise assist in the sale of Alcoholic liquor in this state is required to hold a Salesperson license issued by the Commission. Office personnel who work exclusively at the manufacturing premises and have no personal contact with consumers off the licensed premises do not need a Salesperson license. Salesperson's must be 18 years of age or older. A Salesperson license is \$35.00 for a three-year licensing period. Licensed salespersons are prohibited from being employed by a retail licensee on a paid or any other basis. Licensed truck drivers or delivery persons are prohibited from consuming alcoholic beverages while on duty.

- Administrative rule R 436.1853

**Inspection of Premises and Books & Records:**

A licensee must make the licensed premises available for inspection and search by a Commission Investigator or any law enforcement officer empowered to enforce the Commission's rules and code during regular business hours or when the premises is occupied. The Commission or its duly authorized agent may examine the books, records or papers of a licensee.

- MCL 436.1217, Administrative rule R 436.1645, R 436.1728

**Samples to Retail Licensee and Staff:**

A Small Distiller is allowed to sample their products with on-premises or off-premises retail licensees and the retailer's employees. Sample tastings may not be offered to consumers at licensed retail accounts. All containers used to sample products with retailers must be marked with the word "**Sample**" in lettering at least ½-inch high. A sample container must be removed from the premises within 24 hours and again may not be sampled by consumers.

- Administrative rules R 436.1001, R 436.1421, R 436.1511, R 436.1513, R 436.1863

**Purchasing Drinks For Consumers:**

A licensed Salesperson, for promotional purposes, may purchase one (1) drink for each customer of an on-premises retail licensee only. The drink shall be purchased from the on-premises licensee and shall be of a brand represented by the salesperson.

- Rule 436.1865

**Advertising and Promotions:**

Inside advertising signs must be unilluminated and no more than 3,500 square inches in dimension. Alcoholic beverage advertising provided by suppliers and wholesalers to retailers shall not have any use or value beyond the actual advertising of brands and prices of the alcoholic liquor, other than the exceptions provided in MCL 436.1609(2)(30(4)).

- Administrative rules R 436.1305 – R 436.1331 MCL 436.1609

**Compliance with Laws, Zoning & Ordinances:**

A Small Distiller must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules and ordinances.

- Administrative rules R 436.1003, R 436.1105(3)

**How To Contact The Michigan Liquor Control Commission:**

Questions relating to a Small Distiller license and other non-retail licenses may be directed to:

**Michigan Liquor Control Commission**

**Manufacturers & Wholesalers Section**

**P.O. Box 30005**

**Lansing, MI 48909**

**Toll free 1-866-813-0011      517) 763-0060 (fax)**

**email: [MLCCMWapplications@michigan.gov](mailto:MLCCMWapplications@michigan.gov)      Website: [www.michigan.gov/lcc](http://www.michigan.gov/lcc)**





Michigan Department of Licensing & Regulatory Affairs  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
525 W. Allegan Lansing, MI 48933  
P.O. Box 30005 Lansing, MI 48909

## **Michigan Wine Maker & Small Wine Maker Requirements and General Information**

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A **“Wine Maker”** license is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture wine and to sell, at wholesale or retail, wine manufactured by that person.

- MCL 436.1113(9)

A **“Small Wine Maker”** means a Wine Maker that manufactures or bottles not more than 50,000 gallons of wine in 1 calendar year.

- MCL 436.1111(10)

### **A Wine Maker/Small Wine Maker License:**

- May sell wine they manufacture to licensed Michigan wholesalers and to licensed Michigan retailers.
- May offer free or may include a charge for samples to consumers from the winery premises.
- May sell wine they manufacture directly to consumers for off-premises consumption (take-out) from the winery premises.
- May sell wine they manufacture to consumers for on-premises consumption at the winery in conjunction with a restaurant at the winery premises.
- Must obtain a “Wine Producer’s” Basic Permit from Alcohol, Tobacco Tax and Trade Bureau (“TTB”).
- \$100.00 annual license fee for Wine Maker; \$25.00 annual license fee for Small Wine Maker. License renews annually on May 1. License fee may not be prorated for part year licensure and is payable at the time of initial application.

### **How To Apply For A License:**

Please refer to the “Manufacturers & Wholesale License Application Process” information sheet for applicable forms and required documents

All forms are available on our website at: [www.michigan.gov/lcc](http://www.michigan.gov/lcc) ---> Commission Forms ---> Manufacturers & Wholesalers.

### **Licensing Requirements:**

#### **Federal Basic Permit**

Receipt of a Federal “Wine Producer and Blenders” Basic Permit issued by the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) is required prior to the issuance of a winery license.

- Administrative rule R 436.1708 (1)

For Federal Basic Permit info contact: Alcohol and Tobacco Tax and Trade Bureau (TTB)

550 Main St. Room 8002  
Cincinnati, OH 45202  
(513) 684-3337  
[www.ttb.gov](http://www.ttb.gov)

#### **Bond Application**

Receipt of a Surety Bond (Form MW-816) executed by an insurance company authorized to do business in Michigan in the amount of \$1,000.00 for the first year licensed is required prior to issuance of the license. Each subsequent year of licensure bond amount is based upon an average of excise taxes paid in the last calendar year, with a minimum amount of \$1,000.00. Bond form (MW-816) & instructions can be found on our website. Bond does not need to be submitted until applicant has received notification from our office of approval for their license application by our Commission.

- MCL 436.1801 (1)(a)

**Proof of Financial Responsibility**

A statutory requirement to provide security for liability of not less than \$50,000 prior to the issuance of the license. May be in the form of cash, unencumbered securities, liquor liability insurance, constant value bond, or membership in a group self-insurance pool authorized by law that provides security for liability under Section 436.803 of the Liquor Control Code. Proof of Financial Responsibility Form LC-95 & instructions can be found on our website. Does not need to be submitted until applicant has received notification from our office of approval for their license application by our Commission.

- MCL 436.1803

**Server Training Requirement**

A licensee authorized to sell or sample alcoholic beverages for on-premises consumption is required to have present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program approved by the Commission. Server Training forms will be mailed upon Commission approval of the license application.

- MCL 436.1501(1), Administrative rule R 436.1060

**Food Establishment License**

The Michigan Food Law (Act 92, P.A. of 2000) requires all food establishments, including processing operations such as wineries, breweries and distilleries to obtain a food establishment of one type or another. Contact the Michigan Department of Agriculture & Rural Development ("MDARD") for details on the specific food establishment license required for your operation. The MDARD may be contacted as follows:

MDARD Central Licensing  
P.O. Box 30746  
Lansing, MI 48909  
(517) 241-6666  
[www.michigan.gov/mda](http://www.michigan.gov/mda)

**General Information:****Church and School:**

A new application to sell alcoholic beverages at retail (including manufacturers), or a request to transfer location of an existing license, may be denied if the contemplated location is within 500' of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school files an objection, the Commission will hold a hearing before making a decision on the issuance of the license.

- MCL 436.1503

**Manufacturing & Labeling**

Wine must be manufactured and labeled in accordance with federal wine regulations published in the Code of Federal Regulations (CFR), Title 27, Part 4 and (CFR), Title 27, Part 24. Contact the TTB for details.

- Administrative rules R 436.1707, R 436.1708

**Label Registration**

Wine products must have all labels approved by the Commission prior to the wine being sold in Michigan. The Commission uses an on-line label registration process which requires prior registration with the TTB. Upon licensure, you will be provided with a password and instructions to access the on-line registration site. There is no fee for Michigan label registration.

- Administrative rule R 436.1719

**Mandatory Label Information (Pursuant to TTB Regulations):**

- Brand name listed.
- Class, type or, in lieu of, a truthful and adequate statement of composition shall appear on the brand label of the product.
- Name and address of bottler or packer and place (city/state) where bottled. Name must be preceded by "Bottled by" or "Packed by".

- Alcohol content must be listed. By definition, wine may contain ½ of 1% or more alcohol by volume but not more than 21% alcohol by volume. Table wine with alcoholic content of 11%-14% does not have to list the actual alcohol content. Listing “table wine” is adequate.
- Net contents.

For Federal Labeling information contact:

Alcohol and Tobacco Tax and Trade Bureau  
Alcohol Labeling & Formulation  
650 Massachusetts Ave., N.W.  
Washington, DC 20226  
(866) 927-2533  
[www.ttb.gov](http://www.ttb.gov)

### **Wine Excise Taxes & Monthly Reports**

Wine excise taxes apply to both wine and mixed wine drink. The Wine Maker or Small Wine Maker shall pay the Michigan wine excise tax or may designate a wholesaler to pay the tax on their behalf for all wine or mixed wine drink manufactured by that Wine Maker and sold in this state. A Wine Maker or Small Wine Maker is required to submit a Michigan Wine Tax Report and Michigan Winery Monthly Report of Sales no later than the 15<sup>th</sup> of each month regardless if a wholesaler has been designated to pay the taxes. If a wholesaler has been designated to pay tax on wholesale shipments to retailers, the Wine Maker or Small Wine Maker must still submit any tax payments for on-site tasting room wine sales.

Sacramental wine sold to churches is exempt from taxes. Sales made by a Wine Maker/Small Wine Maker out-of-state are nontaxable.

Tax Rates: 16% or less alcohol by volume = \$.135 (13 ½ cents) per liter.  
Over 16% - 21% alcohol by volume = \$.20 (20 cents) per liter

- MCL 436.1301, Administrative rule R 436.1725

For further questions relating to wine tax, please contact our Financial Management Division at: (517) 284-6352.

### **Samples To Consumers**

A Wine Maker or Small Wine Maker may offer free or may include a charge for samples to consumers for on-premise tastings at the winery premises. The samples must be of products manufactured and sold under the Wine Maker or Small Wine Maker license.

- MCL 436.1537 (3), MCL 436.2025

### **Sales To Consumers From Winery**

A Wine Maker or Small Wine Maker is authorized to sell wine manufactured by the Wine Maker or Small Wine Maker from the winery premises to consumers for off-premises consumption (take-out sales) with no additional license.

A Wine Maker or Small Wine Maker may also sell wine they manufacture by the glass for consumption on the premises in a restaurant at their winery premises that is owned by the Wine Maker or Small Wine Maker or is leased to another person. Only wine manufactured by the Wine Maker or Small Wine Maker may be sold by the glass in a winery restaurant.

- MCL 436.1111(10), MCL 436.1113(9), MCL 436.1537(2)

### **Direct Shipping/Deliveries to Consumers**

A Direct Shipper license is required for in-state and out-of-state wineries to ship **domestic** wine directly to Michigan consumers. This license does not allow direct shipment of imported wines. License fee is \$100.00 annually (renewable May 1) and allows total annual shipment to Michigan consumers of 13,500 liters (1,500 9-liter cases). Direct Shippers must pay Michigan excise taxes (quarterly) and Michigan sales tax. The age of the person placing the order must be verified by obtaining a copy of a photo identification issued by a state or

the federal government of the person placing the order, or by utilizing an identification service approved by the Commission. You must record and maintain records of the name, address, date of birth and telephone number of the person placing the order on the order form. The Direct Shipper must stamp, print, or label on the outside of the shipping container that the package "Contains Alcohol. Must be delivered to a person 21 years of age or older." A label must be placed on the top panel of the shipping container listing the Direct Shipper license number, order number, the name and address of the individual placing the order, and the name of the designated recipient if different from the name of the individual placing the order. The person delivering the alcohol shall verify the person accepting delivery is of legal age.

- MCL 436.1203, MCL 436.1537(d)

### **Tasting Room Location**

Licensed Wine Makers/Small Wine Makers may apply for a Tasting Room location approval located off the winery licensed premises. The Wine Maker/ Small Wine Maker may offer free or may include a charge for tastings to the consumer and may sell for off premise consumption only, wine made by the Wine Maker/Small Wine Maker. As with other tastings & sales, only wine made by the Wine Maker/Small Wine Maker may be sampled or sold at the Tasting Room location. Under no circumstances may any other alcoholic beverage products other than those produced by the Wine Maker/Small Wine Maker be sampled in the Tasting Room. Wine can not be sold by the glass for consumption at the tasting room premises. Only samples may be provided. An annual license fee of \$100.00 per location shall be paid for the Tasting Room location.

- MCL 436.1537(4)

### **Other Manufacturing licenses**

A Wine Maker/Small Wine Maker may obtain other manufacturing licenses including a Brandy Manufacturer, Micro Brewer/Brewer, Manufacturer of Spirits, Manufacturer of Mixed Spirit Drink or a Small Distiller which allows the manufacture and sale of wine, brandy, mixed spirit drinks or distilled spirits.

- MCL 436.1111(9), MCL 436.1109 (3)(6), MCL 436.1113(9)

### **Permits**

There are additional permits that a Wine Maker or Small Wine Maker may apply for to be held in conjunction with their primary license.

- **Beer and Wine Tasting Permit** - A Wine Maker/Small Wine Maker may obtain a Beer and Wine Tasting Permit which allows beer and wine tastings to be conducted on licensed off-premises accounts that hold a Specially Designated Merchant (SDM) license. There is a one time \$70.00 fee for this permit. Upon issuance of this permit notification of sampling events must be received at least 10 days prior to the event and all employees or licensed agents conducting the sampling event must have successfully completed a server training program approved by the MLCC.
- **Farmer's Market Permit** – permit for a qualified Small Wine Maker who manufactures or bottles not more than 5,000 gallons of wine in one calendar year combining all licensed locations, to conduct free wine tastings and sell, for consumption off the licensed premises, wine produced by that Small Wine Maker at a Farmer's Market.
- **Outdoor Service Permit** - Permit allows the sale and consumption of alcoholic beverage in outdoor patio areas. The area must be under the control of the licensee.
- **Specific Purpose Permit** - Permit required to remain open for business after the legal closing hour of 2:00am, or to be open for business before 7:00am Monday through Saturday, or to open before 12:00 noon on Sunday, for the sale of food.
- **Direct Connection** - Technically this is not a Permit but rather permission from the Commission to maintain a direct connection between licensed premises and nonlicensed premises. This permission will be required if your operations include multiple license holders who maintain inside connections to either nonlicensed premises or licensed premises under the control of another licensee.
- **Living Quarters Permit** - Permit required when living quarters are directly connected to the licensed premises.
- **Dance Permit** - Permit required for dancing by customers on the licensed premises. Dance floor must be clearly marked, void of tables and chairs when in use and a minimum of 100 square feet in dimension. Permit allows for dancing during the legal hours for the sale of alcoholic liquor only.

- **Entertainment Permit** - Permit required for monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises. An Entertainment Permit does not allow topless entertainment. Permit allows for entertainment only during the legal hours for the sale of alcoholic liquor. You do not need an Entertainment Permit for live bands, the playing of an orchestra, piano, or other types of musical instruments, singing or the viewing of any publicly broadcast television of a federally licensed station.
- **Sunday Sales AM** – Permit required for the sale of wine from 7:00 a.m.-12:00 noon, unless prohibited in the county and local governmental unit where the licensed establishment is located. \$160.00 fee.

### **Sales To Wholesalers and Territory Agreements**

A Wine Maker or Small Wine Maker may sell their products to licensed Michigan wholesalers who in turn may resell the wine to licensed Michigan retailers. A Wine Maker or Small Wine Maker must grant each of their wholesalers a written agreement specifying the brand or brands to be distributed and the territory where sales are granted. Wholesalers are prohibited from selling alcoholic beverages outside of their assigned sales territories. Beginning June 1, 2010, Michigan statute prohibits a manufacturer from assigning the right to sell a specific brand or brands of wine to more than one wine wholesaler in the same sales territory. However, a manufacturer may continue an agreement that was in effect on June 1, 2010, which assigned the distribution rights to more than one wine wholesaler for a specified brand of wine in the same sales territory. All sales to wholesalers must be for cash only. Quantity discounts to wholesalers are legal as long as the discount is nondiscriminatory.

- MCL 436.1305, MCL 436.1307

### **Sales To Retailers**

A Wine Maker or Small Wine Maker is authorized to sell their wines to licensed retailers. A Wine Maker or Small Wine Maker selling their wines to retailers must file with the Commission in Lansing, before January 1, April 1, July 1, and October 1 of each year, a schedule of the net cash prices to retail licensees. The net cash price shall not be changed during the quarter without first notifying the Commission in writing of the price changes. "Post offs" (price reductions) shall **not** be granted for periods of less than 14 consecutive calendar days in duration. Quantity discounts to retailers are prohibited. All sales to retailers must be for cash only.

- MCL 436.1111(10), MCL 436.1113(9), Administrative rule R 436.1726

### **Interest In Another License**

Michigan statute strictly prohibits a Wine Maker/Small Wine Maker from holding any interest, directly or indirectly, in a **wholesale or retail license**. Examples of prohibited interests include: stock ownership, leasing real estate to/from a wholesale or retail licensee; interlocking officers or directors between licensees; financial interest such as a moneylender with a wholesale or retail licensee. A Michigan manufacturer **may** hold interest in another licensed supplier under MCL 436.1603. The Commission may also approve a Wine Maker or Small Wine Maker participating with 1 or more Wine Makers or Small Wine Makers in an alternating proprietor operation subject to the written approval of the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, in accordance with 27 CFR part 25, subpart F, section 25.52.

- MCL 436.1603(8)(13)

### **Rebates, Special Purchase Allowances, & Quantity Discounts**

A Wine Maker or Small Wine Maker is prohibited from rebating any money to wholesalers. A special purchase allowance may be offered to wholesalers as long as the allowance is offered to all wholesalers and is based on the wholesaler purchases at the time of the allowance and not based on past sales. A Wine Maker or Small Wine Maker may offer quantity discounts to their wholesalers but may not offer free merchandise to their wholesalers.

- MCL 436.1609

### **Bulk Wine Used For Blending**

A Wine Maker or Small Wine Maker may purchase bulk wine to be used for blending purposes from a licensed Outstate Seller of Wine. A shipment of bulk wine to a Wine Maker or Small Wine Maker must be accompanied by a "Release of Alcohol or Alcoholic Beverages for Commercial Use" (LC/MW-350) approved by the Commission.

- Administrative rule R 436.1721

### **Salesperson License**

Any person employed by a Wine Maker or Small Wine Maker to sell, deliver, promote, or otherwise assist in the sale of alcoholic liquor in this state is required to hold a Salesperson license issued by the Commission. Office staff and winery personnel who work exclusively at the winery premises and have no personal contact with retailers or consumers off the winery premises do not need a Salesperson license. Salesperson's must be 18 years of age or older. Salesperson licenses are \$35.00 for three-year licensing period. Licensed salespersons are prohibited from being employed by a retail licensee on a paid or any other basis. Licensed truck drivers or delivery persons are prohibited from consuming alcoholic beverages while on duty.

- Administrative rule R 436.1853

### **Aid and Assistance**

MCL 436.1609, and Rule 436.1035 prohibit alcoholic beverage manufacturers, suppliers, wholesalers or warehousemen from aiding or assisting any other licensee by giving them anything of value. Further, a licensee is prohibited from accepting aid and assistance from another industry member. Alcoholic beverage suppliers are prohibited from giving anything of value to their wholesalers or retailers. Likewise, alcoholic beverage wholesalers are prohibited from giving anything of value to their retailers. This principle is the cornerstone of Michigan's trade practices regulatory structure. It is designed to provide a level playing field for all industry members. Suppliers, wholesalers and warehousemen are prohibited from giving anything of value to retail licensees, including but not limited to: alcoholic beverages, merchandise, furniture, fixtures, equipment, uniforms, cash or loans, labor, etc.

This same principle prohibits suppliers and wholesalers from providing free advertising, incentive programs, free or discounted product, draft system installation and maintenance, etc. Violations in the aid and assistance statute will result in all participants (retailer, wholesaler and supplier) being cited before the Commission.

Section 609 (3) of the Code, includes exceptions to the prohibition of items and services that a licensed supplier, wholesaler, or warehouseman may provide to any other vendor. Some of these exceptions include allowing suppliers, wholesalers, and warehousemen to provide advertising items that have no use or value beyond actual brand and price advertising, including, but not limited to: mirrors, napkin holders, and table tents to licensees. Further, Section 609 (5) allows retailers to possess and use beer and wine brand logoed barware, including, but not limited to: glassware, coasters, and napkins if they have been purchased from a third party barware retailer and also allows retailers to possess and use spirit brand logoed barware, such as: glassware, coasters, and napkins if purchased from a manufacturer of spirits, vendor of spirits, a licensed salesperson, or broker, or a third party barware retailer.

- MCL 436.1609, Administrative rule R 436.1035

### **Record Retention**

All licensees are required to maintain all sales, purchase and salesperson expense records for a minimum of four (4) years. Records may be maintained electronically or otherwise as long as a hard copy of the record can be created upon demand.

- Administrative rules R 436.1007, R 436.1641, R 436.1865

### **Sales For Cash Only**

The Liquor Control Code requires the sale and purchase of all alcoholic beverages to be for cash only, at the time of delivery to wholesalers or retailers. Consumers may use bona-fide credit cards to pay for purchases from the winery.

- MCL 436.2013

### **Inspection of Premises and Books & Records**

A licensee must make the licensed premises available for inspection and search by a Commission Investigator or any law enforcement officer empowered to enforce the Commission's rules and code during regular business hours or when the premises is occupied. The Commission or its duly authorized agent may examine the books, records or papers of a licensee.

- MCL 436.1217, Administrative rule R 436.1645 & R 436.1728

### **Samples**

Wine Makers and Small Wine Makers are allowed to sample their products with on-premises or off-premises retail licensees and the retailer's employees. Sample tastings may not be offered to consumers by the wine maker at a licensed on-premises or off-premises account. All containers used to sample products with retailers must be marked with the word "Sample" in lettering at least ½-inch high. While Wine Makers and Small Wine Makers may offer tasting samples to retailers from multiple beverages, only one (1) sample container of 750 ml size or smaller may be left with a retail licensee for sampling by the retailer and their staff. A sample container must be removed from the premises within 24 hours and again may not be sampled by consumers.

- Administrative rules R 436.1001, R 436.1421, R 436.1511, R 436.1513, R 436.1863

### **Purchasing Drinks For Consumers**

A licensed Salesperson of a manufacturer of wine, for promotional purposes, may purchase one (1) drink for each customer of an on-premises retail licensee only. The drink shall be purchased from the on-premises licensee and shall be of a brand represented by the salesperson.

- Administrative rule R 436.1865

### **Advertising and Promotions**

Inside advertising signs must be unilluminated and no more than 3,500 square inches in dimension. Alcoholic beverage advertising provided by suppliers and wholesalers to retailers shall not have any use or value beyond the actual advertising of brands and prices of the alcoholic liquor, other than the exceptions provided in MCL 436.1609(2)(30(4).

- Administrative rules R 436.1305 – R 436.1331 MCL 436.1609

### **Compliance with Laws, Zoning & Ordinances**

A Wine Maker or Small Wine Maker must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules and ordinances.

- Administrative rules R 436.1003, R 436.1105(3), R 436.1702

### **How to Contact the Michigan Liquor Control Commission**

Questions relating to Wine Maker/Small Wine Maker licenses and other non-retail licenses may be directed to:

Michigan Liquor Control Commission  
Manufacturers & Wholesalers Section  
P.O. Box 30005  
Lansing, MI 48909

Toll free 1-866-813-0011 (517) 763-0060 (fax)

E-mail: [MLCCMWapplications@michigan.gov](mailto:MLCCMWapplications@michigan.gov)

Website: [www.michigan.gov/lcc](http://www.michigan.gov/lcc)



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Wednesday, March 16, 2016, 10:00 a.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 10:00 a.m.**

**Members present:** J. Aukerman, C. Dye, G. LaPointe, D. White, J. Zollinger  
**Members excused:** A. Jenema, P. Scott,  
**Staff present:** None

**A. LIMITED PUBLIC COMMENT: None**

**B. APPROVAL OF AGENDA:**

**Motion by Dye, seconded by White to approve the agenda as presented. Motion carried by unanimous vote.**

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

**D. NEW BUSINESS:**

**1. Approval of Board minutes from the 03/01/16 Board meeting.**

Zollinger stated this Special meeting was called as the minutes needed to be approved for the DNR Trust Fund grant application for submission on April 1, 2016.

**Motion by White, seconded by LaPointe to approve the 03/01/16 Board minutes as presented. Motion carried by unanimous roll call vote.**

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

Trustee, LaPointe, had some questions about a SAD on a private road.

**Adjourned at 10:20 am**





**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
April 11, 2016 7:00 p.m.**

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

**ROLL CALL:**

Members Present: Rosa, White, Jessup, Timmins, Feringa, Forgette

Members Excused: Wentzloff, DeMarsh, Balentine

Staff Present: S. Winter, Zoning Administrator, J. Jocks, Legal Counsel (arrived at 7:14pm)

**A. LIMITED PUBLIC COMMENT: None**

**B. APPROVAL OF AGENDA:**

Motion by Timmins to approve agenda as present; support by Forgette. Motion passed unanimously

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

Feringa recused himself from any discussion on Item D1 correspondence

**D. CORRESPONDENCE:**

1. VGT letter requesting to rescind the minor amendment to SUP 2004-11. Winter read letter from Steve Schooler, agent for VGT, a formal request to rescind their SUP minor amendment that was issued in 2014 into record. The request will be reviewed and placed on the May agenda for PC review.

**E. PUBLIC HEARINGS:**

1. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales

Hearing opened at 7:06pm.

D. Hoxie, 6778 M-72 East – Asked question if ordinance would allow other businesses to sell items and concerned of its effect on current brick and mortar businesses. Winter indicated that the ordinance would require that the outdoor sale would be permitted if the product being sold was an extension of the business inventory. Feringa added that owner would have to pull permit for sale and would be accountable. Jessup asked if he sold apples to Meijer. He did not. Hoxie worried about a business not from around here taking business away from those vested. Hoxie felt that PC should not move forward with ordinance as proposed.

Hearing closed at 7:10pm.

**F. OLD BUSINESS:**

1. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales

Discussions among PC members regarding requirements of ordinance, adoption of language to protect local businesses, and the three major requirements of the ordinance. PC members thought ordinance as written was an opportunity for business to extend existing inventory to outdoor sales for short periods of time and that the intent protected local businesses as best it could. The ordinance provided Zoning Administrator the tools to effectively regulate. It was acknowledged that the ordinance could be scrutinized for loopholes. It was also noted that the ordinance could be reviewed in the future if there seemed to be problems. R. Evina, representing the Acme Business Association indicated they had reviewed the ordinance as a group and though did not think of Meijer

with its extensive inventory, he felt that its intent was good and had the best interest of the business community in mind.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 038 – Temporary Outdoor Sales to the Grand Traverse County Planning Commission for review and brought back to the Township Board for approval. Support by Rosa.

Favor – Rosa, Jessup, Feringa, Forgette, Timmins

Opposed – White

Motion passed.

## **2. Zoning Ordinance Amendment 037 – Article XIX: Planned Development**

Winter provided a brief summary of the document. Most of the changes were minor to provide more consistent wording and correcting the numbering. Additional clarification and grammatical consistency were done throughout document. More detail was provided on the overall submission and approval process with a summary paragraph and flow chart added. More detail was also provided to clarify the density transfer component. Feringa mentioned that the PD would be another place where restrictions could be placed with respect to the allowing or not allowing of outdoor sales. He also suggested a wording change in Section 19.1, line 10 to change substantially in accord to “consistent with”. Legal counsel agreed that “consistent with” is less vague and aids in interpretation by all parties. Suggested changes to the wording were to make the PD abbreviation consistent throughout the document and change the amendment number to 037 at the top of the document. Winter added that on page 4, Item C5, when talking about exceptions and sending from receiving from receiving, there was an omission for an exception for sending from sending to sending zone, as there could be instances where it would it could be used if appropriate and approved by the Board. PC agreed that it was discussed last time and there should be allowance for that. Rosa asked about the contour interval delineation. Feringa indicated that it was relatively standard.

Motion by Timmins, to send the proposed Zoning Ordinance Amendment 037 – Planned Development with additional recommendations as discussed incorporated to the Grand Traverse County Planning Commission for review and to be brought back before the Planning Commission. Support by White. Motion passed unanimously.

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

Winter provided a brief summary of the amended ordinance based on discussions last month on the strengths and weaknesses of the current ordinance. Length of time that every development takes to seek approval regardless of scale or impact was determined to be one of its weaknesses. Additionally, there have been some changes over the years in regards to site plan review methods and requirements that were not incorporated into the ordinance. Notable changes include a new section for an administrative review for uses permitted by right, form based code district, and B4 district. Notable changes include an administrative review process conducted by a committee for developments that meet certain qualifications and thresholds, improvements to the list of documents and plans needed for submission, and a table illustrating the necessary documentation as either included in narrative, site plan, or both. The administrative review process could not be used on properties that fall within 500 feet of Acme or Yuba Creek or the proposed use creates more than 500 trip ends. The administrative review committee can be called together to meet more frequently than the Planning Commission. Under approval and conditions section, the Site Plan Administrative Review Committee and/or the Planning Commission may impose reasonable conditions. Section 8.1.4 section A needs to be renumbered. Legal counsel clarified section the number of trip ends in section 8.1.2 is on a per day basis.

Motion by Timmins to set a public hearing for Zoning Ordinance Amendment 039 clarifying regulated uses and their requirements in the US-31 / M-72 Business District with the discussed changes in numeration for Section 8.1.4 and the addition of trip ends per day in Section 8.1.2 for the May 9th Planning Commission meeting. Support by White.

**G. NEW BUSINESS:**

1. Zoning Ordinance Amendment 040 – FBC Land Use Table

Winter provided summary of current Ordinance Amendment and noted where the new Form Based Code district overlay conflicts with existing regulations. This amendment defines the area in which the FBC requirements take precedence over the existing. Feringa suggested adding a legend or key for the abbreviations listed on the map for those who may not have the map in hand.

Motion by Timmins to set a public hearing for Zoning Ordinance Amendment 040 clarifying regulated uses and their requirements in the US-31 / M-72 Business District with recommended addition of a legend for the land use table for the May 9th Planning Commission meeting. Support by Jessup. Motion passed.

Rosa noted it appears a duplicated motion occurred for Amendment 039. Members agreed. Legal counsel recommended an amended motion.

Motion by Timmins to amend motion for Amendment 039 and remove statement clarifying regulated uses and their requirements in the US-31 / M-72 Business District. New amended motion to set a public hearing for Zoning Ordinance Amendment 039 Site Plan Review with the discussed changes in numeration for Section 8.1.4 and the addition of trip ends per day in Section 8.1.2 for the May 9th Planning Commission meeting. Support by Rosa. Motion passed unanimously.

**H. ADMINISTRATIVE ACTION**

1. Receive and file Township Board Minutes 3/1/16 – Motion by White to receive and file Township Board Minutes 3/1/16; support by Timmins. Motion passed unanimously.
2. Approve draft Planning Commission Minutes 1/11/16 – Motion by White to approve draft planning commission minutes 1/11/16; support by Jessup. Motion passed unanimously.
3. Approve draft Planning Commission Minutes 3/14/16 – Motion by Jessup to approve draft planning commission minutes 3/14/16; support by White. Motion passed unanimously.

**I. PUBLIC COMMENT & OTHER PC BUSINESS – Opened at 8:12pm**

Hoxie commended commission for opening meeting with Pledge of Allegiance. Congratulations to Commissioner White on dream team nomination.

Feringa congratulations to PC Chair Wentzloff on the birth of first child.


1. Zoning Administrator Report: Shawn Winter – provided summary report to PC
  - Permits issued since the March 14<sup>th</sup> PC Meeting:
    - Land Use Permits – 5
      - 2016-08: accessory structure
      - 2016-09: commercial (Chase Bank temporary location)
      - 2016-10: temporary tent
      - 2016-11: commercial (Flannery Machine, SUP Minor Amendment 2015-03)
      - 2016-12: new home
    - Sign Permits – 1
      - 2016-02: permanent (Floor Covering Brokers)
  - Next Month:
    - SUP Minor Amendment to rescind previous SUP Minor Amendment by the VGT, LLC at the Grand Traverse Town Center (re: density shift).

- Draft Police Power Ordinance for Mobile Food Vending (i.e. food trucks)
- Potential Site Plan Review for the relocation of Chase Bank branch. May need to hold a special meeting.
- FY 2016-2017 Budget
  - Asked for considerations to know about desired trainings, workshops
  - Ask how many people need to take Citizen Planner
- 2. Planning Consultant Report: John Iacoangeli – not present
- 3. Township Board Report: Doug White – Board working through budget items
- 4. Parks & Trails Committee Report: Marcie Timmins – grant applications in and true planning process will begin

**ADJOURN:** Motion by Timmins to adjourn; support by Forgette. Motion passed unanimously. Meeting adjourned at 8:17pm.

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"I know of no safe depository of the ultimate powers of the society but the people themselves, . . . and if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

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## Sign Regulation

*Reed et al. v. Town of Gilbert, Arizona et al.*; U.S. Supreme Court



Unknown

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## Source materials consulted

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## Today's Presenter

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## What We Will Cover

1. Legal Issues (*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court)
2. How to critique your sign regulations
3. What you can do
4. What not to do
5. Sign Ordinance resources



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# Legal Issues

## PART ONE

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# Legal issues

- Free speech
- Commercial free speech
- Substitution clause
- Prior restraint
- Vagueness
- Suppression
- Content-neutrality

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# Legal issues: What does this mean to you?

- First Amendment / Free speech

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# Legal issues: Commercial vs. Non-commercial Speech

- **Commercial speech** is “communication (such as advertising and marketing) that involves only the commercial interests of the speaker and the audience.”  
– *Black's Law Dictionary*
- **Non-commercial speech** is any speech that does not propose a transaction.

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# Legal issues: Commercial vs. Non-commercial Speech

- Prohibiting off-premises commercial signs is okay, but commercial speech may not be permitted when non-commercial speech is otherwise prohibited  
– *Metromedia, Inc. v. City of San Diego*, 425 US 748 (1976)
- e.g. Can't ban off-premises non-commercial signs while still allowing other signs
  - it effectively bans non-commercial speech, but still allows commercial speech through on-premises advertising

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# Legal issues: Regulation of speech

- **Not all the same:**
  - Strict scrutiny → content based
  - Intermediate scrutiny → content-neutral, 'commercial speech'
  - Specialized regulation / rational basis → content-neutral, other

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Legal issues:  
Strict scrutiny

*Sometimes regulating content may be very tempting.*  
MSUE: Ryan Coffey

- Content-based regulation
- Do not do it. To do so must be:
  - Very compelling government interest to regulate (traffic safety, aesthetics do not cut it)
  - Not more regulation necessary to accomplish the government interest

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Legal issues:  
Strict scrutiny

- Content-based examples (what **not** to do):
  - Time and display limits only on signs with political messages
  - Only allow time and temperature readings on electronic signs
  - Permitting display of government flags, prohibit non-governmental
- What to do: Time, place, manner regulations (see part three)

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Legal issues:  
Intermediate scrutiny

- **Must be:** [Substantive Due Process]
  - Content neutral regulation (may be about commercial speech)
  - Significant or substantial government interest to regulate
  - Directly advance the government interest
  - Not more regulation necessary to accomplish the government interest

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Legal issues:  
Specialized regulation / rational basis

- **Must be:**
  - Content neutral: w/out constitutional issue
  - About: time, place, and manner
  - Advance a government interest
  - Narrowly tailored
  - Leave alternative channels/opportunities for information to be communicated
  - Cannot totally exclude the message

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Legal issues:  
Unconstitutionally Underinclusive

- Regulations that contain exceptions
  - Cannot ban one source of harm but not another
- Examples:
  - Electronic sign ban, but exception for time, temp.
  - Inflatable ban, but not for grand opening
  - Temporary sign ban, but not real estate signs

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Legal issues:  
Substitution clause & prior restraint

- Substitution
  - Allow covering commercial sign with non commercial message
- Prior restraint
  - Generally cannot do so



MSUE: Neumann

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Legal Issues:  
Vagueness

- Regulation places policy decision in zoning administrator's lap
  - Cannot do that
- Just plain **vague**
  - Spell out what "obscene," "indecent," or "immoral" is / means



MSUE: Schindler

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Legal issues:  
Suppression




MSUE: Schindler

- Regulation – even content-neutral:
  - Simply restrict too much speech
  - Provide no alternative means
- Must allow message to be heard: If not by sign, then by what other means
- Examples: political yard signs, real estate signs

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court




- Gilbert, Arizona, has a sign code that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs.
- Three relevant here:
  - "Ideological Signs"
  - "Political Signs"
  - "Temporary Directional Signs"

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court




- Supreme Court again ruled on this issue – again:
  - Reed et al. v. Town of Gilbert, Arizona, et al.* Supreme Court of the United States (No. 13-502, June 18, 2015)
- Supreme Court getting annoyed that this issue is still an issue
  - Did not say anything new

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court




- Nothing new said (in a broad sense):
  - But greatly expanded things considered to be "content-based"
  - That is **THE** threshold question now
  - Will reduce what can be regulated with signs.
  - Content-neutral regulations still okay

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court



- "The majority opinion [in *Reed*] effectively abolishes:
  - Any distinction between content regulation and subject-matter regulation
  - Any distinguishing one kind of speech from another by reference to its meaning now requires a compelling justification
- Topical censorship is still censorship
- Few regulations will survive this rigorous standard

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court

- The U. S. Supreme Court ruled that differentiating types of signs (based on subject matter, sign function, or purpose) for different regulations than other signs are content-based regulations of speech which is a regulation **that is not allowed**.

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court

- U.S. Supreme Court held the Sign Code's provisions are content-based regulations of speech that do not survive strict scrutiny.

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court

- Content-based laws target speech based on its communicative content, they are presumptively unconstitutional

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court

- Unknown:
  - What this does to commercial vs. non-commercial distinctions previously made in Supreme Court decisions?
  - Reed* runs counter to those cases that say you can treat them differently
  - Do those old cases still apply?
  - Or will courts find some legal gymnastics that allows them to say "no, those old cases are still good law"?

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court

- Unknown:
  - Doesn't distinction between commercial and non-commercial speech regulation rely on the message being conveyed?
  - This distinction is probably gone.

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court


- Unknown:
  - Doesn't regulation of adult entertainment businesses rely on the 'message' being conveyed?
    - So much established case law that Court probably unlikely to open Pandora's Box.

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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court

- Unknown:
  - Differentiation between on- and off-premises signs rely on the message being displayed? (See Justice Alito's concurring opinion: at odds with majority?)
  - Three post-Reed California district court cases have said *Reed* does not concern off-site billboards




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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court


- Justice Alito's concurring opinion regulations that he believes are not content based:
  1. Size of signs;
  2. Locations of signs;
  3. Distinguishing free-standing v. attached to buildings;
  4. Lighted v. unlighted signs;
  5. Distinguishing fixed message v. changing message (electronic);



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*Reed et al. v. Town of Gilbert, Arizona et al.* U.S. Supreme Court




7. Distinguishing placement on private v. public property;
8. Distinguishing placement on commercial v. residential property;
9. Distinguishing on- v. off-premises signs (?);
10. Restricting total number of signs per mile of roadway;
11. Time restrictions for ad. of a one-time event (?);
12. Government erecting signs consistent with principles allowing governmental speech

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*Planet Aid v. City of St. Johns, Mich.* U.S. Court of Appeals Sixth Circuit




- 6<sup>th</sup> Circuit U.S. Appeals Court ruled a donation box is essentially the same as a sign.

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*Planet Aid v. City of St. Johns, Mich.* U.S. Court of Appeals Sixth Circuit



- “The court held that the ordinance was ‘a content-based regulation of protected speech,’ and that plaintiff-Planet Aid, a nonprofit charitable organization, ‘demonstrated a strong likelihood of success on the merits of its constitutional claim.’”

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How to critique your sign regulations

PART TWO

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How to critique your sign regulations

- Can not regulate based on:
  - Subject matter (content)
  - Sign function
  - Sign purpose

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Basic rule

- If you have to read the sign (or look at illustrations on the sign) to determine what regulations apply
- That is content-based sign regulation
- **YOU CAN NOT HAVE THAT REGULATION**


A Very Important Point

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Lets say it again

- **“Need to read” approach:** if the code enforcement officer is required to read the sign to determine whether it is allowed, the regulations are content-based



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What you can do

PART THREE


City of Stockton, California, Municipal Code

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What you can do

- Define signs by its design (structure)
  - Ground sign
  - Mounted sign
  - Pole sign
  - Posted sign
  - Portable sign
  - Rooftop sign
  - Wall sign




City of Stockton, California, Municipal Code

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What you can do

- Have the same set of regulations for all signs in a zoning district
- Have different sign regulations for different zoning districts
  - Maximum number
  - Total sign area (of all signs)
  - Maximum height
  - Structure type



Norman Township zoning districts

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### What you can do

- Require removal of dilapidated signs, when purpose has been spent
- Illumination regulations



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### What you can do

- Specify that some signs are not regulated
  - Based on size (any sign smaller than \_\_\_\_)
  - Based on if it can be seen
    - If sign is not visible to anyone not on that private property/parcel

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### What you can do

- Specify that some signs are not regulated
  - Sign owned and installed by a village or street, county road, state highway department within their right-of-way
  - Sign required by ordinance, statute, or other law (required exit sign, street name sign, etc.)
  - Legal postings as required by law



MSUE: Schindler



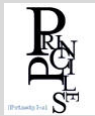
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### 10 principles

- Public participation: community character
- Minimal amount or regulation as possible
- Limit ordinance scope
- Only regulate what willing to enforce
- Be clear about purpose and rationale (strong purpose statements)




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### 10 principles

- Content-neutral (or face legal risk)
- Clearly define all words, phrases
- Do not copy another's ("one size does not fit all")
- "Less is sometimes more," "flexibility does not always work"
- Public participation



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### What not to do

Is this sign regulation okay?

### PART FOUR

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One county survey: 14 zoning ordinances					
	Serious problems (needs rewrite)	Problems (needs amendment)	Okay as is	No sign provisions	Not on the Internet
<b>14 zoning ordinances</b> [11twp, 3vill]	6	5	0	3	0
<b>3 sign ordinances</b> (police power) [2twp, 1vill]	1	1	0	0	1

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MICHIGAN STATE UNIVERSITY Extension					
One county survey: 18 zoning ordinances					
	Serious problems (needs rewrite)	Problems (needs amendment)	Okay as is	No sign provisions	Not on the Internet / or none
<b>18 zoning ordinances</b> [13twp, 4vill, 1city]	9	3	0	0	6/2
<b>0 sign ord.</b> (police power) [0twp, 0vill, 0city]					

**VERY BAD:** Current ordinance not on the Internet: Brown, Cleon, Dickson, Manistee, Pleasanton Townships; Copemish Village (? Is Norman Township's up-to-date?)

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This zoning regulation okay?  
(Is it content based?)



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“No Trespassing or No Hunting signs shall be limited to two (2) feet square and may be posted without permit, as needed.”

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This zoning regulation okay?  
(Is it content based?)



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“Political [temporary] signs may be erected for sixty (60) days before the election and shall be removed within ten (10) days after the election, and may be erected within any district in the Township.”

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Sign Ordinance resources

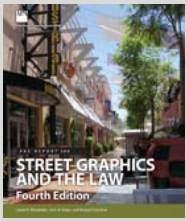
PART FIVE

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Sign ordinance resources

- *Street Graphics and the Law*, 4<sup>th</sup> edition
  - American Planning Association PAS 580
  - ISBN: 978-1-61190-161-0
  - [https://www.planning.org/store/product/?ProductCode=BOOK\\_P580](https://www.planning.org/store/product/?ProductCode=BOOK_P580)



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## Sign Ordinance resources

- Michigan Sign Guidebook
  - <http://scenicmichigan.org/sign-regulation-guidebook/>

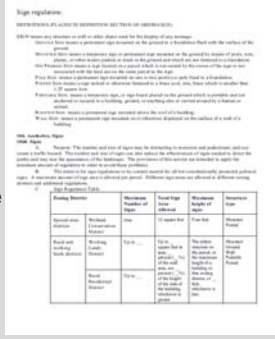


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## Sign ordinance resource

- In your handouts
  - A very simplistic template for a sample ordinance
  - For rural townships, with maybe some urban



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## Sign ordinance resources

**Training program**

- The Most Important Sign Regulation Workshop in 20 Years!
- MICHIGAN SIGN GUIDEBOOK: The Local Planning & Regulation of Signs*; January 2012
- Brought to you by Scenic Michigan
- Taught by MSU Extension Educators specializing in land use




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March 15, 2014

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## What we covered

- Legal issues (*Reed et al. v. Town of Gilbert*, *Arizona et al. U.S. Supreme Court*)
- How to critique your sign regulations
- What you can do
- What not to do
- Sign Ordinance resources



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Thank you

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1989

## Sign regulation [Sample]:

### DEFINITIONS (PLACED IN DEFINITION SECTION OF THE ZONING ORDINANCE)

**SIGN** means any structure or wall or other object used for the display of any message.

**GROUND SIGN** means a permanent sign mounted on the ground to a foundation flush with the surface of the ground.

**MOUNTED SIGN** means a temporary sign or permanent sign mounted on the ground by means of posts, wire, plastic, or other means pushed or stuck in the ground and which are not fastened to a foundation.

**OFF PREMISE SIGN** means a sign located on a parcel which is not owned by the owner of the sign or not associated with the land use on the same parcel as the sign.

**POLE SIGN** means a permanent sign mounted on one or two post(s) or pole fixed to a foundation.

**POSTED SIGN** means a sign tacked or otherwise fastened to a fence post, tree, fence which is smaller than 1.25 square foot.

**PORTABLE SIGN** means a temporary sign, or sign board placed on the ground which is portable and not anchored or secured to a building, ground, or anything else or carried around by a human or animal.

**ROOFTOP SIGN** means a permanent sign mounted above the roof of a building.

**WALL SIGN** means a permanent sign mounted on or otherwise displayed on the surface of a wall of a building.

### REGULATIONS (PLACED IN GENERAL PROVISIONS ARTICLE OF THE ZONING ORDINANCE)

#### 106. Aesthetics, Signs

##### 1060. Signs

A. Purpose: The number and size of signs may be distracting to motorists and pedestrians, and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to avoid these problems.

B. The intent is for sign regulations to be content neutral for all but constitutionally protected political signs. A maximum amount of sign area is allowed per parcel. Different sign areas are allowed in different zoning districts and additional regulations.

C. Sign Regulation Table.

Zoning District		Maximum Number of Signs	Total Sign Area Allowed	Maximum height of signs	Structure type
Special area districts	Wetland Conservation District	One	12 square feet	Four feet	Mounted Posted



Zoning District		Maximum Number of Signs	Total Sign Area Allowed	Maximum height of signs	Structure type
Rural and working lands districts	Working Lands District	Up to __	Up to __ square feet in area, __ percent (__)% of the wall area, nor __ percent (__)% of the height of the side of the building, whichever is greater	The tallest structure on the parcel, or the maximum height of a building in that zoning district, or __ feet, whichever is less	Mounted Ground Wall Portable Posted
	Rural Residential District	Up to __			
Residential districts	Residential district	Up to __	Up to __ square feet in area, __ percent (__)% of the wall area, nor __ percent (__)% of the height of the side of the building, whichever is greater	The tallest structure on the parcel, or the maximum height of a building in that zoning district, or __ feet, whichever is less	Mounted Ground Surface Posted
	Lakefront Residential district	Up to __			
	Multiple Family Residential district	Up to __			
Commercial districts	Highway Commercial District	Up to __	Up to 32 square feet in area, twenty percent (20%) of the wall area, nor twenty percent (20%) of the height of the side of the building, whichever is greater	The tallest structure on the parcel, or the maximum height of a building in that zoning district, or __ feet, whichever is less	Mounted Ground Pole Wall Rooftop Portable
Industrial districts	__ Industrial district	Up to __	Up to __ square feet in area, __ percent (__)% of the wall area, nor __ percent (__)% of the height of the side of the building, whichever is greater	The tallest structure on the parcel, or the maximum height of a building in that zoning district, or __ feet, whichever is less	Mounted Ground Surface Posted

Zoning District		Maximum Number of Signs	Total Sign Area Allowed	Maximum height of signs	Structure type
Overlay Districts	__ Overlay District	Same as the underlying district			

- D. Sign removal: Once the purpose of the sign has ended, ceases to exist or is over the sign(s) shall be removed within 14 calendar days. Anything formerly used to support or provide a structure for a sign, and not in use for any other purpose shall be removed.
- E. Illumination: Except as provided for here, signs shall not be internally illuminated. Illuminated signs shall be lit by use of a light shining downward onto the sign. The source of the light shall be baffled so it is not visible to automobile or pedestrians on any road, alley, water body, public lands, adjacent parcels or in the air above the illumination.
1. Backlit signs [[[ADD SPECIFICS]]]
  2. Halo signs [[[ADD SPECIFICS]]]
- F. Off Premises Signs: An off premise sign shall be limited to:
1. One sign per parcel;
  2. Provided, however, that one additional sign for multiple businesses developed by a single organization (such as a business association, chamber of commerce, or other similar organization) or a governmental agency.
- Off Premises Signs which meet the above conditions shall be permitted in any zoning district established by this Ordinance, if Off Premises Signs are listed as a permitted use or special use in that district.
- G. Signs Not Regulated: This Section of this Ordinance does not apply to any signs which are:
1. Less than 1.25 square feet in size and located on the perimeter of the property (along the parcel boundary);
  2. not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;
  3. that is a required sign which may or shall be located within the parcel, under authority of this ordinance site plan approval;
  4. that is a required sign, under authority of any statute, ordinance, which is located along any county, city, village road; state and federal highway, and private road;
  5. legal postings as required by law.

# Michigan Sign Regulation Guidebook

The book for Local Planning and Regulation of Signs!

## Purchase the Award-winning Michigan Sign Guidebook

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### About the Guidebook

The Planning and Zoning Center at MSU (PZC), a part of the Land Policy Institute, has developed a new sign guidebook for use by local government officials. Mark Wyckoff, PZC director led the project and is a co-author. The new Michigan Sign Regulation Guidebook is a necessary addition to the library of Municipal attorneys. Attorneys that handle sign cases, assist with writing, administering or enforcing sign regulations will find expert advice in the Guidebook. In addition, the Guidebook is a "must have" for attorneys that are involved in risk reduction activities in their client municipalities.

Brian Connolly a law student at the University of Michigan (who has two degrees in urban planning) assisted on the Guidebook along with a large advisory committee made up of Michigan local planning practitioners, attorneys and

### Update Your Guidebook

The guidebook was updated in 2011 and replaces the one prepared by Wyckoff in 1989 for the then Michigan Society of Planning Officials (now Michigan Association of Planning). The guidebook

- addresses a wide range of issues associated with local sign regulation with a major focus on legal issues and how communities can develop sign ordinances that minimize legal risks;
- includes information on how to regulate different sign types, as well as approaches to sign regulation that preserve "content neutrality," a critical issue under federal First Amendment law; and
- focuses on ensuring signs meet the practical functional purposes for which signs are created, while preventing clutter and where feasible, enhancing the scenic quality of a community.



assisted the project team with guidance on challenging federal sign legal issues: Professor Daniel Mandelker, and Professor Allan Weinstein. Gerald Fisher, professor at Cooley Law School is providing similar assistance with regard to Michigan law.

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## Updated 2011

The Michigan Sign Guidebook is over 150 pages in length and very thorough. Chapters include important topics for today such as: Contemporary Sign Issues, Legal Context and Constitutional Considerations, Ten Regulatory Principles, Special Cases and Problems, Nonconforming Signage, Review of Model Ordinances from a Michigan Perspective, and others dealing with critical sign regulation issues.

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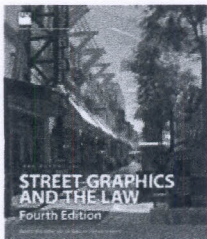
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